

agenda

Ordinary Meeting of Council

NOTICE IS HEREBY GIVEN THAT THE NEXT
ORDINARY MEETING OF THE COUNCIL
OF THE CITY OF JOONDALUP WILL BE HELD IN
THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE,
BOAS AVENUE, JOONDALUP

ON TUESDAY 10 DECEMBER 2019
COMMENCING AT 7.00pm

GARRY HUNT
Chief Executive Officer
6 December 2019

www.joondalup.wa.gov.au

This document is available in alternate formats upon request

PUBLIC QUESTION TIME

Members of the public are requested to lodge questions in writing by 9.00am on **Monday 9 December 2019**

Answers to those questions received within that timeframe will, where practicable, be provided in hard copy form at the Council Meeting.

QUESTIONS TO

council.questions@joondalup.wa.gov.au

PO Box 21 Joondalup WA 6919

www.joondalup.wa.gov.au

PROCEDURES FOR PUBLIC QUESTION TIME

The following procedures for the conduct of Public Question Time were adopted at the Council meeting held on 19 November 2013:

Where a meeting of a committee is open to the public the procedures for public question time and public statement time apply. In this regard these procedures are amended by substituting “Council” with “Committee” to provide proper context.

Questions asked verbally

- 1 Members of the public are invited to ask questions at Council Meetings.
- 2 Questions asked at an Ordinary Council meeting must relate to a matter that affects the City of Joondalup. Questions asked at a Special meeting of Council must relate to the purpose for which the meeting has been called.
- 3 A register will be provided for those persons wanting to ask questions to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and full address.
- 4 Public question time will be limited to two minutes per member of the public, with a limit of two verbal questions per member of the public.
- 5 Statements are not to precede the asking of a question during public question time. Statements should be made during public statement time.
- 6 Members of the public are encouraged to keep their questions brief to enable everyone who desires to ask a question to have the opportunity to do so.
- 7 Public question time will be allocated a minimum of 15 minutes and may be extended in intervals of up to 10 minutes by resolution of Council, but the total time allocated for public questions to be asked and responses to be given is not to exceed 35 minutes in total. Public question time is declared closed following the expiration of the allocated time period, or earlier than such time where there are no further questions.
- 8 Questions are to be directed to the Presiding Member and shall be asked politely, in good faith, and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City employee. The Presiding Member shall decide to:
 - accept or reject any question and his/her decision is final
 - nominate a member of the Council and/or City employee to respond to the question
 - or
 - take a question on notice. In this case a written response will be provided as soon as possible, and included in the agenda of the next Council meeting.
- 9 Where an Elected Member is of the opinion that a member of the public is:
 - asking a question at a Council meeting, that does not relate to a matter affecting the City
 - or
 - making a statement during public question time,they may bring it to the attention of the Presiding Member who will make a ruling.

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

Questions in Writing – (Residents and/or ratepayers of the City of Joondalup only)

- 1 Only City of Joondalup residents and/or ratepayers may submit questions to the City in writing.
- 2 Questions asked at an Ordinary Council meeting must relate to a matter that affects the City of Joondalup. Questions asked at a Special meeting of Council must relate to the purpose for which the meeting has been called.
- 3 The City will accept a maximum of five written questions per City of Joondalup resident/ratepayer. To ensure equality and consistency, each part of a multi-part question will be treated as a question in its own right.
- 4 Questions lodged by 9.00am on the day immediately prior to the scheduled Council meeting will be responded to, where possible, at the Council meeting. These questions, and their responses, will be distributed to Elected Members and made available to the public in written form at the meeting.
- 5 The Presiding Member shall decide to accept or reject any written question and his/her decision is final. Where there is any concern about a question being offensive, defamatory or the like, the Presiding Member will make a determination in relation to the question. Questions determined as offensive, defamatory or the like will not be published. Where the Presiding Member rules questions to be out of order, an announcement to this effect will be made at the meeting, including the reason(s) for the decision.
- 6 The Presiding Member may rule questions out of order where they are substantially the same as questions previously submitted and responded to.
- 7 Written questions unable to be responded to at a Council meeting will be taken on notice. In this case, a written response will be provided as soon as possible and included on the agenda of the next Council meeting.
- 8 A person who submits written questions may also ask questions at a Council meeting and questions asked verbally may be different to those submitted in writing.
- 9 Questions and any response will be summarised and included in the minutes of the Council meeting.

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

Written questions should be sent via email to council.questions@joondalup.wa.gov.au

DISCLAIMER

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

PROCEDURES FOR PUBLIC STATEMENT TIME

The following procedures for the conduct of Public Statement Time were adopted at the Council meeting held on 19 November 2013:

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

- 10 Statements will be summarised and included in the minutes of the Council meeting.

CODE OF CONDUCT

Elected Members, Committee Members and City of Joondalup employees are to observe the City of Joondalup Code of Conduct including the principles and standards of behaviour that are established in the Code.

The following principles guide the behaviours of Elected Members, Committee Members and City of Joondalup employees while performing their role at the City:

- Act with reasonable care and diligence.
- Act with honesty and integrity.
- Act lawfully.
- Avoid damage to the reputation of the City.
- Be open and accountable to the public.
- Base decisions on relevant and factually correct information.
- Treat others with respect and fairness.
- Not be impaired by mind affecting substances.

Elected Members, Committee Members and employees must:

- (a) act, and be seen to act, properly and in accordance with the requirements of the law and the Code of Conduct
- (b) perform their duties impartially and in the best interests of the City uninfluenced by fear or favour
- (c) act in good faith in the interests of the City and the community
- (d) make no allegations which are improper or derogatory and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any person unwarranted offence or embarrassment
- (e) always act in accordance with their obligations to the City and in line with any relevant policies, protocols and procedures.

* *Any queries on the agenda, please contact Governance Support on 9400 4369.*

CIVIC CENTRE EMERGENCY PROCEDURES

The City of Joondalup values the health and safety of all visitors to City of Joondalup facilities. The following emergency procedures are in place to help make evacuation of the City of Joondalup Civic Centre safe and easy.

Alarms

The City of Joondalup emergency system has two alarm tones:

- Alert Tone (Beep... Beep... Beep)
- Evacuation Tone (Whoop...Whoop...Whoop)

On hearing the Alert Tone (Beep... Beep... Beep):

- DO NOT EVACUATE ON THIS TONE.
- Remain where you are.
- All designated Fire Wardens will respond and assess the immediate area for danger.
- Always follow instructions from the designated Fire Wardens.

On hearing the Evacuation Tone (Whoop...Whoop...Whoop):

- Evacuate the building immediately as directed by a Fire Warden or via the nearest safe exit.
- Do not use lifts.
- Remain calm and proceed to the designated Assembly Area (refer to site plan below).
- People with impaired mobility (those who cannot use the stairs unaided) should report to a Fire Warden who will arrange for their safe evacuation.
- Do not re-enter the building until authorised to do so by Emergency Services.

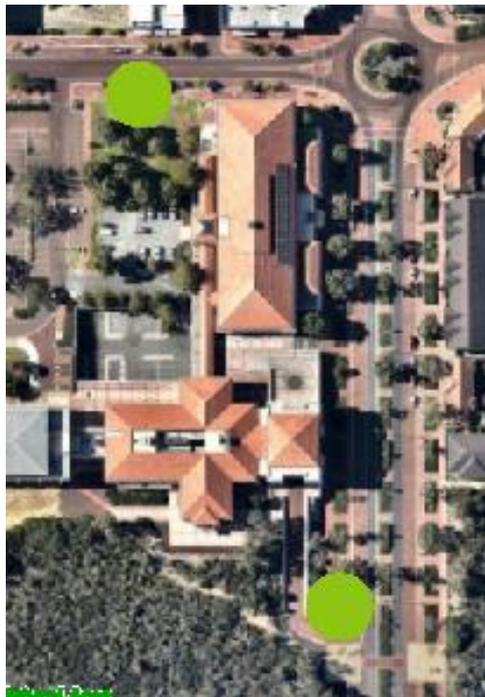


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LATE ITEMS / ADDITIONAL INFORMATION

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

[Additional Information 191210.pdf](#)

CITY OF JOONDALUP

Notice is hereby given that a Meeting of the Council will be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday 10 December 2019** commencing at **7.00pm**.

GARRY HUNT
Chief Executive Officer
6 December 2019

Joondalup
Western Australia

VISION

“A global City: bold, creative and prosperous.”

PRIMARY VALUES

- Transparent.
- Accountable.
- Honest.
- Ethical.
- Respectful.
- Sustainable.
- Professional.

DISTINGUISHING VALUES

Bold

We will make courageous decisions for the benefit of our community and future generations.

Ambitious

We will lead with strength and conviction to achieve our vision for the City.

Innovative

We will learn and adapt for changing circumstances to ensure we are always one step ahead.

Enterprising

We will undertake ventures that forge new directions for business and the local community.

Prosperous

We will ensure our City benefits from a thriving economy built on local commercial success.

Compassionate

We will act with empathy and understanding of our community's needs and ambitions.

AGENDA

Note: Members of the public are advised that prior to the opening of the Council meeting, Mayor the Hon. Albert Jacob, JP will say a Prayer.

DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

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

Disclosures of Financial Interest/Proximity Interest

Nil.

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.

Name/Position	Cr John Logan.
Item No./Subject	CJ163-12/19 - Amended Greenwood Local Development Plan - Lot 9867 (63) Mulligan Drive, Greenwood.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Logan is a member of the Kingsley and Greenwood Residents Association (KAGRA) and was a member of a community group which provided feedback to the State Department concerned and the previous developer of the site.

Name/Position	Cr Kerry Hollywood.
Item No./Subject	CJ165-12/19 - Proposed Six Multiple Dwellings (Apartments) at Lot 30 (20-22) Plaistow Street, Joondalup.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	The owner of the proposed development is known to Cr Hollywood.

Name/Position	Cr Russell Poliwka.
Item No./Subject	CJ166-12/19 - Proposed Six Multiple Dwellings (Apartments) at Lot 957 (4) Cromer Grove, Kallaroo.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Residents speaking against the motion are known to Cr Poliwka.

Name/Position	Cr Suzanne Thompson.
Item No./Subject	CJ166-12/19 - Proposed Six Multiple Dwellings (Apartments) at Lot 957 (4) Cromer Grove, Kallaroo.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Residents against the development are known to Cr Thompson.

Name/Position	Cr Christopher May.
Item No./Subject	CJ166-12/19 - Proposed Six Multiple Dwellings (Apartments) at Lot 957 (4) Cromer Grove, Kallaroo.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Residents speaking against the motion are known to Cr May.

Name/Position	Cr Russell Poliwka.
Item No./Subject	CJ168-12/19 - Proposed Seven Multiple Dwellings (Apartments) at Lot 945 (12) Northwood Way, Kallaroo.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Residents speaking against the motion are known to Cr Poliwka.

Name/Position	Cr Christopher May.
Item No./Subject	CJ168-12/19 - Proposed Seven Multiple Dwellings (Apartments) at Lot 945 (12) Northwood Way, Kallaroo.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Residents speaking against the item are known to Cr May.

Name/Position	Cr Suzanne Thompson.
Item No./Subject	CJ168-12/19 - Proposed Seven Multiple Dwellings (Apartments) at Lot 945 (12) Northwood Way, Kallaroo.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Residents speaking against the development are known to Cr Thompson.

PUBLIC QUESTION TIME

PUBLIC STATEMENT TIME

APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence previously approved

Cr Russ Fishwick, JP

4 November to 19 December 2019 inclusive.

REQUESTS FOR LEAVE OF ABSENCE – CR CHRISTOPHER MAY, CR JOHN LOGAN AND MAYOR HON. ALBERT JACOB, JP - [107864]

Cr May has requested Leave of Absence from Council duties covering the period 23 December 2019 to 3 January 2020 inclusive.

Cr Logan has requested Leave of Absence from Council duties covering the period 23 December 2019 to 31 January 2020 inclusive.

Mayor Jacob has requested Leave of Absence from Council duties covering the periods 10 to 12 February 2020 inclusive and 19 to 23 February 2020 inclusive.

RECOMMENDATION

That Council **APPROVES** the requests for Leave of Absence from Council duties covering the following dates:

- | | | |
|---|-----------------------------|------------------------------------------------------------------------|
| 1 | Cr Christopher May | 23 December 2019 to 3 January 2020 inclusive; |
| 2 | Cr John Logan | 23 December 2019 to 31 January 2020 inclusive; |
| 3 | Mayor Hon. Albert Jacob, JP | 10 to 12 February 2020 inclusive and 19 to 23 February 2020 inclusive. |

CONFIRMATION OF MINUTES

MINUTES OF ORDINARY COUNCIL MEETING HELD 19 NOVEMBER 2019 AND SPECIAL COUNCIL MEETING HELD ON 3 DECEMBER 2019

RECOMMENDATION

That the Minutes of the following meetings of Council be **CONFIRMED** as a true and correct record:

- 1 Ordinary meeting of Council held on 19 November 2019;
- 2 Special meeting of Council held on 3 December 2019.

ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION**IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC**

- CJ174-12/19 - Confidential - Tender 024/19 - City Centre Lighting Upgrade Stage 4.

PETITION

- 1 PETITION OBJECTING TO THE PROPOSED INSTALLATION OF OPTUS SMALL CELL RADIO-COMMUNICATION FACILITIES IN ILUKA, INCLUDING THOSE ON ROMANO CRESCENT – [62567, 05386]

A 113 signature petition has been received from residents of the City of Joondalup requesting that all possible steps to prevent the proposed installation of Optus small cell radio-communication facilities in Iluka, including those on Romano Crescent as the petitioners are of the opinion the facilities are not required, site selections are inappropriate and there will be negative health implications.

RECOMMENDATION

That the following petition be RECEIVED, referred to the Chief Executive Officer and a subsequent report presented to Council for consideration:

- 1 **Petition objecting to the proposed installation of Optus small cell radio-communication facilities in Iluka, including those on Romano Crescent.**

REPORTS**CJ160-12/19 DEVELOPMENT AND SUBDIVISION APPLICATIONS
– OCTOBER 2019**

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	07032, 101515
ATTACHMENTS	Attachment 1 Monthly Development Applications Determined – October 2019 Attachment 2 Monthly Subdivision Applications Processed – October 2019
AUTHORITY / DISCRETION	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 October 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 annually, or as required.

This report identifies the development applications determined by the administration under delegated authority powers during October 2019 (Attachment 1 refers), and the subdivision application referrals processed by the City during October 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 25 June 2019 (CJ078-06/19 refers), Council considered and adopted the most recent Town Planning delegations.

DETAILSSubdivision referrals

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

Type of subdivision referral	Number of referrals	Potential additional new lots
Subdivision applications	4	3
Strata subdivision applications	9	13
TOTAL	13	16

Of the 13 subdivision referrals, nine were to subdivide in housing opportunity areas, with the potential for 13 additional lots.

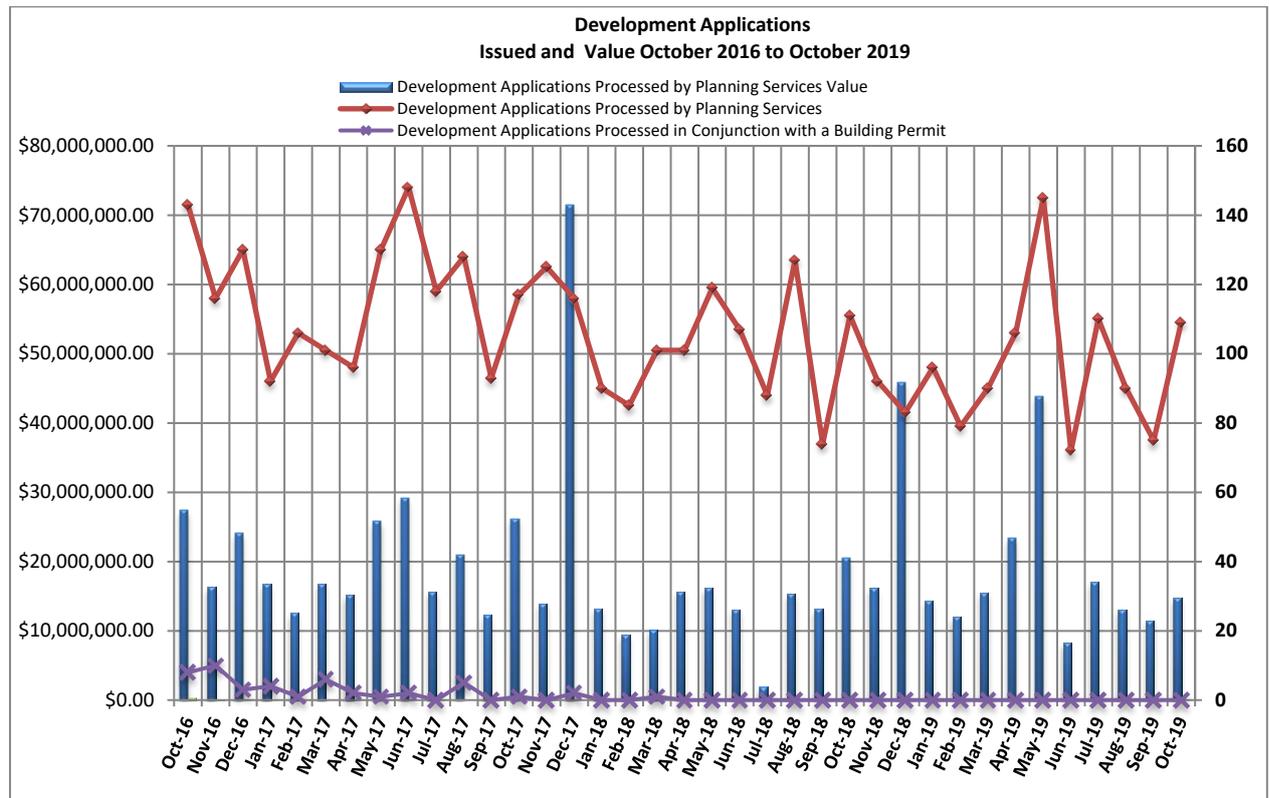
Development applications

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

	Number	Value (\$)
Development applications processed by Planning Services	109	\$14,736,714
TOTAL	109	\$14,736,714

Of the 109 development applications, 18 were for new dwelling developments in housing opportunity areas, proposing a total of 22 additional dwellings.

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



The number of development applications received during October 2019 was 129.

The number of development applications current at the end of October was 246. Of these, 30 were pending further information from applicants and 18 were being advertised for public comment.

In addition to the above, 296 building permits were issued during the month of October with an estimated construction value of \$32,909,022.

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 109 development applications were determined for the month of October with a total amount of \$55,174.69 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.

RECOMMENDATION

That Council NOTES the determinations and recommendations made under delegated authority in relation to the:

- 1 development applications described in Attachment 1 to Report CJ160-12/19 during October 2019;**
- 2 subdivision applications described in Attachment 2 to Report CJ160-12/19 during October 2019.**

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf191203.pdf](#)

**CJ161-12/19 PROPOSED EXCISION OF A PORTION OF RESERVE
30150 ROBIN PARK, SORRENTO**

WARD	South-West
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	60422, 101515
ATTACHMENTS	Attachment 1 Location plan
AUTHORITY / DISCRETION	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 a proposal to correct a land tenure anomaly by transferring a 375m² portion of land from Reserve 30150 (Robin Park), Sorrento, to the Robin Avenue road reserve.

EXECUTIVE SUMMARY

Robin Park, Sorrento, is a crown reserve for public open space, with an area of approximately five hectares. An anomaly currently exists whereby a small portion of constructed road at the end of Robin Avenue is reserved as public open space instead of road reserve (Attachment 1 refers).

This report proposes to rectify the anomaly and excise this portion of reserve and dedicate it as a road. As the road is constructed and road verges are already established, and have been for many years, no works or removal of vegetation is required.

The subject portion of land adjoins the residential property at No. 51 Robin Avenue and is this property's only vehicular access to Robin Avenue. Dedicating the land as a road will secure the current access to the property into the future.

Small excisions from reserves that are to be used for public purposes, such as a road, and that are less than 5% of the area of the reserve, do not require public advertising.

It is therefore recommended that Council supports the proposed land excision and road dedication in order to rectify the identified anomaly.

BACKGROUND

Suburb/Location	Robin Park - Reserve 30150, Lot 8489 (60) Robin Avenue, Sorrento.
Applicant	City of Joondalup.
Owner	Crown Land with a Management Order to the City of Joondalup.
Zoning	LPS3 Local Reserve – Public Open Space.
	MRS Urban.
Site area	50,010.8m ²
Structure plan	Not applicable.

Reserve 30150 is a crown reserve (class C) created under section 20A of the former *Town Planning and Development Act 1928* as a reserve for public recreation.

The reserve is approximately five hectares in area and supports an active sporting field and associated storage shed, a natural area, playground, cricket nets and toilet facilities.

Robin Avenue has been constructed such that the eastern end extends into a 375m² portion of Robin Park. The adjoining residential property at No. 51 Robin Avenue has its sole vehicular access to Robin Avenue through this portion of reserve.

Vision Surveys, acting on behalf of the owners of 51 Robin Avenue, requested the City to consider a right of carriageway easement over the reserve, to secure the current vehicle access arrangement into the future. However, advice provided to the City has indicated that the Department of Planning, Lands and Heritage's (DPLH) preference would be for the required portion of the reserve to be excised and dedicated as a road pursuant to sections 51 and 56 of the *Land Administration Act 1997*, given that the proposed easement area is already constructed as a road.

DETAILS

The proposal is to formally recognise the eastern end of Robin Avenue as a road by the excision of a 375m² portion of land from Reserve 30150 (Attachment 1 refers). The excised land will then be dedicated as a road. This will secure the adjoining residential property's current access to Robin Avenue and remove the constructed road from the public open space reservation.

According to aerial photography, this eastern portion of Robin Avenue that extends into Robin Park has been in existence from at least the mid 1970s. The area proposed to be excised will not have a detrimental impact on the use of the existing reserve, and, as the road is already constructed, no works or removal of vegetation is required.

Issues and options considered

The options available to Council are to:

- support the land excision and dedication proposal and forward the proposal to the DPLH for further action
or
- resolve to not support the land excision and dedication proposal.

Legislation / Strategic Community Plan / Policy implications

Legislation *Land Administration Act 1997.*
Planning and Development Act 2005.

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality open spaces.

Strategic initiative Adopt consistent principles in the management and provision of urban community infrastructure.

Policy Not applicable.

Planning and Development Act 2005

Reserves vested under section 152 of the *Planning and Development Act 2005* include reserves created under section 20A of the former *Town Planning and Development Act 1928*.

Land Administration Act 1997

DPLH has advised that public advertising is not required for this proposal as the land excision is less than 5% of the total reserve area and is for a public purpose (a road), and there is sound planning reasoning (in this case, a rationalisation of land tenure arrangements).

To progress the matter, the City is required to forward to DPLH a copy of any Council resolution endorsing the excision and road dedication, a request for the Minister for Lands to dedicate the road pursuant to section 56 of the *Land Administration Act 1997*, as well as indemnifying the Minister for Lands against any claim for compensation in respect to all costs and expenses reasonably incurred by the Minister in considering and granting the request pursuant to section 56(4) of the *Land Administration Act 1997*.

Risk management considerations

Not applicable.

Financial / budget implications

Should the proposal be supported, there will be costs associated with the required survey of the excised area by a licensed land surveyor. Given that the anomaly relates to land managed by the City of Joondalup, the survey costs will be covered by the City's 2019-20 operational budget.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

DPLH has advised that the City is not required to publicly advertise this proposal if:

- the land to be excised from the section 152 reserve is less than 5% of the total reserve area
- the land excision is for a public utility or public purpose (such as a road)
or
- there is sound planning reasoning for the excision.

The proposal is for 0.75% of the reserve to be excised for a public purpose (road) and will result in a rationalisation of the current land tenure arrangements. Public advertising is therefore not required.

DPLH will be required to undertake its standard investigation and referral process with service providers, should Council endorse the land excision and dedication proposal.

COMMENT

The proposal to excise a 375m² portion of Reserve 30150 and dedicate this land as road will secure access to Robin Avenue from the adjoining residential property and remove a constructed road from the public open space reserve.

The road and associated road verge is already constructed and no further works or removal of vegetation is required. The proposal is, therefore not considered to have any adverse impact upon the reserve. It is therefore recommended that Council supports the land excision and road dedication proposal.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION**That Council:**

- 1 SUPPORTS the proposal to excise a portion of Reserve 30150 (Robin Park), Sorrento, shown in Attachment 1 to Report CJ161-12/19 and to dedicate this land as a road and FORWARDS the request to the Department of Planning, Lands and Heritage for further action;**
- 2 REQUESTS the Minister for Lands to dedicate a portion of Reserve 30150 (Robin Park), Sorrento, shown in Attachment 1 to Report CJ161-12/19 as road pursuant to section 56(1) of the *Land Administration Act 1997*;**
- 3 INDEMNIFIES the Minister for Lands against any claims for compensation in respect to all costs and expenses reasonably incurred by the Minister in considering and granting the request as outlined in part 2 above, pursuant to section 56(4) of the *Land Administration Act 1997*.**

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf191203.pdf](#)

CJ162-12/19 PROPOSED SOLAR PANELS TO EXISTING UNLISTED USE (SPECIAL CARE FACILITY) AT LOT 9844 (15) CHESSELL DRIVE, DUNCRAIG

WARD	South
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	57094, 101515
ATTACHMENTS	Attachment 1 Location plan Attachment 2 Development plans
AUTHORITY / DISCRETION	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 solar panels to an Unlisted Use (Special Care Facility) at Lot 9844 (15) Chessell Drive, Duncraig.

EXECUTIVE SUMMARY

An application for development approval has been received for solar panels to an Unlisted Use (Special Care Facility) at Lot 9844 (15) Chessell Drive, Duncraig.

The special care facility has been operating from the site since 2005. The proposed 37 solar panels will be located on the existing building, flush with the roof profile on the northern elevation.

The application is required to be determined by Council as the level of delegation for the City's officers extends to land uses listed in the City's *Local Planning Scheme No. 3* (LPS3). A 'Special Care Facility' is not a listed land use in LPS3 and is therefore considered an "Unlisted Use". The Council would not be required to determine an application for solar panels if they were associated with a different land use that was not considered an "Unlisted Use".

The solar panels meet the requirements of LPS3 and policies. It is therefore recommended that the application be approved, subject to conditions.

BACKGROUND

Suburb/Location	Lot 9844 (15) Chessell Drive, Duncraig.
Applicant	Infinite Energy Pty Ltd.
Owner	Association for the Advancement of Brain Injured Children and Rocky Bay Inc.
Zoning	LPS3 Residential.
	MRS Urban.
Site area	4,067m ² .
Structure plan	Not applicable.

The subject site is bounded by Chessell Drive to the east, a 24 unit 'Aged and Dependent Persons Dwellings' development (Lot 10278 Chessell Drive, Duncraig) to the north, and Percy Doyle Reserve (Lot 15074 Warwick Road, Duncraig) to the south and west (Attachment 1 refers).

The site is zoned Urban under the *Metropolitan Region Scheme* (MRS) and Residential R20 under LPS3.

The special care facility provides services for disabled young adults and was originally approved by Council at its meeting held on 22 February 2005 (CJ018-02/05 refers) as an 'Unlisted Use'. The operations of the facility were considered an 'Unlisted Use' at that time, given the land use did not fall within the interpretation of any land use listed within former *District Planning Scheme No. 2* (DPS2).

At its meeting held on 18 July 2017 (CJ115-07/17 refers) Council approved a development application for a brick office and store addition located in the south-eastern corner of the subject site and an additional 14 car bays on-site. Council approved modifications to this approval at its meeting on 17 July 2018 (CJ117-07/8 refers), replacing the brick office with a transportable building and including two additional outbuildings. These works were completed in September 2018.

DETAILS

The applicant has proposed 37 solar panels on the northern roof aspect. The solar panels will be flush with the existing roof profile, set back approximately 11 metres from the northern boundary and 40 metres from the street boundary.

The development plans are provided as Attachment 2 to Report CJ162-12/19.

Unlisted Use

In accordance with clause 18(3) of LPS3, where the proposed use of the land cannot reasonably be determined as falling within one of the use categories under the Zoning Table, the local government may consider if the use is appropriate, taking into account the objectives of the applicable zone. A suitable land use is not provided in LPS3 and therefore the use remains an 'Unlisted Use'.

The existing use has already been determined under the former DPS2 as being appropriate for the Residential Zone. The objectives for the Residential Zone under LPS3 have remained consistent with DPS2, and therefore the use remains appropriate. The proposed solar panels are incidental to this approved use.

Non-Residential Development in the Residential Zone Local Planning Policy

Under the City's policy, solar energy systems must be integrated into the overall design of the building and located on rooftops so as not to detract from the building itself or impose on the existing streetscape.

The solar panels are not considered to be imposing given they are located on the existing roof, with large setbacks from the adjoining residential properties and the street. The solar panels will be integrated with overall building design by being flush with the existing roof profile. The requirements of the policy have therefore been met.

Issues and options considered

Council is required to determine whether the proposed solar panels are 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 *Non-Residential Development in the Residential Zone Local
Planning Policy.*

Local Planning Scheme No.3

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

- *To provide for a range of housing and a choice of residential densities to meet the needs of the community.*
- *To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.*
- *To provide for a range of non-residential uses, which are compatible with and complementary to residential development.*

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.*

Risk management considerations

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

Financial / budget implications

The applicant has paid fees of \$147 (excluding GST) for assessment of the application in accordance with the City's *Schedule of Fees and Charges*.

Regional significance

Not applicable.

Sustainability implications

The proposed solar panels will improve the energy efficiency of the overall building.

Consultation

Given the nature of the development, no consultation has been undertaken.

COMMENT

As outlined, it is considered that the proposed solar panels meet the requirements of the City's LPS3 and policy.

It is therefore recommended that the application is approved, subject to conditions.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

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 12 November 2019 submitted by Infinite Energy Pty Ltd for the proposed solar panels to existing Unlisted Use (Special Care Facility) at Lot 9844 (15) Chessell Drive, Duncraig, subject to the following conditions:

- 1 This approval relates to the solar panels only and development shall be in accordance with the approved plan(s), any other supporting information and conditions of approval. It does not relate to any other development on the lot;
- 2 All stormwater shall be contained on-site and disposed of in a manner acceptable to the City.

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf191203.pdf](#)

Disclosure of interest affecting impartiality

Name/Position	Cr John Logan.
Item No./Subject	CJ163-12/19 - Amended Greenwood Local Development Plan - Lot 9867 (63) Mulligan Drive, Greenwood.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Logan is a member of the Kingsley and Greenwood Residents Association (KAGRA) and was a member of a community group which provided feedback to the State Department concerned and the previous developer of the site.

CJ163-12/19 AMENDED GREENWOOD LOCAL DEVELOPMENT PLAN – LOT 9867 (63) MULLIGAN DRIVE, GREENWOOD

WARD	South-East
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	104828, 101515
ATTACHMENTS	Attachment 1 Location plan Attachment 2 Current Local Development Plan Attachment 3 Amended Local Development Plan
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider proposed amendments to the *Greenwood Local Development Plan* at Lot 9867 (83) Mulligan Drive, Greenwood, following public consultation.

EXECUTIVE SUMMARY

The *Greenwood Structure Plan* was approved by the Western Australian Planning Commission (WAPC) on 15 February 2016 and provides guidance for the development of the former East Greenwood Primary School site. At its meeting held on 17 August 2015 (CJ132-08/15 refers), Council approved the *Greenwood Local Development Plan* (LDP) with subsequent modifications approved by Council at its meeting held on 18 October 2016 (CJ159-10/16 refers).

The applicant has advised that, due to current market conditions as well as feedback from potential purchasers, a review of the subdivision plan and the Greenwood LDP is required. A revised subdivision plan was approved by the WAPC on 2 October 2019 and a revised LDP has now been submitted for consideration.

The amendments to the Greenwood LDP include an increase in lot sizes and widths to match the approved subdivision plan, modification to the depth of the tree protection zone following further investigation, a reduction in the number of three-storey multiple dwelling sites, the inclusion of boundary walls to allow for terrace-style development and no restriction on the number of ancillary dwellings.

The amended Greenwood LDP was advertised for 21 days closing on 17 October 2019. Four submissions were received and include two objections and two comments. The objections mainly relate to the development of the site and the Greenwood LDP in general (which has already been approved) rather than specifically to the changes proposed.

It is considered that the proposed amendments do not fundamentally change the intent of the existing Greenwood LDP and align with the latest subdivision layout recently approved by the WAPC.

It is recommended that Council supports the proposed amendments to the Greenwood LDP and forwards the LDP to the WAPC for approval, given the WAPC's approval is required to amend clause 5.5.1 of the *State Planning Policy 7.3: Residential Design Codes Volume 1* (R-codes), which relates to minimum site area and maximum floor area of ancillary dwellings.

BACKGROUND

Suburb/Location	Lot 9867 (63) Mulligan Drive, Greenwood.
Applicant	Roberts Day on behalf of Frasers Property Australia and Department of Communities.
Owner	Housing Authority.
Zoning	LPS3 Urban Development.
	MRS Urban.
Site area	38,636.4 m ² .
Structure plan	<i>Greenwood Local Structure Plan.</i>

Lot 9867 (63) Mulligan Drive, Greenwood is located in the eastern part of Greenwood between Cockman Road and Wanneroo Road. The site abuts Cockman Park to the south. The land surrounding the subject site is zoned 'Residential' and consists primarily of low density, single-storey dwellings (Attachment 1 refers).

The East Greenwood Primary School was considered surplus to the requirements of the Department of Education, and in 2010 the site was zoned 'Urban Development' and the school buildings were demolished and removed in mid 2011.

Subsequently, a draft structure plan and LDP for development of the site for residential purposes were prepared and submitted to the City on behalf of the landowners, the Department of Housing and Frasers Property Group. At its meeting held on 21 April 2015 (CJ050-04/15 refers), Council resolved to support advertising of the draft structure plan and LDP for public comment for a period of 28 days. Following conclusion of the advertising period, submissions were considered by Council at its meeting held on 17 August 2015 (CJ132-08/15 refers).

Council approved the Greenwood LDP and resolved that the structure plan was satisfactory subject to modifications. The structure plan was forwarded to the WAPC for determination and was adopted and certified by the WAPC on 15 February 2016, following required modifications.

The Greenwood LDP was required to be modified to align with the modifications requested to the structure plan by the WAPC and these were adopted by Council at its meeting held on 18 October 2016 (CJ159-10/16 refers). The current Greenwood LDP is at Attachment 2 to Report CJ163-12/19. Subdivision approval was granted by the WAPC on 15 April 2016 for 104 residential lots and three public open space lots.

The applicant has now advised that, due to current market conditions as well as feedback from potential purchasers regarding the small lot product, a review of the subdivision plan and Greenwood LDP is required. A revised subdivision plan was submitted to the WAPC to increase lot sizes and width and slightly modify the lot layout. The WAPC approved the subdivision for 84 residential lots and three public open space Lot on 2 October 2019.

DETAILS

The City has received an application for amendments to the existing Greenwood LDP (Attachment 3 refers). The main differences between the draft amended Greenwood LDP and the current Greenwood LDP are as follows:

- Minor modifications to the lot layout and lot sizes to align with the approved subdivision plan.
- The three-storey multiple dwelling sites have been reduced from two sites to one site.
- Two-storey terrace-style housing built up to both side boundaries are permitted on the lots surrounding the public open space, instead of boundary walls being developed in accordance with the R-codes.
- Single-storey housing built up to both side boundaries are permitted for lots fronting the external streets, instead of boundary walls being developed in accordance with the R-codes.
- Ancillary dwellings (granny flats) are permitted above garages for lots that are designed for two-storey development, instead of only five being permitted for the whole development.
- The setback of dwellings from the street for lots with a tree protection zone has been reduced from four metres to three metres. The tree protection zone for these lots has been reduced from 12 metres to between nine and 11 metres.

The amendments do not fundamentally change the Greenwood LDP and are considered to be relatively minor. Development provisions relating to building heights, open space, visual privacy, road layout, location of public open space and car parking requirements are unchanged.

The proposed amendments and response to submissions are discussed below.

Response to submissions

Building height / multiple dwellings

Two submissions objected to three-storey multiple dwelling development within the structure plan area.

However, the Greenwood LDP already includes two three-storey multiple dwelling sites. The revised Greenwood LDP reduces the number of three-storey multiple dwelling sites from two sites to one site. It is also noted that the three-storey site continues to be located in the centre of the development.

One submission expressed a desire for two-storey dwellings on the external road, however, the applicant has not proposed any changes to the existing one-storey building height limit for these lots.

Lot sizes

One submission objected to the small lot sizes. However, the lot sizes have been increased in the revised subdivision plan due to changing market trends and reduced demand for the smaller lot product.

Tree protection zone

One submission raises concerns with the reduced tree protection zone. The current Greenwood LDP identifies that buildings need to be set back 12 metres from a series of existing trees located at the rear of certain proposed lots. The tree protection zone is proposed to be reduced in depth from a uniform 12 metres to between nine and 11 metres.

The initial tree protection zone was determined by applying a blanket setback distance from the furthest tree to the rear property boundary. The applicant has advised that more detailed studies and investigations have been undertaken regarding the driplines of individual trees and the tree protection zone for each tree and lot has been individually refined accordingly. On the basis of this more detailed analysis, it is considered that the reduction in the depth of the tree protection zone will not affect the viability of the retained trees.

The setbacks of the dwellings fronting Assembly Way (Primary frontage D on the Greenwood LDP) are proposed to be three metres rather than an average of four metres. This is to accommodate the tree protection zone at the rear in order to provide an appropriate area for a standard building footprint. These setbacks are internal to the site and will therefore not affect the existing residents or streetscape.

Building approvals

One submission expresses concern that the site continues to be vacant and that the revised proposal will mean more delays in the site being developed. The City cannot compel the applicant or owner to develop the site in a particular timeframe, but the applicant has verbally expressed a desire to progress the development in a timely manner.

Other proposed amendments to the Greenwood LDP

Boundary walls

The changes to the boundary wall provisions will allow for the development of terrace style housing fronting the public open space creating a more urban feel to the area. Limiting the height and location of boundary walls for the lots fronting the external streets and maintaining single storey heights, ensures the development is in keeping with the character of the surrounding residential area.

Ancillary dwellings

The current Greenwood LDP restricts the number of ancillary dwellings to no more than five for the whole development. The amended Greenwood LDP removes this limit although adds the stipulation that the ancillary dwelling must be located above a garage and must provide a habitable room window overlooking the laneway. This is considered more suitable as it allows any owner to develop an ancillary dwelling rather than only allowing the first five to develop ancillary dwellings.

The deemed-to-comply standards of clause 5.5.1 of the *Residential Design Codes (R-Codes)* only permit ancillary dwellings to be developed on lots greater than 450m² in area with a maximum floor area of 70m². The amended Greenwood LDP proposes to allow ancillary dwellings up to a floor area of 60m² on any two-storey designated lot where these lots range in size from 101m² to 469m² thereby changing the deemed-to-comply standard of the R-Codes. Approval from the WAPC is required to change the deemed-to-comply provisions of this clause.

Issues and options considered

The options available to Council in considering the Greenwood LDP are to:

- approve the LDP
- require the applicant who prepared the LDP to:
 - modify the plan in the manner specified by the local government
 - resubmit the modified plan to the local government;
 or
- refuse to approve the LDP.

Legislation / Strategic Community Plan / Policy implications

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

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality built outcomes.

Strategic initiative Housing infill and densification is encouraged and enabled through a strategic, planned approach in appropriate locations.

Policy *Draft Planning Consultation Local Planning Policy.*

Planning and Development (Local Planning Schemes) Regulations 2015

Part six of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the LPS Regulations) outlines the process for determining Local Development Plans (LDP).

Once the local government has accepted a LDP, the local government must advertise the LDP within 28 days for a period of 14 days. However, the local government may decide not to advertise the LDP if it is satisfied that the LDP is not likely to adversely affect any owners or occupiers within the area covered by the plan.

After the close of advertising the LDP is required to be determined by the local government within 60 days. The local government has the ability to approve, require modifications or refuse the LDP taking into account the submissions received during advertising.

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

Risk management considerations

Should Council resolve not to approve the amended Greenwood LDP, the LDP lot boundaries will not align with the subdivision approved by the WAPC on 2 October 2019.

The applicant has a right of appeal through the *State Administrative Tribunal Act 2004* should Council refuse the amended Greenwood LDP, not determine the LDP within 60 days from the last day of advertising or approve the LDP subject to conditions/modifications that the applicant does not support.

Financial / budget implications

The applicant has paid fees of \$4,563.86 (including GST) for assessment of the amended Greenwood LDP. The applicant is required to cover the cost of advertising separately.

Regional significance

The *Perth and Peel @ 3.5 million* land use planning and infrastructure frameworks aim to accommodate 3.5 million people by 2050. The *North-West Sub-Regional Planning Framework* sets out proposals to achieve a more consolidated urban form while meeting long term housing requirements.

It establishes minimum infill dwelling targets to 2050. The proposed redevelopment of the former East Greenwood Primary School site, through the implementation of the Greenwood LDP (and *Greenwood Structure Local Plan*), will provide at least 84 additional dwellings. These additional dwellings will assist in delivering the State Government's dwelling targets for the City of Joondalup.

Sustainability implications

The Greenwood LDP will facilitate residential development of the site which will accommodate additional residents who will contribute to the local economy and utilise existing infrastructure such as bus and rail systems, reducing the need for additional services to be provided.

The provisions of the Greenwood LDP have been developed with consideration of tree retention in private and public open space.

Consultation

The draft amended Greenwood LDP was advertised for public comment for a period of 21 days, closing on 17 October 2019, including:

- a notice in the local newspaper
- letters to 250 surrounding landowners/occupiers and the Kingsley and Greenwood Residents Association
- information provided on the City's website.

Four submissions were received comprising two objections and two comments.

The following summarises the main comments outlined in the submissions:

- Three storey buildings are not acceptable in Greenwood.
- Questioned what studies have been done on the reduction in tree protection zones and potential impact on the retention of trees.

- The lot sizes are too small.
- The maximum building height along the outer perimeter of development should be increased from one storey to two storeys.
- Questioned the conditions that are placed on building approvals to ensure the timely commencement of construction and completion.

COMMENT

The proposed amendments to the Greenwood LDP are considered to be appropriate as they are minor in nature and do not fundamentally alter the intentions of the *Greenwood Structure Plan*. The amendments align the LDP with the subdivision layout recently approved by the WAPC and will not have any implications for nearby or adjoining landowners to the structure plan area.

It is therefore recommended that Council approves the amended *Greenwood Local Development Plan*.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 pursuant to clause 52 of schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, APPROVES the amended *Greenwood Local Development Plan* as outlined in Attachment 3 to Report CJ163-12/19;
- 2 FORWARDS the amended *Greenwood Local Development Plan* as detailed in part 1 above to the Western Australian Planning Commission for its consideration of the replacement deemed-to-comply provisions associated with clause 5.5.1 Ancillary dwellings of the Residential Design Codes.

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf191203.pdf](#)

CJ164-12/19 PROPOSED AMENDMENT NO. 1 TO LOCAL PLANNING SCHEME NO. 3 - LOT 1 (16) SUNLANDER DRIVE, CURRAMBINE - CONSIDERATION FOLLOWING ADVERTISING

WARD	North
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	107704, 101515
ATTACHMENTS	Attachment 1 Location plan Attachment 2 Scheme amendment map Attachment 3 Summary of submissions Attachment 4 Revised Retail Sustainability Assessment Attachment 5 Community Consultation Outcomes Report
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider Scheme Amendment No. 1 to *Local Planning Scheme No. 3* (LPS3) following public advertising.

EXECUTIVE SUMMARY

The City has received an application to initiate an amendment to *Local Planning Scheme No. 3* (LPS3) on behalf of the owners of Lot 1 (16) Sunlander Drive, Currumbine.

The site is zoned 'Residential' under LPS3, has a density coding of R80 and is currently vacant. Development approval has previously been granted (and since expired) for a retirement village on the site.

The scheme amendment proposes to rezone a portion of the subject site from 'Residential' to 'Commercial' and 'Mixed Use' which would, in effect, create a new neighbourhood centre. The applicant has indicated that the 'Commercial' zoned portion of the site will be developed with a supermarket and several supporting specialty stores and the 'Mixed Use' portion will be developed with aged care accommodation and a range of supporting uses such as a hairdresser, café and Allied Health Care services.

At its meeting held on 20 November 2018 (CJ192-11/18 refers), Council resolved to advertise the proposed scheme amendment for public comment. The amendment was advertised for a period of 60 days, closing on 27 May 2019. A total of 59 submissions were received, consisting of 18 submissions of support, 33 submissions objecting to the proposal, four neutral submissions and three submissions of no definitive response. There was also one submission from a service authority.

The comments received during the submission period relate to a range of issues; however, the primary concerns raised relate to the potential impact on adjoining retail centres, the lack of need for another supermarket in the area and increased traffic.

Subsequent to the close of the advertising period, the applicant undertook a revision of the submitted *Retail Sustainability Assessment* (RSA) to include the retail floorspace of both the proposed supermarket (3,200m²) as well as the retail floorspace of the specialty shops (400m²) as the original RSA only factored in the floorspace of the supermarket.

The revised RSA submitted by the applicant was peer reviewed by a separate economic consultant and questions regarding the trade area, population predictions, assumptions regarding market share and retained expenditure were raised. Further information and justification were provided by the applicant to address the questions raised through the peer review and subsequent review by the City's economic consultants concluded that the creation of a new neighbourhood centre in this location would not create an unacceptable impact on nearby centres, over the long term.

It is considered that the proposed zonings are suitable for the subject site and it is therefore recommended that Council supports the proposed scheme amendment.

BACKGROUND

Suburb/Location	Lot 1 (16) Sunlander Drive, Currambine.
Applicant	Taylor Burrell Barnett.
Owner	Southern Cross Care WA Inc.
Zoning	LPS3 Residential.
	MRS Urban.
Site area	62,741m ² .
Structure plan	Not applicable.

Lot 1 (16) Sunlander Drive is zoned 'Residential' under LPS3 and has a residential density code of R80. The site has significant exposure to major roads, being bounded by Burns Beach Road to the north and Connolly Drive to the west. To the east, the site is bounded by Sunlander Drive and to the south by Currambine Boulevard (Attachment 1 refers).

The surrounding area is predominantly 'Residential' zoned land with a residential density code of R80 and mostly developed with single dwellings except for two large multiple dwelling developments adjoining the Currambine train station. The two sites immediately abutting the subject site, on the corner of Burns Beach Road and Sunlander Drive, are zoned 'Service Commercial' and 'Mixed Use' and have been developed with a service station and medical centre.

At its meeting held on 19 February 2008 (CJ025-02/08 refers), Council granted development approval for a retirement village on the site consisting of 231 dwellings, a community facility, respite day care centre, maintenance building and electricity substation. The development was not progressed, and the approval has since lapsed. The site is currently vacant.

At its meeting held on 20 November 2018 (CJ192-11/18 refers), Council resolved to proceed to advertise Scheme Amendment No. 1 to LPS3 for 60 days.

DETAILS

An application has been received from Taylor Burrell Barnett on behalf of Southern Cross Care WA Inc. to undertake an amendment to LPS3 to rezone the western portion of Lot 1 (16) Sunlander Drive, Currambine from 'Residential' to 'Commercial' and 'Mixed Use' (Attachment 2 refers). Approximately 1.2377 hectares is proposed to be rezoned 'Commercial' and 8,229m² is proposed to be rezoned 'Mixed Use'.

The proposed 'Commercial' zone is sited at the intersection of Connolly Drive and Currambine Boulevard and will allow the development of a full line supermarket of approximately 3,200m², 400m² of specialty retail stores and 100m² of non-retail office space.

The 'Mixed Use' portion is sited on the corner of Burns Beach Road and Connolly Drive and will facilitate the development of predominantly aged care accommodation with supporting uses on the ground floor such as shop, café, hairdresser and Allied Health Care services.

The applicant provided the following initial justification in support of the proposed scheme amendment:

- *The land is highly accessible, given its frontage to the two main district distributor arteries of Burns Beach Road and Connolly Drive, and Currambine Station.*
- *The Retail Sustainability Assessment prepared concludes:*
 - *that there is a clear need and demand for the development of a supermarket on the subject land, which can only be facilitated through the requested LPS3 amendment;*
 - *whilst there will be some impact on the surrounding centres, these will be minimal and will not threaten the ongoing viability of any existing or planned facilities;*
 - *any impacted facilities would still be able to achieve sustainable sales volumes and to continue to trade, after recovering relatively quickly from their respective impacts;*
 - *the proposed supermarket would represent a significant economic and social benefit for the local community; and*
 - *that development of the proposed supermarket would not result in any loss of service to the local community.*
- *The Transport Report concludes:*
 - *that the overall level of vehicle trips forecast to be generated as a result of this rezoning request would have no material impact when directly comparing the forecast volume of traffic that would be generated by residential land uses that are permissible under the current zoning; and*
 - *that there would not be any material impact upon the adjoining intersections.*
- *The proposed development of the subject land for Mixed Use, Commercial and Retail purposed is an appropriate land use given the land is currently vacant and ready for a comprehensive composite development based on it being highly accessible via vehicle and within the walkable catchment of the Currambine Station and within an existing fully developed residential catchment.*

Issues and options considered

Key themes and issues

The key themes and issues arising from the submissions received as part of consultation are detailed in Attachment 3 to Report CJ164-12/19. The main areas of concern raised in the submissions are discussed below.

Retail Sustainability Assessment and impact on nearby centres

As the subject land is not contemplated as a 'centre' under the *Local Commercial Strategy* (LCS) the applicant engaged a consultant to prepare a *Retail Sustainability Assessment* (RSA) to assess the need for the new centre and the economic impact of the proposed commercial development on other centres.

The RSA included analysis on the trade area, the surrounding competition and the projected economic impact that would occur as a result of developing a supermarket on the subject site. The RSA found that there would be some impact on the surrounding centres, however this would be minimal and would not threaten the ongoing viability of any existing or planned facilities.

Notwithstanding, there is general concern from both nearby centres and the surrounding residents about the impact of additional retail on the viability of nearby centres, and a general concern about the need for additional retail services.

The submissions from nearby centres highlighted that the RSA is only based on a supermarket of 3,200 m² retail floorspace and does not include the additional specialty retail, and therefore potentially underestimates the impact on nearby centres. The submissions contended that if additional retail space is taken into consideration, the impact may be greater than 10%. An estimated impact of less than 10% is considered to be an acceptable level of competitive impacts by economic consultants. Several of the submissions from the general public were also concerned with the potential impact on Kinross Central and other nearby centres.

Subsequent to the close of the advertising period, the applicant submitted a revised RSA (Attachment 4 refers) to include the retail floorspace of the additional specialty retail floorspace and also updated the RSA to include the latest Australian Bureau of Statistics population figures. The revised RSA states that the total proposed retail floorspace (3,600m²) is expected to have a 9.4% impact on trading at Kinross Central and a 7.9% impact on Currambine Central. Generally, any impact over 10% is regarded as being unacceptable. Therefore, at 3,600m², the proposal is approaching the threshold as to what is considered to be an acceptable impact on Kinross Central, however is still within the acceptable level of competitive impact.

The City engaged an economic consultant to conduct a peer review of the applicant's RSA. This peer review raised questions regarding the trade area, population predictions, assumptions regarding market share and retained expenditure. Further information was provided by the applicant in response to the issues raised in the peer review. The applicant's RSA has been further updated to include this additional information (Attachment 4 refers). The City's economic consultant reviewed the additional information provided and concluded that the trade area analysis, market share definition and population projections are acceptable and the assessment of the supermarket floorspace demand and market retention is appropriate.

The overall conclusion of both the RSA and the peer review is that the proposed centre would not cause a structural impact on the service availability for the community in the trade area or beyond. Impacts would be concentrated on Kinross Central and Currambine Central in the short term, however both are expected to recover within three years. According to the RSA, the potential, negative short-term impact on Kinross Central could be justified as it will not undermine the viability of the centre in the long term or the retail hierarchy.

Inconsistent with State Planning Policy 4.2: Activity Centres for Perth and Peel

The submissions also stated that the proposed scheme amendment is inconsistent with *State Planning Policy 4.2 Activity Centres for Perth and Peel* (SPP 4.2) as it undermines the activity centre hierarchy and has an unacceptable impact on nearby centres.

SPP4.2 states that the responsible authority should not support scheme amendments or development proposals that are likely to undermine the activity centre hierarchy, result in a deterioration in the level of service to the community or have an unreasonable effect on the amenity of the location.

The revised RSA and the peer review of the RSA have indicated that the total amount of retail floorspace proposed would not create an unacceptable impact on nearby centres and the creation of new neighbourhood centre in this location would not undermine the retail hierarchy.

As the proposal would essentially allow the establishment of a new neighbourhood centre, support for the scheme amendment proposal should be accompanied by a recommendation to modify the City's *Local Commercial Strategy* to identify the new centre and include an indicative retail floorspace for the centre.

Traffic and parking

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

A transport report was provided as part of the scheme amendment application. The report (provided as Appendix C to the applicant's scheme amendment report) states that the overall level of vehicle trips forecast to be generated as a result of the rezoning will not have a significant impact when compared to the traffic that could be generated by the residential land uses that are able to be developed on the site under the current density code. The report also contends that there will also be no significant impact on the adjoining intersections.

The transport report compared the morning and afternoon peak hour traffic generation under the full development of the site with residential dwellings at 'Residential R80' and the development of retail and aged persons accommodation as proposed by the scheme amendment. The analysis shows that there is substantially less traffic for the morning peak hour and no change to traffic for the afternoon peak hour under the retail and aged persons accommodation scenario.

The transport report also states that there will not be any material impact upon the adjoining intersections as the forecast volume of traffic for the intersections would not likely exceed the design levels considered for this area. In addition, retail land uses would attract linked or pass-by trips rather than generating entirely new traffic trips.

Additionally, a more detailed traffic assessment will be required as part of a future application for development approval which outlines the traffic and vehicle movements associated with the development and impact on the adjoining intersections. This should include further analysis on how the intersections will perform as well as a distribution breakdown of vehicle numbers.

The provision of car parking for any future development will be required to be provided in accordance with the City's standards and is therefore not an issue for consideration at this stage.

Suitability of proposed zoning

Some of the submissions questioned the proposed zoning and whether the current zoning of the land (for instance Residential R80) is more appropriate. The proposed rezoning of a portion of the subject site to 'Commercial' will create a new neighbourhood centre comprising a supermarket and potentially several specialty retail shops. The proposed 'Mixed Use' zone will allow the development of a mixed use aged care facility with retail and Allied Health Care on the ground floor and aged care above. The balance of the site (approximately 4.2 hectares) will remain Residential R80.

The proposed zonings are considered suitable for the subject site as it will allow an opportunity for facilities and services to be provided for the local community. The subject site is easily accessible as it has frontage to two district distributor roads, being Burns Beach Road and Connolly Drive, and is located within 350 metres of the Currambine Train Station.

The impact on adjoining properties is minimised as the subject site is large, with the proposed amendment area taking up a third of the overall site, with the rest of the site retaining the 'Residential' zoning. In addition, there are no immediate existing residential properties abutting the scheme amendment area, although it is noted that some residential properties on Currambine Boulevard are located opposite the proposed 'Commercial' zoned land.

Options

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

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

Legislation / Strategic Community Plan / Policy implications

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

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality built outcomes.

Strategic initiative The community is able to effectively age-in-place through a diverse mix of facilities and appropriate urban landscapes.

Key theme	Economic Prosperity, Vibrancy and Growth.
Objective	Activity Centre development.
Strategic initiative	Support the development of fresh and exciting de-centralised areas of activity.
Policy	Not applicable.

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

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

Under the LPS Regulations, scheme amendments are classified as being basic, standard or complex amendments. In resolving to proceed with an amendment, Council needs to specify the amendment type and explain the reason for that classification. As the proposed scheme amendment is not consistent with the City's *Local Planning Strategy* or *Local Commercial Strategy*, it is classed as a complex amendment under the LPS 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.

At its meeting held on 20 November 2018 (CJ192-11/18 refers), Council resolved to proceed to advertise Scheme Amendment No. 1 to LPS3 for 60 days. The WAPC did not require any modifications to the amendment prior to advertising, however, requested the inclusion of some additional information in the scheme amendment report. The proposed amendment was referred to the Environmental Protection Authority (EPA) to decide whether or not a formal review was necessary. The EPA did not consider that the amendment should be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* and as such the amendment was advertised for public comment.

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

Local Planning Scheme No. 3

It is proposed to rezone portion of the subject site to 'Commercial' and 'Mixed Use'. The following extract of Table 2 of LPS3 set out the objectives of the 'Commercial' and 'Mixed Use' zones.

Table 2 Zone objectives

Commercial	<ul style="list-style-type: none"> • 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.
Mixed Use Zone	<ul style="list-style-type: none"> • To provide for a wide variety of active uses on street level which are compatible with residential and other non-active uses on upper levels. • To allow for the development of a mix of varied but compatible land uses which do not generate nuisance detrimental to the amenity of the district or to the health, welfare and safety of its residents. • To encourage high quality, pedestrian friendly, street-orientated development that integrates with surrounding areas.

State Planning Policy 4.2 Activity Centres for Perth and Peel

State Planning Policy 4.2 Activity Centres for Perth and Peel (SPP 4.2) specifies the broad planning requirements for the planning and development of new activity centres and the redevelopment and renewal of existing centres in Perth and Peel. It is mainly concerned with the distribution, function, broad land use and urban design criteria of activity centres.

Clause 6.5 states that an RSA is required to assess the potential economic impact and related effects of a significant retail expansion on the network of activity centres in an area.

Local Commercial Strategy

The *Local Commercial Strategy* (LCS) provides the framework for decision making for commercial centres with respect to development of new structure plans, amendments to existing structure plans and future rezoning and development applications. It states that an RSA should be prepared for proposals which seek to exceed the maximum indicative shop retail floorspace for any activity centre. As the LCS does not identify the subject site as an activity centre, an RSA is required to assess the need for the new centre and the economic impact of the new centre on existing centres.

If the scheme amendment is supported, the LCS should be modified to incorporate this new neighbourhood centre along with the proposed indicative maximum retail floorspace threshold of 3,600m² as indicated by the applicant's RSA.

Local Housing Strategy

The *Local Housing Strategy* (LHS) provides the rationale to cater for population growth for future housing needs within the City of Joondalup and meet residential infill targets. It identifies the subject site as a 'future development site for housing' and estimates that it could be developed with 231 dwellings.

The proposed rezoning affects approximately one third of the site, with the balance remaining 'Residential' with density coding of R80. The proposal therefore still allows for the majority of the site to be developed for residential purposes and it is also noted that the proposed zonings also allow for residential development. As such, it is considered that the proposed scheme amendment does not prevent the site from achieving the dwelling estimate included in the LHS.

Risk management considerations

Not applicable.

Financial / budget implications

The applicant has paid fees of \$8,796.28, (including GST) to cover costs associated with the assessment of the scheme amendment. The fees do not include the cost of advertising, as the applicant is required to cover these costs separately.

Regional significance

Not applicable.

Sustainability implications

Environmental

The 'Commercial' and 'Mixed Use' zones would allow for additional land uses in an established area, which could make use of existing infrastructure such as sewer, roads and public transport, thereby reducing the need for additional services to be provided.

The site is currently vacant and cleared and will therefore not require the clearing of any significant remnant vegetation.

Social

The proposed zones would facilitate a mix of development including potentially both commercial and community services along with various housing or accommodation types in the locality.

Economic

The addition of the 'Commercial' and 'Mixed Use' zones would enable the site to be developed for a range of land uses resulting in opportunities for employment as well as provide services for existing and future residents to contribute to the local economy.

The peer review of the revised RSA has indicated that the total amount of retail floorspace proposed would not create an unacceptable impact on nearby centres, nor undermine the retail hierarchy.

Consultation

The proposed scheme amendment was advertised for public comment for a period of 60 days closing on 27 May 2019, by way of:

- 1,541 letters to adjoining and nearby landowners within 400 metres of the site

- email to members of the Community Engagement Network residing in Currambine and Kinross
- letters to the Kinross and Currambine Residents Associations
- letters to Kinross Central, Kinross and Currambine Central shopping centres
- a notice placed in the *Joondalup Community* newspaper
- a notice placed on the City's website
- documents displayed at the City's administration building
- letters to relevant service authorities
- two signs on the site
- a notice placed on the City's social media platforms.

A total of 1,726 stakeholders were directly engaged by the City and 59 submissions were received representing a response rate of 3.4%. The responses consisted of one submission from a service authority, 18 submissions of support, 33 submissions objecting to the scheme amendment, four neutral submissions and three submissions provided no response (Attachment 5 refers).

The main issues raised in the general submissions were as follows:

- No need for another supermarket or shops as there are enough in the area already
- Concerned about the impact on Kinross Central.
- Concerns that the development will generate more traffic and lead to congestion in the area.
- Parking issues associated with the future development.
- Impact on property values.

The main issues raised in the submissions from nearby centres were as follows:

- The amendment will undermine the existing and planned activity centre hierarchy.
- The amendment is inconsistent with the City's *Local Commercial Strategy* as it has not been identified as a current or future activity centre, nor does the LCS indicate the need for an additional activity centre in that location.
- The amendment is inconsistent with SPP 4.2 as it undermines the activity centre hierarchy and has an unacceptable impact on nearby centres.
- The RSA is only based on a supermarket of 3,200m², it does not include the additional specialty retail, therefore it underestimates the impact on nearby centres, if this is taken into consideration, the impact may be greater than 10%.
- The RSA was prepared two years ago, prior to the 2016 census data and 2019 WA Tomorrow data, the modelling should be redone on current data.
- Removal of the high-density residential land near the Currambine Train Station is a bad planning outcome as there are few large undeveloped sites near trains stations and it is contrary to the City's intent to increase density via infill development.
- It would be better to locate the amendment next to the existing 'Mixed Use' zone on the other side of the lot.

A summary of the main issues raised, the applicant's response to those issues, and the City's comment is included as Attachment 3 to Report CJ164-12/19. Full information on the consultation outcomes is included as Attachment 4 to Report CJ164-12/19.

COMMENT

It is considered that the proposed 'Mixed Use' and 'Commercial' zones are suitable for the subject site as it will allow an opportunity for facilities and services to be provided for the local community. While the concerns raised in regard to potential traffic and car parking issues are acknowledged, the reporting undertaken at this stage of planning demonstrates that the road network will continue to operate at an acceptable level. Further detailed assessment of traffic and parking matters will also need to be undertaken as part of the assessment of specific development proposals.

In accordance with SPP4.2, the estimated retail needs of the community, the retail distribution as well as the impacts on existing centres, must be considered as part of the overall long-term distribution of retail and commercial floorspace. In this instance, a peer review of the applicant's revised RSA supports the findings that there is a need for a small neighbourhood centre at the proposed location, particularly given that there is no full-line supermarket in the area. The negative short-term impact on Kinross Central and Currambine Central could be justified as it will not undermine the viability of the centres in the long term or the retail hierarchy.

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 Pursuant to section 75 of the *Planning and Development Act 2005* and Part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, SUPPORTS Scheme Amendment No. 1 to the City of Joondalup *Local Planning Scheme No. 3* to rezone portion of Lot 1 (16) Sunlander Drive, Currambine from 'Residential' to 'Commercial' and 'Mixed Use', as depicted in Attachment 2 to Report CJ164-12/19;**
- 2 AUTHORISES the affixation of the Common Seal and signing of the documents associated with Scheme Amendment No. 1 to the City of Joondalup *Local Planning Scheme No. 3*;**
- 3 Pursuant to Part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015* FORWARDS Scheme Amendment No. 1 and Council's decision to the Western Australian Planning Commission for consideration;**
- 4 Subject to approval from the Minister for Planning for Scheme Amendment No. 1 to the City of Joondalup *Local Planning Scheme No. 3*, MODIFIES the City of Joondalup *Local Commercial Strategy* to include the new neighbourhood centre along with the indicative shop retail floorspace threshold of 3,600m².**

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf191203.pdf](#)

Disclosure of interest affecting impartiality

Name/Position	Cr Kerry Hollywood.
Item No./Subject	CJ165-12/19 - Proposed Six Multiple Dwellings (Apartments) at Lot 30 (20-22) Plaistow Street, Joondalup.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	The owner of the proposed development is known to Cr Hollywood.

CJ165-12/19 PROPOSED SIX MULTIPLE DWELLINGS (APARTMENTS) AT LOT 30 (20-22) PLAISTOW STREET, JOONDALUP

WARD	North
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	03729, 101515
ATTACHMENTS	Attachment 1 Location plan Attachment 2 Development plans Attachment 3 Building perspectives Attachment 4 Landscaping plan Attachment 5 Waste management plan Attachment 6 Applicant's submission against SPP7.3 design elements Attachment 7 Summary of City's assessment Attachment 8 Summary of submissions received Attachment 9 Environmentally Sustainable Design checklist
AUTHORITY / DISCRETION	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 six multiple dwellings at Lot 30 (20-22) Plaistow Street, Joondalup.

EXECUTIVE SUMMARY

An application for development approval has been received for six multiple dwellings at Lot 30 (20-22) Plaistow Street, Joondalup. This is in addition to the two grouped dwellings currently located on the site.

The proposed development is three storeys, comprising two dwellings on each floor.

The subject site is zoned 'Centre' under LPS3 and is subject to the requirements of the *Joondalup Activity Centre Plan* (JACP). Under the JACP the site is within the Lakeside Residential Precinct, with a density code of R100. The development is primarily subject to the requirements of the City's *Local Planning Scheme No. 3* (LPS3), JACP and *State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments* (SPP7.3).

The application was advertised for a period of 14 days by way of letters to surrounding land owners/occupiers, a sign on site and notice on the City's website, concluding on 22 October 2019. Ten submissions were received, all objecting to the proposal.

The application is required to be determined by Council as the development is for more than five multiple dwellings.

It is considered that the proposed development satisfies the requirements of the LPS3, JACP and SPP7.3. It is therefore recommended that the application is approved, subject to conditions.

BACKGROUND

Suburb/Location	Lot 30 (20 – 22) Plaistow Street, Joondalup.
Applicant	Mario Figliomeni.
Owner	Jacqueline and Trevor Finlayson.
Zoning	LPS3 Centre.
	MRS Central City Area.
Site area	664m ² .
Structure plan	<i>Joondalup Activity Centre Plan</i> (Lakeside Residential Precinct).

The site is currently occupied by two double-storey grouped dwellings on the western portion of the site. The subject site is bound by Plaistow Street to the north, Regents Park Road to the east and single dwellings to the south (Attachment 1 refers).

The development site and surrounding properties are located within the Lakeside Residential Precinct of the JACP with a density coding of R100.

Development in surrounding streets comprises single and two storey grouped dwellings and single houses. Some commercial development is located on the ground floor of buildings further north along Regents Park Road.

DETAILS

The proposed development comprises the following:

- Six multiple dwellings within a three-storey building. Five dwellings are two bedroom and one is single bedroom. Two existing grouped dwellings on the western portion of the site will be retained.
- A pitched roof design with render, contrast render and face brick elements within the façade.
- Common property vehicular access from the rear laneway.

- Pedestrian entry from the intersection of Regents Park Road and Plaistow Street with an internal common stairwell.
- Eight resident car parking bays located on-site. No visitor parking is proposed on-site.
- Small communal seating area on the second floor.
- Bin storage area to the south-west corner of the site.

The development plans and supporting information for the development are provided at Attachments 2 to 5 to Report CJ165-12/19.

Joondalup Design Reference Panel

The proposal was presented to the Joondalup Design Reference Panel (JDRP) on 21 August 2019. A summary of the JDRP comments, as well as the applicant's response to these items is included in the table below.

Summary of Design Reference Panel comment	Summary of Applicant response
Queried why the development is only three storeys and not four, especially considering a lift is provided. The JDRP encouraged the applicant to go higher.	Applicant advised at the meeting that discussions had been held on possible commercial on ground floor and three residential storeys; however the commercial component is not viable at this stage. Adding a fourth storey would result in the need to provide a minimum of one additional car bay for each dwelling (or 75m ² NLA for non-residential uses). There is no additional space on site to provide the extra car bays that would be needed for a four storey design.
Concerns regarding the size of the parking bays and, particularly bay one, noting that the car doors will open onto the rear pedestrian entry and people that would be entering/exiting the communal stairwell.	The drawings have been modified to increase the width of bay one to 2.6 metres (by decreasing the width of bay three to 2.7 metres) to reduce the impact of car doors opening onto 1.4 metre wide pedestrian access way leading from the car park to the lift lobby.
Recommended that the ground floor units be redesigned, swapping the bathroom and bedroom with the kitchen to prevent bathroom windows opening directly to the street and allow additional natural light into the living areas.	Drawing has been modified to swap the location of the bathroom and kitchen in Apartment two.
Concerns regarding the ground floor courtyards and, given the setback proposed, residents are likely to screen themselves in. Options should be looked at to allow for a smaller courtyard, allowing for greater landscaping between the building and the street boundaries to be used as a form of screening.	Drawings have been modified to allow a 0.6 metre landscape strip in front of the courtyard one to improve privacy and the streetscape.

Summary of Design Reference Panel comment	Summary of Applicant response
<p>It was agreed that smaller courtyards are acceptable, as it gets people out and about, similar to a concept used with Melbourne apartments. The JDRP also advised that the park located across the road can be used by residents.</p>	
<p>The minimum floor to floor height of 4.5 metres not being achieved.</p>	<p>The building extension has been designed to be adaptable to cater for future non-residential uses on the ground floor by including:</p> <ul style="list-style-type: none"> • a 3.69 metre ground floor to first floor height that results in a ground floor ceiling height of 3.4 metres. This exceeds the recommended ground floor ceiling height of 3.3 metres in SPP7.3 for adaptive reuse for commercial development. The height of 3.4 metres is therefore considered sufficient to cater for any future retail and commercial uses; and • the ground floor courtyards having gates that open onto Regents Park Road provide a future opportunity to have universal pedestrian access directly to the street rather than relying on the residential access to the building. <p>A ground level floor to floor height of 4.5 metres is not in proportion and scale with the existing character of the streetscape or adjacent built form.</p>
<p>Recommended that more detail is provided on the landscaping plans, including planting, deep soil areas, shortfalls and how these will be achieved.</p>	<p>Drawings have been modified to show this detail on the landscape plan.</p>
<p>It was felt that this is an overall good architectural outcome except for the ground floor bedrooms facing the street. Suggested the feature stacked red face brick panel on Plaistow Street could be reviewed.</p> <p>Suggested that shading is used on the windows facing north or that they be set back.</p>	<p>Drawings have been modified to change stacked red brick feature on Plaistow Street to decorative panelling.</p> <p>Passive solar design techniques have been used to reduce solar gain and glare from mid-spring to autumn, so that awnings are not required to the apartment one, two and five north facing windows. These alternative passive solar design techniques include:</p>

Summary of Design Reference Panel comment	Summary of Applicant response
	<ul style="list-style-type: none"> • locating north facing windows to benefit from the shading provided by the existing deciduous street tree (8 metres high, 8 metre diameter canopy) in the Plaistow Street verge; • master suite's north facing windows, being setback 500 millimetres from the building line to reduce the amount of direct morning and afternoon sunlight entering these windows; and • bed two being designed with two small north facing windows.
<p>Recommended that more light be used in the stairwell and lights used at the end of corridors. If possible, the ground floor corridor should be widened.</p>	<p>Drawings have been modified to:</p> <ul style="list-style-type: none"> • increase the width of the entry corridor to 1.5 metres; and • add a lighting drawing showing sensor lights at the entry corridor, car park pedestrian entry and lift lobby.
<p>The air conditioning units are highly visible and more could be put into the general appearance of the development when viewed from the laneway.</p>	<p>Drawings have been modified to:</p> <ul style="list-style-type: none"> • relocate the air-conditioning condensers at rear of building to reduce the visual impact; and • add shade awnings over western windows to improve visual appearance from the laneway.

Planning assessment

An assessment has been undertaken against the relevant provisions of LPS3, the JACP, *State Planning Policy 7 Design of the Built Environment* (SPP7) and SPP7.3. The WAPC resolved at its meeting held on 1 May 2019 that the provisions of a properly approved structure plan or activity centre plan continue to apply to the extent of any inconsistency with SPP7.3 and are not superseded by the new requirements. As the JACP was properly endorsed by the WAPC on 23 October 2018, the requirements of the JACP apply in the event of any inconsistency with requirements of SPP7.3.

A summary of the City's assessment against the provisions of both the JACP and applicable provisions of SPP7.3 is included in Attachment 7, which also outlines the requirements of SPP7.3 that are replaced by the JACP.

The key design elements and the design elements related to the primary concerns raised during consultation are discussed in more detail below.

Local Planning Scheme No. 3 (LPS3)

The subject site is zoned 'Centre' under LPS3 and is subject to the requirements of the JACP. Under the JACP the site is located within the Lakeside Residential Precinct with a residential density coding of R100. The land use of 'multiple dwelling' is a discretionary or 'D' land use in the Lakeside Residential Precinct.

The discretionary land use permissibility for multiple dwellings applies to every lot in the precinct, including those with a lower residential density code. At the R100 density code, multiple dwellings are considered to be an appropriate form of residential development. Being residential in nature, the multiple dwelling land use is consistent with the objective of the Lakeside Residential Precinct which is to 'preserve the existing residential character'.

Joondalup Activity Centre Plan (JACP)

The JACP is the primary guiding document in assessing development within the Joondalup Activity Centre. It is noted that the JACP came into effect prior to SPP7.3, with the requirements of the JACP applying in the event of any inconsistency with SPP7.3.

Building height

Under the JACP, development is required to have a minimum height of 13.5 metres with a maximum height of 20.5 metres. The proposal does not meet the minimum height requirement, proposing a maximum height of 12.2 metres.

The proposed development does not meet the minimum building height required by 1.3 metres. This height could be achieved through additional design features without the requirement for adding an additional storey, therefore having no material impact on the intensity of development. However, it is also noted that numerous concerns were raised regarding the proposed height of the development during community consultation.

The development is considered an appropriate outcome given the competing priorities of increased height in the City centre balanced with the existing development in the immediate locality. While three storey development is provided along Grand Boulevard approximately 100 metres to the west, as well as for the Joondalup Health Campus, the immediate area comprises predominantly of single or two storey dwellings and mixed use buildings.

The development includes a continuous façade wrapping around Regents Park Road and Plaistow Street which will provide activation with materials and colours to provide a fitting treatment for the corner location and being consistent with other developments in the locality.

The boundary wall on the southern elevation will be partially screened by the existing single house, with changes in materials incorporated to articulate the façade, where it is visible. Due to the proposed layout of the development and adjoining property, it is not considered that this will impact any of the living areas. The outdoor living area of the adjoining property will not be affected by the boundary wall due to its location next to the existing accessway.

It is therefore considered that the building height is appropriate.

Street and side setbacks

The development proposes a minimum setback of nil to the primary and secondary streets with some areas set back 0.6 metres in lieu of a one metre minimum setback and a three metre maximum setback.

A number of surrounding developments are developed within nil setbacks and, as such, the proposed development is consistent with existing development in the area. The proposed setbacks are not considered to impact the public realm due to the façade treatment and activation provided facing both Regents Park Road and Plaistow Street. Having the development setback one metre would not provide for any additional services, or increased privacy for residents.

Street interface

The JACP requires that development provides articulation and semi-active frontages on the ground floor, with 50% glazing and no fencing. The development includes active frontages with all units having habitable rooms and balconies facing the public realm however does not meet the minimum glazing requirements, with 30.9% provided. The development also proposes visually permeable fencing to the courtyards.

The amount of glazing for the development it is considered appropriate due to:

- the development is not for commercial development and privacy for ground floor residents is important. There is no requirement that prevents residential uses on the ground floor
- the development has been designed in a manner that will retain actual and perceived surveillance towards the street. The alternative would be greater glazing, but in a manner that is likely to result in curtains or blinds, preventing any surveillance to the street
- the visually permeable fencing will allow for activation and possible future conversion to non-residential development for ground floor tenancies. The amount of glazing provided is also considered appropriate should the ground floor be converted to commercial tenancies.

Adaptable buildings

Developments are required to have a minimum floor to floor height of 4.5 metres at the ground floor. The development includes a floor to floor height of 3.68 metres, with a floor to ceiling height of 3.4 metres. This is considered appropriate in this instance due to:

- the configuration and size of the ground floor units would not likely be conducive to hospitality type uses which would require additional height to the proposed 3.4 metres (for vents, grease traps, and so forth)
- both ground floor units have direct access to Regents Park Road or Plaistow Street, which can be modified to provide universal pedestrian access, making them suitable and adaptable for other non-residential uses in the future.

Based on the above, it is considered that the development is sufficiently adaptable to non-residential development should there be future market demand.

Open space and landscaping

The JACP requires that, where development is setback from the street, it is landscaped and 30% of the site is open space. These provisions have been met with landscaping provided in front of courtyards and any areas recessed back from the footpath, and 40% open space provided across the site. While the landscaping requirements of SPP7.3 Vol. 2 do not strictly apply to the proposal, in designing the development the applicant has had regard to Tree Canopy and Deep Soil Areas (element 3.3), Communal Open Space (element 3.4), Private Open Space and Balconies (element 4.4) and Landscape Design (element 4.12).

The development has provided balconies and court yards that meet the minimum requirements suggested by the acceptable outcomes of SPP7.3. These areas are considered appropriately sized and functional for the residents. As less than 10 dwellings are proposed, communal open space is not suggested under the acceptable outcomes, however informal seating has been proposed on the second floor landing. The site is also opposite Regents Park which is a 5,287m² public open space area incorporating significant trees, a playground and communal meeting areas. It is therefore considered that there is adequate private and communal space available for the development.

On-site vegetation is being retained in front of the existing grouped dwellings. The proposed location of the multiple dwelling development is currently sand and grass, therefore no significant vegetation is being lost. The existing landscaping is being enhanced through an additional matching tree to be planted within the street setback of one of the grouped dwellings and trees within the verge along Plaistow Street. While the requirement for deep soil areas and trees specified under SPP7.3 do not apply (as the JACP requirements prevail), in the context of a multiple dwelling in a highly urbanised environment, the amount of landscaping is considered sufficient to achieve the element objectives of SPP7.3 and goes above the requirements under the JACP.

Based on the above, it is considered that the open space, communal areas and landscaping are sufficient.

Visual privacy

The JACP requires that windows or habitable areas do not directly overlook the outdoor living areas or windows of any other residential property. The development meets these requirements, with no major openings directly overlooking the adjoining properties and all major openings facing Plaistow Street or Regents Park Road.

State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments (SPP7.3)

SPP7.3 provides the built form controls for multiple dwellings, with these requirements applying except where replaced by requirements under the JACP. The policy is performance based, broken up into different design elements (for instance plot ratio and solar access). For each design element there are element objectives that are required to be met, in addition to the overall policy objectives. A development that satisfies these objectives is considered to meet the requirements and therefore should not be refused against the policy.

To assist in guiding the assessment against the element objectives, acceptable outcomes and design guidance is provided. These are more specific measurable requirements for each design element. SPP7.3 makes it clear that these acceptable outcomes and design guidance are not a 'deemed-to-comply' pathway and whilst meeting the acceptable outcomes is likely to achieve the element objectives, a proposal may still satisfy the objectives via alternative methods.

State Planning Policy 7 Design of the Built Environment (SPP7) is an overarching policy that establishes 10 broad principles of good design that are applicable to all planning proposals. These principles have been used to establish the policy objectives and element objectives of SPP7.3. Through a proposal meeting the objectives of SPP7.3 it is also considered to meet the requirements of SPP7.

Plot ratio

Element 2.5 Plot ratio objective states:

- O 2.5.1 The overall bulk and scale of development is appropriate for the existing or planned character of the area.*

The acceptable outcomes suggest a plot ratio of 1.3, with the development having a plot ratio of 1.1. In this instance the JACP provides guidance on bulk and scale impacts of height and setback which the proposal meets, as discussed above. The scale of the development is considered appropriate.

Car and bicycle parking

Element 3.9 Car and bicycle parking objectives state:

- O 3.9.1 Parking and facilities are provided for cyclists and other modes of transport.*
- O 3.9.2 Carparking provision is appropriate to the location, with reduced provision possible in areas that are highly walkable and/or have good public transport or cycle networks and/or are close to employment centres.*
- O 3.9.3 Car parking is designed to be safe and accessible.*

The acceptable outcomes suggest a total of 10 car parking bays, comprising eight resident bays and two visitor bays, including parking required for the existing grouped dwellings. The development includes eight resident bays, being one bay per unit. All parking is screened from the street and located at ground level. No visitor parking is proposed on-site.

The design guidance states that visitor parking could be reduced where there is adequate on-street parking or public parking in close proximity to a development. Additionally, a reduction in car parking should also be considered where a site is highly accessible and within close proximity of centres. With regard to these requirements, it is considered that the parking arrangements meet the objectives of element 3.9 for the following reasons:

- 30 designated, timed parking bays are provided within 100 metres of the development along Regents Park Road, with informal street parking and parking at Regents Park also available. While not specifically designated to this development, this provides parking opportunities for visitors in the immediate locality.
- The site is located in close proximity to a high frequency bus route along Grand Boulevard which caters for eight separate bus routes (390, 391, 467, 468, 471, 473, 474 and 390).
- The area is highly walkable, with the site connecting by footpath and dual use path to employment opportunities within the Joondalup City Centre.
- The number of parking permits for residents living in the Joondalup City Centre is being limited based on Council's resolution of 17 July 2018 (CJ124-07/18 refers) to reduce from a maximum of four permits per household, to two permits per household by 2028. These changes are being progressively implemented to enable residents and property owners sufficient time to make adjustments to their on-street permit parking usage. This will potentially free up more on-street parking in the area that could then be used by visitors.
- Based on the surrounding area already being mostly built out with single houses, it is unlikely that many more multiple dwellings will be developed in the near future and therefore any impacts of visitor parking will not be compounded by other developments.

If Council is of the view that visitor parking should be provided, there is opportunity to construct an additional on street bay on Plaistow Street in front of the existing grouped dwellings. Due to the proximity to street corners, existing hydrant and existing vegetation, only one additional bay could be provided. This bay would not be designated for the development and could be used by the public but would serve a function of providing additional visitor parking adjacent to the development. The proposal currently includes the provision of two new coral gums within the verge along Plaistow Street. The inclusion of additional parking in the Plaistow Street road reserve would likely impact the ability for this additional vegetation to be provided.

No designated bicycle parking bays have been provided in communal areas. The applicant has proposed an alternative design solution of including bicycle mounts on the walls in all storerooms to retain functionality within the storeroom and reduce the requirement for communal bicycle parking areas.

Based on the above it is considered that the car and bicycle parking proposed meets the element objectives.

Solar and daylight access

Element 4.1 Solar and daylight access objectives state:

- O 4.1.1 *In climate zones 4, 5 and 6: the development is sited and designed to optimise the number of dwellings receiving winter sunlight to private open space and via windows to habitable rooms.*
- O 4.1.2 *Windows are designed and positioned to optimise daylight access for habitable rooms.*
- O 4.1.3 *The development incorporates shading and glare control to minimise heat gain and glare:*
 - *from mid-spring to autumn in climate zones 4, 5 and 6 AND*
 - *year-round in climate zones 1 and 3.*

The acceptable outcomes suggest 70% of dwellings being provided at least two hours of direct sunlight between 9.00am and 3.00pm. Given the orientation, 50% of the units meet the solar access requirements, with the three units facing Regents Park Road receiving significant early morning sun, but not the two hours required. The development is designed to maximise eastern sunlight for these units as it would not be possible for all dwellings to incorporate a northern aspect. The depth of the units to the light source will optimise daylight internally. It is therefore considered that the amount of light provided to these units is appropriate.

The building is also required to incorporate shading devices to north facing windows. The applicant has advised that passive solar design techniques such as location of deciduous trees and the sizing of the windows negate the requirement for providing awnings. These methods are considered appropriate.

Size and layout of dwellings

Element 4.3 Size and Layout of Dwellings objectives state:

- O 4.3.1 *The internal size and layout of dwellings is functional with the ability to flexibly accommodate furniture settings and personal goods, appropriate to the expected household size.*

- O 4.3.2 *Ceiling heights and room dimensions provide for well-proportioned spaces that facilitate good natural ventilation and daylight access.*

The proposal includes living rooms that do not meet the minimum four metre room dimensions as suggested in the acceptable outcomes.

The applicant has provided furniture layouts for all units which indicate possible configurations. It is considered that the rooms are sufficiently flexible for furniture settings and personal goods that will allow functionality of each unit. These rooms are also well-proportioned, being provided with adequate light and ventilation. It is therefore considered that the element objectives have been met.

Storage

Element 4.6 Storage objective states:

- O 4.6.1 *Well-designed, functional and conveniently located storage is provided for each dwelling.*

All storerooms meet the suggested acceptable outcomes, with the exception of the store located underneath the stairwell. This has a minimum height of 1.9 metres increasing across the storeroom to a maximum height of 2.8 metres. A minimum height of 2.1 metres is suggested through the acceptable outcome. As this minimum height is only for a portion of the store, and it is increased in size up to 2.8 metres, the store is considered to be functional, and in conjunction with the other stores proposed, achieves the element objective.

Waste management

Element 4.17 Waste management objectives state:

- O 4.17.1 *Waste storage facilities minimise negative impacts on the streetscape, building entries and the amenity of residents*
- O4.17.2 *Waste to landfill is minimised by providing safe and convenient bins and information for the separation and recycling of waste.*

The applicants have proposed a *Waste Management Plan* which addresses waste generation rates, waste storage design and other considerations related to noise, odour and location to have minimal impact on the surrounding and future residents. The waste management methods that utilise the existing bin presentation area to the rear of the property, that runs parallel to the laneway, are acceptable to the City.

Issues and options considered

Council is required to determine whether the proposed development of six additional multiple dwellings at Lot 30 (20 – 22) Plaistow Street, Joondalup 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 *Environmentally Sustainable Design Policy.
State Planning Policy 7 Design of the Built Environment (SPP7).
State Planning Policy 7.3 Residential Design Codes
Volume 2 – Apartments (SPP7.3).*

Local Planning Scheme No.3

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

- *To designate land for future development as an activity centre.*
- *To provide a basis for future detailed planning in accordance with the structure planning provisions of this Scheme or the Activity Centres State Planning Policy.*

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.*

State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments

The overall policy objectives for multiple dwellings are as follows:

- *To provide residential development of an appropriate design for the intended residential purpose, land tenure, density, place context and scheme objectives.*
- *To encourage design consideration of the social, environmental and economic opportunities possible from new housing, and an appropriate response to local context.*
- *To encourage design that considers and respects local heritage and culture.*
- *To facilitate residential development that offers future residents the opportunities for better living choices and affordability when seeking a home, as well as reduced operational costs and security of investment in the long term.*

The overall policy objectives for the planning, governance and development processes are as follows:

- *To encourage design that is responsive to site, size and geometry of the development site.*
- *To allow variety and diversity of housing choices where it can be demonstrated this better reflects context or scheme objectives.*
- *To ensure clear scope for scheme objectives to influence the assessment of proposals.*
- *To ensure certainty in timely assessment and determination of proposals, applied consistently across State and local government.*

Joondalup Activity Centre Plan (JACP)

The overall objectives of the JACP that relate to urban form are as follows:

- *Create an identifiable and unique civic heart that is enlivened and activated through a series of connected city squares. each with a unique character and function.*
- *Create an attractive city centre that sets Joondalup apart through the use of high-quality design, materials, street furniture, public art landscape and the retention of vegetation where appropriate.*
- *Promote buildings with scale and character that reflects JACs status as the primary centre of the north-west sub-region.*
- *Encourage development at gateways to the city to enhance arrival and contribute to the city's character and identity.*
- *Encourage increased development intensity, building scale and design quality along transport corridors to appropriately frame the city centre.*
- *Encourage buildings and development that are able to adapt to changing economic, technological, environmental and social conditions.*
- *Encourage buildings that have a well- considered relationship to the street enabling the city to become more intense and active while retaining a human scale.*
- *Enhance the natural environment and emphasise the existing 'bush' identity and landscape quality throughout the JAC.*

The objective for the Lakeside Residential Precinct is as follows:

- *Preserve the existing residential character.*

Risk management considerations

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

Financial / budget implications

The applicant has paid fees of \$2,728 (excluding GST) for assessment of the application in accordance with the City's *Schedule of Fees and Charges*.

Regional significance

Not applicable.

Sustainability implications

The applicant has completed the City's *Environmentally Sustainable Design Checklist* to the extent that it is applicable to the development. The applicant has indicated that the following will be achieved as part of the development:

- Development includes:
 - retention of natural landforms and topography
 - northerly orientation of daytime living/working areas with large windows, and minimal windows to the east and west
 - passive shading of glass
 - sufficient thermal mass in building materials for storing heat
 - insulation and draught sealing.
- Development is to incorporate:
 - renewable energy technologies
 - low energy technologies and/or
 - natural and/or fan forced ventilation.
- Development is to incorporate water efficient technologies.
- Rapidly renewable materials.
- Low-VOC products.

Consultation

The application was advertised for a period of 14 days, commencing on 7 October 2019 and concluding on 22 October 2019. Consultation was undertaken in the following manner:

- A letter was sent to owners and occupiers of 18 properties in the vicinity of the subject site, being a total of 82 letters.
- A sign was installed on site.
- Development plans and information were made available for public viewing on the City's website and at the City's administration building.

Ten submissions were received, all objecting to the proposal. The key concerns raised during this consultation were:

- maximum height is not in keeping with the area which is single or double storey
- car parking in the area is currently insufficient and this development will result in more residents
- the increased residential development will increase the traffic on the already busy roads
- the proposal is considered overdevelopment and should have less residential units
- residents will be affected by the construction of these apartments
- the land was supposed to be built on within two years of purchase. The standards at the time only permitted two storeys.

The key issues raised in the submission are discussed in the planning assessment above, however a full summary of the submissions, and the applicant and City responses, is also provided in Attachment 8 to Report CJ165-12/19.

COMMENT

As outlined above, it is considered that the development is appropriate in the context of its location and meets the relevant requirements.

The application is therefore recommended for approval, subject to conditions.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

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 20 February 2019 submitted by Mario Figliomeni for the proposed six multiple dwellings at Lot 30 (20-22) Plaistow Street, Joondalup, subject to the following conditions:

- 1 This approval relates to the six multiple dwelling development and associated works only. It does not relate to any other development on the lot. Development shall be undertaken in accordance with the approved plan(s), and any other supporting information and the conditions of approval;
- 2 A *Construction Management Plan* being submitted and approved prior to the commencement of development. The management plan shall detail how it is proposed to manage the below:
 - 2.1 all forward works for the site;
 - 2.2 the delivery of materials and equipment to the site;
 - 2.3 the storage of materials and equipment on the site;
 - 2.4 the parking arrangements for the contractors and subcontractors;
 - 2.5 the management of dust during the construction process;
 - 2.6 other matters likely to impact on the surrounding properties,and works shall be undertaken in accordance with the approved *Construction Management Plan*;
- 3 A full schedule of colours and materials for all exterior parts to the building is to be submitted and approved 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;
- 4 A detailed landscaping plan shall be submitted to, and approved, by the City prior to commencement of development. The landscaping plans are to indicate the proposed landscaping treatments of the subject site and adjoining road verges and shall:
 - 4.1 be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;
 - 4.2 provide all details relating to paving, treatment of verges and tree plantings, including treatment of rootable soil zones;

- 4.3 provide plant species, mature height and spread, plant spacing, pot size and quantities and an irrigation design by a Certified Irrigation Designer;
 - 4.4 be based on water sensitive urban design and designing out crime principles;
- 5 Landscaping and reticulation shall be established in accordance with the approved landscaping plans, Australian Standards and best trade practice prior to the occupation of the development and thereafter maintained to the satisfaction of the City;
- 6 A *Refuse Management Plan* indicating the method of rubbish collection is to be submitted prior to the commencement of development, and approved by the City prior to the development first being occupied;
- 7 Lighting shall be installed along all driveways and pedestrian pathways and in all common service areas prior to the development first being occupied, to the satisfaction of the City. A lighting plan shall be submitted to the City for approval prior to the commencement of construction;
- 8 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;
- 9 Apartment four and Apartment six as indicated on the approved plans shall be designed to meet Silver Level requirements as defined in the *Liveable Housing Design Guidelines* (Liveable Housing Australia). Details shall be submitted to and approved by the City prior to commencement of construction, and works shall be undertaken in accordance with the approved details;
- 10 Details of bicycle parking area(s) shall be provided to, and approved by the City prior to the commencement of construction;
- 11 The parking areas, driveway and crossover are to be designed and constructed to the satisfaction of the City prior to occupation of the development, and thereafter maintained to the satisfaction of the City;
- 12 All development shall be contained within the property boundaries;
- 13 All stormwater shall be collected on-site and disposed of in a manner acceptable to the City;
- 14 Prior to occupation of the dwellings, each dwelling shall be provided with an adequate area for clothes drying facilities that is screened from view from the street(s) to the satisfaction of the City. Clothes drying is not permitted in balconies or courtyards;

- 15** **The infill panels of the fencing and balustrade within the front setback shall be visually permeable as defined under *State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments*.**

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf191203.pdf](#)

Disclosures of interest affecting impartiality

Name/Position	Cr Russell Poliwka.
Item No./Subject	CJ166-12/19 - Proposed Six Multiple Dwellings (Apartments) at Lot 957 (4) Cromer Grove, Kallaroo.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Residents speaking against the motion are known to Cr Poliwka.

Name/Position	Cr Suzanne Thompson.
Item No./Subject	CJ166-12/19 - Proposed Six Multiple Dwellings (Apartments) at Lot 957 (4) Cromer Grove, Kallaroo.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Residents against the development are known to Cr Thompson.

Name/Position	Cr Christopher May.
Item No./Subject	CJ166-12/19 - Proposed Six Multiple Dwellings (Apartments) at Lot 957 (4) Cromer Grove, Kallaroo.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Residents speaking against the motion are known to Cr May.

CJ166-12/19 PROPOSED SIX MULTIPLE DWELLINGS (APARTMENTS) AT LOT 957 (4) CROMER GROVE, KALLAROO

WARD	Central
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	06261, 101515
ATTACHMENTS	Attachment 1 Location plan Attachment 2 Development plans Attachment 3 Building perspectives Attachment 4 Landscaping plan Attachment 5 Waste management plan Attachment 6 Applicant's submission against SPP7.3 design elements Attachment 7 Summary of City's SPP7.3 assessment Attachment 8 Summary of submissions Attachment 9 Environmentally Sustainable Design Checklist
AUTHORITY / DISCRETION	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 six multiple dwellings at Lot 957 (4) Cromer Grove, Kallaroo.

EXECUTIVE SUMMARY

An application for development approval has been received for six multiple dwellings at Lot 957 (4) Cromer Grove, Kallaroo.

The proposed development is two storeys, comprising two dwellings on the ground floor and four dwellings on the second floor.

The subject site is zoned 'Residential' with a density code of R20/R40 under the City's *Local Planning Scheme No. 3 (LPS3)*. The development is primarily subject to the requirements of LPS3, *State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments (SPP7.3)* and the *Residential Development Local Planning Policy (RDLPP)*.

The application was advertised for a period of 14 days by way of letters to surrounding land owners/occupiers, a sign on site and a notice on the City's website, concluding on 6 September 2019. A total of 43 submissions were received, all being objections to the development.

Following this consultation, an amended proposal was advertised for a period of 14 days by way of a letter to previous submitters and a notice on the City's website. A total of 46 submissions were received in response to this consultation, being 45 objections and one submission in support of the proposal.

The application is required to be determined by Council as the development proposes more than five multiple dwellings.

It is considered that the proposed development satisfies the requirements of LPS3, SPP7.3 and the RDLPP and there are, therefore, no reasonable grounds upon which to base any refusal of the proposal. It is therefore recommended that the application is approved, subject to conditions.

BACKGROUND

Suburb/Location	Lot 957 (4) Cromer Grove, Kallaroo.
Applicant	Lo Presti Homes.
Owner	Kemstone Investments Pty Ltd.
Zoning	LPS3 Residential, R20/R40.
	MRS Urban.
Site area	728.37m ² .
Structure plan	Not applicable.

The site is currently occupied by a single storey, detached dwelling.

The subject site is bound by Cromer Grove to the south and east, and single dwellings to the north and west (Attachment 1 refers). Three two-storey dwellings are currently under construction to the east of the site, opposite Cromer Grove, with the remainder of the cul-de-sac comprising single and two storey detached dwellings.

The site is located an approximate walkable distance of 85 metres to Whitfords Avenue, which is a high frequency bus route, and 130 metres from the Whitfords Shopping Centre, a secondary centre.

The development site and surrounding properties are zoned 'Residential' under the City's *Local Planning Scheme No. 3* (LPS3), with a density coding of R20/R40 and are located within Housing Opportunity Area 5 (HOA5). New development in the surrounding streets at the higher density includes two-storey grouped dwellings and two-storey multiple dwelling developments, ranging in scale from two to six dwellings per development.

Previous proposal and State Administrative Tribunal decision

A previous development application for six multiple dwellings at the subject site was initially submitted to the City on 5 June 2018. As a decision on the application was not made within the statutory timeframe, the applicant sought a review through the State Administrative Tribunal (SAT) on the basis of a 'deemed refusal'. Through the SAT mediation process, the applicant submitted amended plans for the City to consider on 23 October 2018 and 23 November 2018. These amended plans were refused by the City on 7 December 2018 given they did not meet the necessary objectives of the former Part 6 of *State Planning Policy 3.1 – Residential Design Codes*.

The application proceeded to a full hearing through the SAT process, with the SAT being the decision maker on the application. For the full hearing, further amendments to the proposal were made on 15 January 2019. The proposal was subsequently refused by the SAT due to:

- the poor amenity for Unit 6 due to the provision of highlight windows to most rooms and the living, meals, kitchen opening onto a balcony which was screened to at least 1.65 metres on all sides
- the increased building size did not assist in providing an adequate amount and quality of open space areas on site
- the proposed development did not give due regard to the existing development context or desired future built form, as it did not provide open space of a sufficient quality or quantity for either occupants or the locality.

Draft new development standards for infill development in Housing Opportunity Areas

At its meeting held on 20 August 2019 (CJ099-08/19 refers), Council resolved to prepare and advertise draft new development standards for infill development in Housing Opportunity Areas.

These new development standards are included in two documents - a new Local Planning Policy and Scheme Amendment. Once these documents have been advertised, Council is required to consider all submissions received and make a decision to either proceed with the local planning policy and scheme amendment, with or without modifications, or not proceed with the documents. Should Council elect to proceed, the local planning policy and scheme amendment 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. The scheme amendment is also required to be approved by the Minister.

The current status of the draft local planning policy and scheme amendment is such that they have not yet reached a stage where they can be considered certain or imminent and, on this basis, do not yet meet the requirements to be considered a seriously entertained planning proposal. Therefore, the current application is required to be assessed wholly on the current planning framework.

DETAILS

The proposed development comprises the following:

- Six multiple dwellings within a two-storey building.
- Five dwellings contain two bedrooms and two bathrooms, with one dwelling having two bedrooms and one bathroom.
- The site is a corner lot, with frontages to two aspects of Cromer Grove.
- Entry to the site is from the south of the lot and presents as a flat roof two storey building, with the secondary street (east) elevation having two skillion roofs to create the appearance of two buildings.
- The building façade incorporates elements of face brick, render and contrast render.
- Common property vehicular access point from the southern side of Cromer Grove.
- Ten resident parking bays behind a garage entry and screened from view, with two visitor bays located within the street setback area. The upper floor units, being Units 3 to 6, are allocated two car bays per dwelling. Parking for these bays are in a tandem arrangement.
- Bin storage is located to the west of the site behind the entry to the site and adjacent to the car parking area.

The development plans and supporting information for the development are provided at Attachments 2 to Report CJ166-12/19.

Joondalup Design Reference Panel

The proposal was presented to the Joondalup Design Reference Panel (JDRP) on 17 July 2019. A summary of the JDRP comments, as well as the applicant's response to these items are included in the table below:

Design Reference Panel comment	Applicant response
<p>Concerns regarding the screening to Unit 6 and the impact on the amenity of the dwelling.</p> <p>The balcony area to Unit 6 does not achieve the acceptable outcome to be 25% unscreened.</p> <p>Reconfiguration of the unit could allow for more access to light, and the balcony and some windows to the north not requiring screening.</p>	<p>Unit 6 has been reconfigured so that the balcony has a portion not screened - in turn increasing light and outlook for occupants.</p> <p>The overall dwelling has increased availability of light via a larger highlight window opening in the northern façade to the meals/living area, bedroom one having a major opening to the north, and reducing the roof cover to the balcony.</p>
<p>Comments regarding extent of landscaping provided across the site.</p>	<p>The amount of landscaping and deep soil area meets the objectives of SPP7.3.</p>
<p>Areas of informal communal open space to be provided.</p>	<p>As per SPP7.3, development of this size only requires informal seating which has been provided in the latest plan.</p>

Design Reference Panel comment	Applicant response
No details on service units (such as air conditioning and hot water systems) identified on plans.	Electric hot water systems located in laundry cupboard. Airconditioning units shown on plans, located on the roof.
Raised concerns with the fire rating of the car parking area and noted that several windows open into the carpark space, leading to ventilation issues.	Windows deleted and dwellings reconfigured.
Unit 2 entry is hidden and should be visible within the development upon entering the complex.	Orientation amended to address the carpark.
Recommended an open style garage door to allow for better ventilation within the parking areas and into the ground floor dwellings.	Amended to open style swing gates.
Units 1 and 2 kitchen windows could be adversely impacted by headlights from vehicles entering/exiting the site.	Windows deleted and dwellings reconfigured.

Planning assessment

A planning assessment has been undertaken against the relevant provisions of LPS3, SPP7.3 and the City's RDLPP.

Local Planning Scheme No. 3 (LPS3)

Minimum lot frontage requirement

Clause 26 (5) of LPS3 requires multiple dwelling sites to have a minimum site width of 20 metres at the street boundary.

The subject site has a lot frontage of 22.3 metres at the eastern street boundary, and 12.99 metres (plus 8.5 metre truncation) to the southern street boundary of Cromer Grove, and therefore meets this requirement of LPS3.

Land use

The subject site is zoned 'Residential' under LPS3 with a residential density coding of R20/R40. The land use of 'Multiple Dwelling' is a discretionary or 'D' land use in the Residential zone.

The discretionary land use permissibility for multiple dwellings applies to every lot in the entire Residential zone, across all suburbs of the City of Joondalup. Multiple dwellings are not appropriate to be built on every residential lot in the City of Joondalup and that is why the land use permissibility in the City's scheme requires the exercise of discretion in deciding which lots are appropriate for multiple dwelling development, and which are not.

The City, as part of Amendment No. 73 to the former *District Planning Scheme No. 2 (DPS2)*, recoded certain properties, including the subject site, to allow for the provision of higher density development in certain areas. It was through this action that the City exercised its discretion and decided that multiple dwellings were considered acceptable on certain lots by virtue of the higher density code allocated to them. The relevant standards of the former DPS2 have been transferred through to LPS3.

One of the objectives of the Residential zone is to provide for a range of housing and a choice of residential densities to meet the needs of the community, which the proposed development, and the Housing Opportunity Areas more broadly, does in a local government area that is characterised primarily by detached, single houses.

State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments (SPP7.3)

SPP7.3 provides the primary built form controls for multiple dwellings. The policy is performance-based, broken up into different design elements (for example building height, visual privacy, solar access). For each design element there are element objectives that are required to be met, in addition to the overall policy objectives. A development that satisfies these objectives is considered to meet the requirements and, consequently, should not reasonably be refused.

To assist in guiding the assessment against the element objectives, acceptable outcomes and design guidance is provided in SPP7.3. These are more specific measurable requirements for each design element. SPP7.3 makes it clear that these acceptable outcomes and design guidance are not a 'deemed-to-comply' pathway and, while meeting the acceptable outcomes is likely to achieve the element objectives, a proposal may still satisfy the objectives via alternative methods.

SPP7.3 acknowledges that many local governments have pre-existing local planning policies in place that preceded the introduction of SPP7.3 in May 2019. In recognition of this, SPP7.3 allows certain (but not all) standards of pre-existing local planning policies to continue and carry across as part of the assessment criteria of multiple dwellings.

State Planning Policy 7 Design of the Built Environment (SPP7) is an overarching policy that establishes 10 broad principles of good design that are applicable to all planning proposals. These principles have been used to establish the policy objectives and element objectives of SPP7.3. If a proposal meets the objectives of SPP7.3 it is also considered to meet the requirements of SPP7.

A summary of the City's assessment against SPP7.3 is included in Attachment 7 to Report CJ166-12/19. Notwithstanding this, the key design elements and those relating to the primary concerns raised during consultation, are discussed in more detail below:

Building height

Element 2.2 Building height objectives state:

- O 2.2.1 *The height of development responds to the desired future scale and character of the street and local area, including existing buildings that are unlikely to change.*
- O 2.2.2 *The height of buildings within a development responds to changes in topography.*

- O 2.2.3 *Development incorporates articulated roof design and/or roof top communal open space where appropriate.*
- O 2.2.4 *The height of development recognises the need for daylight and solar access to adjoining and nearby residential development, communal open space and in some cases, public spaces.*

The maximum height of the proposed development is 8.1 metres, less than the nine metre height suggested by the acceptable outcomes.

Appendix 2 of SPP7.3 identifies that neighbourhoods of low-rise residential developments have one to two storey building heights and a variety of developments including single detached dwellings, grouped dwellings and apartments. Given the immediate area comprises one to two storey dwellings, including immediately to the north and east of the site, the height of the proposed building is considered appropriate within the existing and desired streetscape. Access to adequate daylight and solar access for the subject site, adjoining properties and surrounding public spaces is not unduly affected by the proposal. The shadow cast from the dwelling during the winter solstice predominantly falls onto the primary street and driveway access of the adjoining property and, as such, cannot be seen to have negative impact on the active habitable spaces of adjoining properties.

Given the above, the development achieves the element objectives pertaining to building height.

Street setbacks

Element 2.3 Street setback objectives state:

- O 2.3.1 *The setback of the development from the street reinforces and/or complements the existing or proposed landscape character of the street.*
- O 2.3.2 *The street setback provides a clear transition between the public and private realm.*
- O 2.3.3 *The street setback assists in achieving visual privacy to apartments from the street.*
- O 2.3.4 *The setback of the development enables passive surveillance and outlook to the street.*

The acceptable outcomes suggest a minimum setback of two metres and average setback of four metres from the primary street, and 1.5 metres from the secondary street, to achieve the element objectives. These acceptable outcomes are derived from the RDLPP.

The acceptable outcomes have been achieved with the development set back between 5.8 and 7.14 metres from the primary street at ground level, and between four metres and 6.5 metres at the upper floor. A minimum setback of 1.5 metres is proposed to the secondary street at both levels, with the ground floor setback increasing in some instances, providing additional articulation along the external facade.

The setbacks from the primary and secondary streets are consistent with those of other recent developments in the area, and complement the existing landscape character of the street, given the space provided for deep soil areas and associated landscaping. The initial proposal refused by SAT had limited articulation to the secondary street at ground level, but the new proposal incorporates increased setbacks and additional landscaping to the street frontage.

During the consultation period it was raised that the development was not in accordance with the existing streetscape pattern due to the proposed setbacks to the street, specifically the secondary street. While the setback to the secondary street is forward of the adjoining dwelling to the north, a greater setback is required for this adjoining dwelling as it has its primary frontage to this boundary and primary frontages require larger setbacks to the street.

The proposal is consistent with the required setback to secondary streets for all developments in the area, including houses developed at the base R20 density. Additionally, the proposal is set back 3.4 metres from the street immediately adjacent to the northern property. This articulation of the dwelling at both levels assists in providing a clear transition between the adjoining property developed at the R20 density and the proposed development, while also providing landscaping to integrate the multiple dwellings with the surrounding area.

The proposal incorporates openings to habitable spaces at the ground and upper floors which provide surveillance to the street, while also ensuring privacy of residents can be maintained.

Given the above, the proposal is considered to achieve the element objectives for street setbacks.

Side and rear setbacks

Element 2.4 Side and rear setbacks objectives state:

- O 2.4.1 *Building boundary setbacks provide for adequate separation between neighbouring properties.*
- O 2.4.2 *Building boundary setbacks are consistent with the existing streetscape pattern or the desired streetscape character.*
- O 2.4.3 *The setback of development from side and rear boundaries enables retention of existing trees and provision of deep soil areas that reinforce the landscape character of the area, support tree canopy and assist with stormwater management.*
- O 2.4.4 *The setback of development from side and rear boundaries provides a transition between sites with different land uses or intensity of development.*

The development achieves the acceptable outcomes for side and rear setbacks.

The proposal provides for separation between neighbouring properties, with the development setback an average of 3.85 metres to the side boundary and a minimum of 3.2 metres to the rear (when excluding the boundary wall). The setback to these boundaries allows for a more useable outdoor space and areas for both communal activities and landscaping. It also exceeds the setback required for a two-storey single house, if developed at the R20 density.

The setbacks between walls on the boundary and the street are consistent with the existing streetscape pattern on the primary street and the desired streetscape character on the secondary street. More recently completed two-storey developments in the area include setbacks at similar or less than the proposed development. The boundary wall component of the development is set back 3.4 metres from the secondary street with landscaping and trees proposed between the street and this part of the building. The landscaped area in front of the boundary wall has adequate space to provide canopy coverage beyond the ground floor element, particularly as the boundary wall heights are consistent with that permitted for an R20 development.

Through community consultation, concerns were raised regarding the inclusion of a boundary wall as an acceptable outcome. Under the RDLPP, a boundary wall is provided as an acceptable outcome, subject to it meeting the location, length and height requirements of the density code on the adjoining lot. In this instance, the acceptable outcome suggests a boundary wall should meet the R20 requirements applicable to single houses and grouped dwellings. The boundary wall proposed is less than these maximum requirements as outlined in the assessment summarised in Attachment 7 to Report CJ166-12/19. The boundary wall is not proposed adjacent to any major openings or active habitable spaces (including outdoor living areas) of the adjoining property. The existing ground levels of the site and gradual downward slope of the property results in the adjoining property to the north being 0.38 metres higher than the subject site. This level difference and the proposed excavation of the subject site, results in a maximum height of 2.88 metres above the natural ground level of the neighbouring property.

The setback areas proposed to the side and rear boundaries, as well as to the street boundaries, allow for deep soil areas which can support tree canopy growth, and which reinforce the landscape character of the area. The areas for landscaping to these boundaries assist in providing a transition between the differing intensity of developments with single houses to the north and west of the subject site.

In considering the above, it is considered that the development achieves the element objectives for side and rear setbacks.

Plot ratio

Element 2.5 Plot ratio objective states:

O 2.5.1 The overall bulk and scale of development is appropriate for the existing or planned character of the area.

A plot ratio of 0.6 is suggested under the acceptable outcomes, with the development proposing 0.601. The 0.6 plot ratio area equates to 437.02m², with 437.83m² proposed (0.81m² or <1m² over than the acceptable outcome).

It is considered that the bulk and scale of the development are appropriate for the character of the area with the building height, setbacks and building separation consistent with dwellings recently developed in the immediate area. The landscaping and setbacks proposed also provide an appropriate transition between character established by the original housing stock and that of next generation development.

Following the first round of consultation, the applicant has increased the setbacks to the ground floor of the development from the street, which allows for greater areas of deep soil and landscaping, with the upper floor set back appropriately to allow for tree growth and tree canopy. The setbacks and landscaped areas assist in mitigating the impact of bulk of the development to both adjoining properties and as viewed from the street.

In considering the above, it is considered that the plot ratio of the development achieves the element objective and the proposal is appropriate for its location.

Tree canopy, deep soil areas and landscape design

Element 3.3 Tree canopy and deep soil areas objectives state:

- O 3.3.1 *Site planning maximises retention of existing healthy and appropriate and protects the viability of adjoining trees.*
- O 3.3.2 *Adequate measures are taken to improve tree canopy (long term) or to offset reduction of tree canopy from pre-development condition.*
- O 3.3.3 *Development includes deep soil areas, or other infrastructure to support planting on structures, with sufficient area and volume to sustain healthy plant and tree growth.*

Element 4.12 Landscape design objectives state:

- O 4.12.1 *Landscape design enhances streetscape and pedestrian amenity; improves the visual appeal and comfort of open space areas; and provides an attractive outlook for habitable rooms.*
- O 4.12.2 *Plant selection is appropriate to the orientation, exposure and site conditions and is suitable for the adjoining uses.*
- O 4.12.3 *Landscape design includes water efficient irrigation systems and, where appropriate incorporates water harvesting or water re-use technologies.*
- O 4.12.4 *Landscape design is integrated with the design intent of the architecture including its built form, materiality, key functional areas and sustainability strategies.*

The acceptable outcomes suggest 10% of the site as deep soil area is appropriate, with either one large tree and small trees, or two medium trees as appropriate. The proposed development provides 15% of the site as deep soil area, with two medium trees and small trees proposed within these areas.

No existing trees on site are considered appropriate for retention due to the existing species, in particular the Cupressus tree, which is not suitable for Australian soils. During the consultation period it was raised that an existing Norfolk tree had been removed from the subject site following the April 2019 SAT decision and prior to the submission of the current development application. As the tree was located on private property, the City is not able to prevent the tree from being removed.

Notwithstanding the loss of existing trees, the landscaping plan includes two medium and four small trees around the site which are appropriate for the location and which would increase the long-term canopy coverage from the current site condition. Additionally, four verge trees are proposed, which would further enhance the landscape quality of the site.

The deep soil areas are located in the street setback and western setback areas of the site. The areas in the street setback area allow for trees to mature and for canopy coverage of the adjacent verge area.

During community consultation, concerns were raised regarding deep soil areas not achieving the acceptable outcome of 36m² and that the areas would therefore be inadequate to sustain the proposed trees. While 36m² is suggested as an acceptable outcome, the element objectives require deep soil areas to be adequate for the trees to reach maturity. The deep soil areas proposed for each tree have been reviewed and are considered to be of sufficient size for the proposed trees to reach full maturity, noting that the individual deep soil areas provide the minimum required width suggested under SPP7.3.

The landscape design contributes to the visual appeal of the development as viewed from the street, as small trees, a medium tree and various shrubs are located between the building and the street. The species proposed are considered appropriate for the location and will provide an attractive outlook from habitable rooms of the dwellings, while also enhancing the streetscape.

Water efficient irrigation systems, consistent with waterwise design principles are proposed throughout the landscaped areas. The landscaped and deep soil areas are proposed to include tree species which require low water use, coarse mulch to reduce soil water loss and water retention soil preparation as an additional measure to incorporate waterwise design elements.

Considering the above, the overall landscape design for the site, which includes both medium and small trees is acceptable, and the species selected are considered to support long term canopy coverage within the site. As such, the proposal achieves the element objectives pertaining to tree canopy, deep soil areas and landscape design.

Communal open space

Element 3.4 Communal open space objectives state:

- O 3.4.1 *Provision of quality communal open space that enhances resident amenity and provides opportunities for landscaping, tree retention and deep soil areas.*
- O 3.4.2 *Communal open space is safe, universally accessible and provides a high level of amenity for residents.*
- O 3.4.3 *Communal open space is designed and oriented to minimise impacts on the habitable rooms and private open space within the site and of neighbouring properties.*

The acceptable outcome suggests an informal seating area (for communal use) be provided within deep soil or landscaped areas of the site.

An informal seating area is proposed within the deep soil area adjacent to the primary street boundary, facing Cromer Grove. The location of the communal space allows for passive surveillance of the street.

The bench seating provided is located under a medium tree, which would provide shade during the day and ensure the space remains useable during the summer months. The seating is located to have minimal impact on habitable rooms of the proposed dwellings and neighbouring properties.

In view of the above, the development achieves the element objectives for communal open space.

Visual privacy

Element 3.5 Visual Privacy objective states:

- O 3.5.1 *The orientation and design of buildings, windows and balconies minimises direct overlooking of habitable rooms and private outdoor living areas within the site and of neighbouring properties, while maintaining daylight and solar access, ventilation and the external outlook of habitable rooms.*

The acceptable outcomes suggest major openings (windows) be set back from adjoining properties at a distance of 4.5 metres to bedrooms, studies and open walkways, six metres to habitable rooms other than bedrooms and studies (that is living rooms), and 7.5 metres to unenclosed private open space areas (that is balconies).

The proposed development achieves the acceptable outcome with the setbacks of unscreened windows and balconies meeting the suggested minimum setback. Screening has also been provided to some habitable rooms and balconies in accordance with the requirement to minimise the potential of overlooking.

The acceptable outcomes also suggest balconies should be unscreened for at least 25% of their perimeter. The JDRP suggested that the amenity of Unit 6 could be improved by reconfiguring to allow for a greater external outlook and access to sunlight to the dwelling without compromising the privacy of neighbouring properties. As a result, Unit 6 was reconfigured to incorporate less permanent screening (now unscreened for 22% of the perimeter), with the unit maintaining an unscreened view from the meals/living area and bedrooms. It is also noted that the size of the balcony to Unit 6 exceeds the minimum size suggested under the acceptable outcomes of SPP7.3.

During consultation, some concerns were raised regarding loss of privacy to adjacent properties arising from the balcony of Unit 6. Clarity was also sought on whether the balconies to the remaining units were screened.

The building has been designed and orientated to minimise direct overlooking to habitable rooms and private outdoor living areas, both within the site and neighbouring properties, without relying heavily on high sill windows and permanent screening.

The Unit 6 balcony includes a high screen along the northern boundary to prevent overlooking to the adjoining property. The Unit 6 balcony is also set back 7.5 metres from the western boundary in accordance with the acceptable outcome. While the setback of the unscreened portion of the balcony to Unit 6 is considered appropriate to minimise overlooking and satisfies the element objectives, the medium and small trees located between the balcony and the western adjoining property will further assist to maintain additional privacy, once these trees reach maturity.

Any overlooking from the unscreened balconies of Units 3, 4 and 5, which front the primary and secondary streets, falls within the street setback areas of the subject site and adjoining properties.

Each dwelling contains major openings to a habitable room which allow natural sunlight and ventilation into the dwelling. The orientation of the dwellings optimises the northern aspect of the site with highlight windows included to allow for sunlight penetration into the habitable rooms while ensuring the privacy of adjoining residents is maintained. The external outlook from the dwellings is not compromised by screening, with the ground floor having courtyards and the upper floor units having uninterrupted views from living spaces through the balcony.

Given the above, the proposed development is considered to achieve the element objectives pertaining to visual privacy.

Car and bicycle parking

Element 3.9 Car and bicycle parking objectives state:

- O 3.9.1 *Parking and facilities are provided for cyclists and other modes of transport.*
- O 3.9.2 *Carparking provision is appropriate to the location, with reduced provision possible in areas that are highly walkable and/or have good public transport or cycle networks and/or are close to employment centres.*
- O 3.9.3 *Car parking is designed to be safe and accessible.*
- O 3.9.4 *The design and location of car parking minimises negative visual and environmental impacts on amenity and the streetscape.*

The acceptable outcomes suggest the provision of six resident bays, two visitor bays and four bicycle bays for the development. The application proposes 10 resident bays, two visitor bays and four bicycle bays.

The number of bays provided for the dwellings and visitors is considered appropriate given the proximity of the site to high frequency bus routes on Whitfords Avenue and the Whitford Shopping Centre, which provides access to services and amenities, as well as local employment opportunities. While the visitor bays are located within the street setback area, the minimal number (two) is not considered to unduly affect the visual or environmental amenity of the streetscape. The visitor bays have a small amount of landscaping within the lot boundary to assist in screening vehicles from the street, with additional landscape screening provided within the verge area. The visitor parking bays are also considered to be in an appropriate location as they are visible upon entering the site and accessible, not being located behind any security barriers.

During community consultation, concerns were raised that the number of visitor bays did not meet the amount required under the City's RDLPP, but the car parking requirements of the RDLPP were automatically replaced by the requirements of SPP7.3 upon its gazettal on 24 May 2019. The RDLPP parking standard is therefore no longer applicable to multiple dwelling developments.

Concerns were also raised about the proposed tandem parking arrangement. However, the design guidance provided in SPP7.3, suggests some alternative design solutions to satisfy the Element Objectives for car and bicycle parking, and one of these solutions is the use of tandem parking to reduce the overall area on the site required for parking.

The location of the residential bays, being under the upper floor of the building and away from the street frontages, reduces the impact on the visual amenity of the streetscape.

Considering the above, the proposal achieves the element objectives relating to car and bicycle parking.

Solar and daylight access

Element 4.1 Solar and daylight access objectives state:

- O 4.1.1 *In climate zones 4, 5 and 6: the development is sited and designed to optimise the number of dwellings receiving winter sunlight to private open space and via windows to habitable rooms.*
- O 4.1.2 *Windows are designed and positioned to optimise daylight access for habitable rooms.*
- O 4.1.3 *The development incorporates shading and glare control to minimise heat gain and glare:*
 - *from mid-spring to autumn in climate zones 4, 5 and 6 and*
 - *year-round in climate zones 1 and 3.*

The acceptable outcome suggests a minimum of 70% of dwellings should have living rooms and private open space areas receiving at least two hours direct sunlight per day, and a maximum of 15% of dwellings receiving no direct sunlight. Five out of six (83.4%) of dwellings are orientated to receive at least two hours of direct sunlight per day and therefore the development achieves the acceptable outcome in this regard. However, it also means one dwelling (that is 16.6% of all dwellings) exceeds the acceptable outcome suggestion that a maximum of 15% of dwellings receive no direct sunlight.

The development has been sited and designed to optimise the number of dwellings receiving winter sunlight into active habitable spaces with only one of the six dwellings orientated to the south. The inclusion of highlight openings in the northern façade provides natural sunlight into the bedrooms of Unit 5, along with the meals area and balcony of Unit 6. Unit 3 and Unit 6 also incorporate a higher skillion roof height, with larger windows to provide greater access to light. The courtyards of Unit 1 and Unit 2 at ground level and balconies of Units 4 and 5 at the upper level of the development face east and open onto living areas of the dwelling. As these openings face the secondary street, access to direct sunlight of the areas will not be affected by future developments.

Shading devices are not included in the development, however the roof cover to the balconies and upper floor overhang to the ground floor courtyards is considered to assist in shading and reducing the heat gain and glare to these units during the summer months. When considering the windows to habitable rooms on the northern façade, the design guidance outlines the use of obscure glazing to 1.6 metres with clear glazing above as a suitable alternative. As bedroom 2 to Unit 5 and the meals area of Unit 6 have additional openings to gain access to sunlight, only one window in the northern façade is proposed to be obscured to 1.6 metres with clear glazing above (to bedroom 1 of Unit 5). The inclusion of this opening optimises natural light to the room while achieving a dual purpose of visual privacy to neighbouring properties.

The development provides for an acceptable level of direct sunlight to apartments, while also balancing this with the need for passive shading to habitable rooms and as such achieves the element objectives applicable to solar and daylight access.

Storage

Element 4.6 Storage objective states:

- O 4.6.1 *Well-designed, functional and conveniently located storage is provided for each dwelling.*

The acceptable outcomes suggest that:

- exclusive bulky goods storage areas are provided for each dwelling with a minimum area of 4m² and with internal dimension of at least 1.5 metres
- storerooms not located within dwellings are located in areas that are convenient, safe, well-lit, secure and subject to passive surveillance
- storage areas are integrated into the design of the building and are not readily visible from the street.

The storage areas of Unit 3 and Unit 5 fall marginally short of the suggested acceptable outcomes as an area of 3.9m² is proposed for the Unit 3 store and a minimum dimension of 1.43 metres is proposed for the Unit 5 store.

When considering the storage areas against the design guidance and element objectives, the areas are considered to be well designed, functional and conveniently located. The stores provided for Unit 3 and Unit 5 have sufficient space to ensure personal and bulky goods can be stored in a location which is protected from various weather conditions and are readily accessible for residents. Utilities and services such as air-conditioning units and electrical distribution boards are not located within the stores, allowing for more usable space.

Given the above, the development achieves the element objective for storage.

Façade and roof design

Element 4.10 Façade design objectives state:

- O 4.10.1 *Building façades incorporate proportions, materials and design elements that respect and reference the character of the local area.*
- O 4.10.2 *Building façades express internal functions and provide visual interest when viewed from the public realm.*

Element 4.11 Roof design state:

- O 4.11.1 *Roof forms are well integrated into the building design and respond positively to the street.*
- O 4.11.2 *Where possible, roof spaces are utilised to add open space, amenity, solar energy generation or other benefits to the development.*

The acceptable outcomes suggest the façade of the building should include elements of scaling, articulation and inclusion of design elements at lower levels which reflect the scale and character of the area; building fixtures that are integrated with the façade and are not visually intrusive; and a combination of building articulation, textures, colours and materials to create visual interest. The acceptable outcomes also suggest the roof form should complement the façade design and desired streetscape.

Through the initial consultation, concern was raised that the scale, roof form and materials of the development were inconsistent with the surroundings and there was no provision for solar generation. The applicant subsequently amended the finishes to lighten materials and colours so that the development is more consistent with other developments in the area. During the second round of consultation, some submissions acknowledged the changes as an improvement, however were still concerned that the proposal is inconsistent with the surroundings.

The development includes textures, colours and materials to provide visual interest as viewed from the street, including rendered walls, face brick and feature cladding. These building finishes are consistent with contemporary residential design and reflect other development undertaken in the area. The articulation of the development through inclusion of balconies and large major openings assists in reducing the perception of bulk, as viewed from the street.

The concealed roof element complements the existing streetscape, with the breaking up of the roof form considered to improve the overall building articulation. There are numerous dwellings in the immediate area that have flat or skillion roof design, including single and grouped dwellings, and therefore this roof form is not out of character with the area. Solar generation has been incorporated into the proposal with solar panels, and the proposed air-conditioning units located on the roof of the development are positioned to have minimal visual impact on the streetscape.

The development provides for a façade and roof design which is complementary to and consistent with the existing locality and other development in the area, including existing detached single dwellings. As such, the proposal is considered to achieve the relevant façade design and roof design element objectives.

Waste management

Element 4.17 Waste management objectives state:

- O 4.17.1 *Waste storage facilities minimise negative impacts on the streetscape, building entries and the amenity of residents.*
- O 4.17.2 *Waste to landfill is minimised by providing safe and convenient bins and information for the separation and recycling of waste.*

A detailed waste management plan is provided as Attachment 5 to Report CJ166-12/19. The management plan details the inclusion of general waste, recycling and green waste bins, with the responsibility and maintenance of these bins by a caretaker on site. To ensure future occupants are aware of waste responsibilities, they will be advised of the waste management practices and responsibilities by the Strata Manager on occupation.

The proposed waste storage area is located in the south-western corner of the lot. The location is considered to have minimal impact on the amenity of residents and the streetscape as the storage area is located behind the primary street and away from entries to dwellings.

During the initial consultation period, concerns were raised regarding the number of bins which would be located on the verge on collection day, and during both consultation periods there were concerns the bin storage area was inadequate for the required number of bins. Waste services for the site will be shared, with three 240 litre general waste bins, two 360 litre recycling bins and two 240 litre green waste bins provided to service the six units. The bin store is large enough to accommodate the seven bins required. Waste collection will be from the verge area, as per the waste management plan. As green waste and recycling is collected on alternate weeks, a maximum of five bins will be present on the verge on collection day. The verge area adjacent to the site can accommodate the five bins.

Given the above, the proposal is considered to achieve the element objectives relating to waste management.

Previous SAT decision

As outlined in the assessment above, a previous application for the development of six multiple dwellings was refused by the SAT due to:

- poor amenity to Unit 6
- increased building size reducing quality and amount of open space on site
- development not giving due regard to the existing and desired built form of the locality due to the poor quality and quantity of open space on site.

Although there are similarities between the design refused by the SAT and the current design, key changes have been undertaken to meet the Element Objectives of SPP7.3.

The major changes include the following:

- The amenity for Unit 6 has increased through reconfiguring the building layout to provide greater access to natural sunlight and ventilation, while also improving the outlook for residents. The balcony of Unit 6 has a component which is unscreened and has an outlook to the landscaped area to the western boundary of the lot.
- Upper floor building setbacks to the rear (northern) boundary have increased from a minimum of 1.68 metres to three metres, and setbacks to the western boundary have increased from 1.2 metres (minimum) to two metres. The development has also been modified at ground level with the one metre minimum setback previously provided on the western boundary now increased to a minimum of two metres. The greater setbacks allow for increased open space on site and greater separation from adjoining properties.
- The reconfiguration of the ground floor has allowed for additional landscaping to be provided between the building and the primary and secondary streets.
- Additional space for landscaping has been incorporated around the site as a result of the increased setbacks and building reconfiguration. A medium tree has been proposed within the western boundary setback area and additional small trees are provided around the site.

Issues and options considered

Council is required to determine whether the proposed development of six multiple dwellings at Lot 957 (4) Cromer Grove, Kallaroo 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 *Residential Development Local Planning Policy (RDLPP).
Environmentally Sustainable Design Policy.
State Planning Policy 7 Design of the Built Environment (SPP7).
State Planning Policy 7.3 Residential Design Codes
Volume 2 – Apartments (SPP7.3).*

Local Planning Scheme No.3

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

- *To provide for a range of housing and a choice of residential densities to meet the needs of the community.*
- *To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.*
- *To provide for a range of non-residential uses, which are compatible with and complementary to residential development.*

Clause 26 (5) of LPS3 states the following:

Clause 5.1.1 of the R-Codes is modified by inserting the additional 'deemed-to-comply' criteria:

C1.5 In areas where dual coding applies, site areas under the higher coding may be applied subject to the following:

- (i) Development which complies with a minimum frontage of 10 metres at the setback line, with the exception of multiple dwelling sites; or*
- (ii) Development of multiple dwelling sites which complies with a minimum site width of 20 metres at the street boundary.*

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.*

Residential Development Local Planning Policy

The overall objectives of this policy are to encourage:

- *An improved streetscape outcome, which is attractive and enhances and complements the visual character, bulk and scale of the surrounding built form.*
- *High quality built development outcomes in relation to building design and site layout.*

- *Residential subdivision and development with safe, functional and attractive access arrangements in and out of sites, which contribute to the overall aesthetics of developments.*
- *New development that is designed having regard to the issue of crime prevention and surveillance of the street and housing entrances.*
- *Varying density development, inclusive of development within dual density coded areas that are integrated into the surrounding built environment.*

State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments

The overall policy objectives for multiple dwellings are:

- *To provide residential development of an appropriate design for the intended residential purpose, land tenure, density, place context and scheme objectives.*
- *To encourage design consideration of the social, environmental and economic opportunities possible from new housing, and an appropriate response to local context.*
- *To encourage design that considers and respects local heritage and culture.*
- *To facilitate residential development that offers future residents the opportunities for better living choices and affordability when seeking a home, as well as reduced operational costs and security of investment in the long term.*

The overall policy objectives for the planning, governance and development processes are:

- *To encourage design that is responsive to site, size and geometry of the development site.*
- *To allow variety and diversity of housing choices where it can be demonstrated this better reflects context or scheme objectives.*
- *To ensure clear scope for scheme objectives to influence the assessment of proposals.*
- *To ensure certainty in timely assessment and determination of proposals, applied consistently across State and local government.*

Risk management considerations

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

Financial / budget implications

The applicant has paid fees of \$3,370.50 (excluding GST) for assessment of the application in accordance with the City's *Schedule of Fees and Charges*.

Regional significance

Not applicable.

Sustainability implications

The applicant has completed the City's *Environmentally Sustainable Design Checklist* to the extent that it is applicable to the development. The applicant has indicated that the following will be achieved as part of the development:

- Retention of natural landforms and topography.
- Passive shading of glass.
- Sufficient thermal mass in building materials for storing heat.
- Insulation and draught sealing.
- Low energy technologies.
- Natural and/or fan forced ventilation.

Consultation

The application was advertised for a period of 14 days, commencing on 23 August 2019 and concluding on 6 September 2019. Consultation was undertaken in the following manner:

- A letter was sent to owners and occupiers within immediate vicinity of the proposal, as well as all previous submitters on the original proposal refused by the City and the SAT.
- An email was sent to all previous submitters who provided an email address.
- A sign was installed on site.
- Development plans and information were made available for public viewing on the City's website and at the City's administration building.

A total of 43 submissions were received, with all submissions objecting to the proposal. The key concerns raised during this consultation were as follows:

- Plot ratio, height, scale, roof form and façade design of development are not in keeping with the surrounding area.
- Street setbacks do not reinforce the character of the street.
- Boundary wall is not in accordance with the acceptable outcomes of SPP7.3 as it does not abut an existing wall and results in reduced building separation.
- Lack of solar access to the development, particularly Unit 3 and Unit 6.
- Limited deep soil areas, with areas provided unable to achieve acceptable outcome requirements.
- Safety impacts as a result of the development being in a cul-de-sac and vehicle entry point in proximity to corner of lot.
- Lack of parking, particularly visitor parking on site.
- Poor amenity for residents in Unit 6.
- Loss of privacy for surrounding developments.

Following this initial consultation, amended plans were submitted by the applicant. The revised proposal was advertised for 14 days, commencing on 15 October 2019 and concluding on 29 October 2019. Re-advertising was undertaken in the following manner:

- Letters sent to all residents who provided a submission on the previous proposal.
- Development plans and information made available for public viewing on the City's website and at the City's administration building.

At the conclusion of the consultation period, 46 submissions were received, being 45 objections and one submission of support. Of the 45 objections, 34 were received from Kallaroo residents and 11 were received from people living in other suburbs like Duncraig, Iluka, Warwick and Woodvale. 16 of the objections were proforma submissions.

The key concerns raised with the revised development include the following:

- Plot ratio, height, scale, roof form and façade design of development are not in keeping with the surrounding area.
- Street setbacks do not reinforce the character of the street.
- Boundary wall is not in accordance with the acceptable outcomes of SPP7.3 as it does not abut an existing wall and results in reduced building separation.
- Visual privacy concerns to surrounding developments.
- Lack of solar access to Unit 3 and Unit 6.
- Parking on site not in accordance with City's RDLPP.
- Limited deep soil areas, with areas provided unable to achieve acceptable outcome requirements.
- Insufficient waste storage areas.
- Safety impacts as a result of the development being in a cul-de-sac and vehicle entry point in proximity to corner of lot.

A detailed summary of the submissions against the specific design elements of SPP7.3 and general comments on the development is provided at Attachment 8 to Report CJ166-12/19.

COMMENT

The proposal has been assessed against the element objectives of SPP7.3.

Having regard to the element objectives, it is considered there are no reasonable planning grounds upon which this proposal could be refused, and the application is therefore recommended for approval, subject to conditions.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

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 11 June 2019 submitted by Kemstone Investments for the proposed six multiple dwellings at Lot 957 (4) Cromer Grove, subject to the following conditions:

- 1 This approval relates to the multiple dwelling development only and development shall be in accordance with the approved plan(s), any other supporting information and conditions of approval. It does not relate to any other development on the lot;**

- 2 **A *Construction Management Plan* being submitted and approved prior to the commencement of development. The management plan shall detail how it is proposed to manage:**
 - 2.1 all forward works for the site;
 - 2.2 the delivery of materials and equipment to the site;
 - 2.3 the storage of materials and equipment on the site;
 - 2.4 the parking arrangements for the contractors and subcontractors;
 - 2.5 the management of dust during the construction process;
 - 2.6 other matters likely to impact on the surrounding properties,

and works shall be undertaken in accordance with the approved *Construction Management Plan*;
- 3 **A full schedule of colours and materials for all exterior parts of the building is to be submitted and approved 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;**
- 4 **A detailed landscaping plan shall be submitted to, and approved, by the City prior to commencement of development. The landscaping plans are to indicate the proposed landscaping treatments of the subject site and adjoining road verges and shall:**
 - 4.1 be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;
 - 4.2 provide all details relating to paving, treatment of verges and tree plantings, including treatment of rootable soil zones;
 - 4.3 provide plant species, mature height and spread, plant spacing, pot size and quantities and an irrigation design by a Certified Irrigation Designer;
 - 4.4 be based on water sensitive urban design and designing out crime principles;
- 5 **Landscaping and reticulation shall be established in accordance with the approved landscaping plans, *Australian Standards* and best trade practice prior to the occupation of the development and thereafter maintained to the satisfaction of the City;**
- 6 **A *Refuse Management Plan* indicating the method of rubbish collection is to be submitted and approved by the City prior to the commencement of development;**
- 7 **Lighting shall be installed along all driveways and pedestrian pathways and in all common service areas prior to the development first being occupied, to the satisfaction of the City. A lighting plan shall be submitted to the City for approval prior to the commencement of development;**
- 8 **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;**

- 9 Unit 1 and Unit 2 shall be designed to meet Silver Level requirements as defined in the *Liveable Housing Design Guidelines* (Liveable Housing Australia). Details shall be submitted to and approved by the City prior to commencement of development, and works shall be undertaken in accordance with the approved details;
- 10 Bicycle parking facilities provided shall be designed in accordance with the *Australian Standard for Off-street Car parking – Bicycles* (AS2890.3-1993). Details of bicycle parking area(s) shall be provided to, and approved by the City prior to the commencement of development;
- 11 The parking areas, driveway and crossover are to be designed and constructed to the satisfaction of the City prior to occupation of the development, and thereafter maintained to the satisfaction of the City;
- 12 The on-site visitor bays shall be marked and permanently made available for visitor parking and shall remain accessible to visitors;
- 13 All development shall be contained within the property boundaries;
- 14 All stormwater shall be collected on-site and disposed of in a manner acceptable to the City;
- 15 Prior to occupation of the dwellings, each dwelling shall be provided with an adequate area for clothes drying facilities that is screened from view from the street(s) to the satisfaction of the City. Clothes drying is not permitted on balconies or in courtyards;
- 16 Fencing and gates to the secondary street and undercroft as shown on the approved plans, shall be visually permeable as defined by *State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments*;
- 17 The windows to Bed 1 of Unit 3 and Unit 5 and the 1650 screen wall to Unit 6 shall comply with the definition of screening under *State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments*. All screening shall be a minimum of 1.6 metres above the finished floor level, at least 75 percent obscure, permanently fixed, made of durable material, and restrict view in the direction of overlooking into any adjoining property. All screening shall be installed to the satisfaction of the City prior to occupation of the dwellings.

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf191203.pdf](#)

CJ167-12/19 PROPOSED SIX MULTIPLE DWELLINGS (APARTMENTS) AT LOT 7 (6) STOCKWELL WAY, KINGSLEY

WARD	South-East
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	47202, 101515
ATTACHMENTS	Attachment 1 Location plan Attachment 2 Development plans Attachment 3 Building perspectives Attachment 4 Landscaping plan Attachment 5 Waste management plan Attachment 6 Applicant's submission against SPP7.3 design elements Attachment 7 Summary of submissions Attachment 8 Summary of City's SPP7.3 assessment Attachment 9 Environmentally sustainable design checklist
AUTHORITY / DISCRETION	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 six multiple dwellings at Lot 7 (6) Stockwell Way, Kingsley.

EXECUTIVE SUMMARY

An application for development approval has been received for six multiple dwellings at Lot 7 (6) Stockwell Way, Kingsley.

The proposed development is three storeys, with two dwellings on each floor.

The subject site is zoned 'Residential' with a density code of R20/R60 under the City's *Local Planning Scheme No. 3 (LPS3)*. The development is primarily subject to the requirements of LPS3, *State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments (SPP7.3)* and the *Residential Development Local Planning Policy (RDLPP)*.

The application was advertised for a period of 16 days by way of letters to surrounding land owners/occupiers, a sign on site and a notice on the City's website, concluding on 6 November 2019. A total of 27 submissions was received, all being objections to the development.

The application is required to be determined by Council as the development proposes more than five multiple dwellings.

It is considered that the proposed development does not satisfy the requirements of LPS3, SPP7.3 or RDLPP. It is therefore recommended that the application be refused.

BACKGROUND

Suburb/Location	Lot 7 (6) Stockwell Way, Kingsley.
Applicant	Simsai Construction Group.
Owner	James and Cadence Willis.
Zoning	LPS Residential, R20/R60.
	MRS Urban.
Site area	683.4m ² .
Structure plan	Not applicable.

The site is currently occupied by a single storey, detached dwelling and is bound by Stockwell Way to the east and single dwellings to the north, west and south (Attachment 1 refers). The site is located an approximate walkable distance of 560 metres to the pedestrian bridge of Whitfords Station.

The development site and surrounding properties are zoned 'Residential' under the City's *Local Planning Scheme No. 3 (LPS3)*, with a density coding of R20/R60 to the west side of Stockwell Way and R20/R40 to the east. The subject site is located in Housing Opportunity Area 6 (HOA6). New development in surrounding streets comprises two storey grouped dwellings and two storey multiple dwelling development, typically ranging in scale from two up to ten dwellings.

Draft new development standards for infill development in Housing Opportunity Areas

Council at its meeting held on 20 August 2019 (CJ099-08/19 refers) resolved to prepare and advertise draft new development standards for infill development in Housing Opportunity Areas. These new development standards are included in two documents - a new local planning policy and scheme amendment. Once the documents have been advertised, Council is required to consider all submissions received and make a decision to either proceed with the local planning policy and scheme amendment, with or without modifications, or not proceed with the documents. Should Council elect to proceed, the local planning policy and scheme amendment 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. The scheme amendment is also required to be approved by the Minister.

The current status of the draft local planning policy and scheme amendment is such that they have not yet reached a stage where they can be considered certain or imminent and, on this basis, do not yet meet the requirements to be considered a seriously entertained planning proposal. Therefore, the current application is required to be assessed wholly on the current planning framework.

DETAILS

The proposed development comprises the following:

- Six multiple dwellings in a three-storey building, with each dwelling comprising two bedrooms and two bathrooms.
- A common vehicle access point from Stockwell Way.
- Eight on-site car parking bays, with six allocated to residents and two for visitors.
- Entries to the dwellings from a communal foyer located off the pedestrian and vehicle access point. Unit 1 has the potential for individual access from the street frontage via a pedestrian gate.
- Landscaping and deep soil areas are provided within the courtyard areas of Unit 1 and Unit 2, next to the vehicle access areas.
- The building façade incorporates elements of face brick, render and contrast render, with a pitched roof.
- Bin storage is located to the north west of the site next to the car parking area.

The development plans and supporting information for the development are provided at Attachments 2 to 7.

Joondalup Design Reference Panel

The proposal was presented to the Joondalup Design Reference Panel (JDRP) on 19 June 2019. A summary of the JDRP comments, as well as the applicant's response to these items is included in the table below:

Design Reference Panel comment	Summary of applicant response
The site is overdeveloped.	<p>SPP7.3 specifies a maximum plot ratio of 0.8. We achieve 0.69 which is well under maximum zoning capacity or potential.</p> <p>We feel the proposal is a positive and balanced design outcome with appealing facades and functional, open and decent sized internal and external living spaces.</p>
The 10 Design Principles of SPP7.0 have not been met.	Response provided in submission against element objectives (Attachment 6 refers).
<p>The proposed setbacks do not achieve the acceptable outcome of three metres to the northern boundary.</p> <p>Increased setbacks would allow for more landscaped areas and protect future solar access to the northern boundary of the subject site should the adjoining property be developed. Increased setbacks would also allow for major openings to the northern aspect of the site.</p>	<p>Side setbacks have been increased to the northern boundary.</p> <p>Moving the first and second floors over to allow a three-metre northern setback would then limit the ability to landscape Unit 2 courtyard and along the driveway edge as this space would be under the building.</p>

Design Reference Panel comment	Summary of applicant response
	<p>A three-metre northern setback would not allow any major openings to the north as the adjacent site is R20 and requires a six metre setback to habitable room major openings, 4.5 metres to bedroom major openings and 7.5 metres to balconies.</p> <p>If the adjacent site to the north was developed to the higher coding, a minimum 4.5 metre setback to habitable room major openings, three metres to the bedrooms and six metres to balconies could be incorporated to the subject proposal. As the adjoining property is developed at the R20 density the development has been designed sensitively and respectfully with rooms and openings located to avoid overlooking.</p> <p>Any increase to the northern setback on the first and second floor will increase overshadowing to the southern adjoining lot and would also result in reduced visual openness of Unit 4 and Unit 6 due to the resultant application of visual screening to prevent overlooking.</p>
<p>The possibility for the reconfiguration of the alfresco to Unit 2 to be north facing.</p>	<p>Winter sun will not enter the ground floor area until there is a setback of approximately six metres from the northern boundary. A six metre setback to the northern boundary for the outdoor living area is not feasible due to lot constraints.</p> <p>A three-metre outdoor living area between the proposed building and northern boundary fence is likely to be in constant shade once the northern adjoining site is developed at two or three storeys high, similar to the proposed development (and more if they need a three-metre minimum setback to their north).</p> <p>Locating the outdoor living area in a very open part of the site (as proposed) allows a greater level of light to enter the area as well as into the main living areas of the ground floor unit. The setbacks from this outdoor living area to any boundary or building are very large and therefore supports the intent of design element 4.4 Private open space and balconies, in regard to considering the aspect, orientation and outlook while not shading solar access on the north.</p>

Design Reference Panel comment	Summary of applicant response
	<p>When the property to the north develops they can overshadow the development by up to 50% due to R60 zoning and hence giving merit to not having habitable living areas and outdoor living areas to the northern boundary of our lot (as proposed) and designing the development to protect future amenity within the site by locating more to the east and west where the setbacks are controlled and protected.</p> <p>The outdoor living area to the ground floor Unit 2 is suitably located for maximum liveability and resident amenity for now and in the future.</p>
<p>The stairwell configuration and entry to dwellings are tight and impact the ability to furnish the dwellings, as well as the potential for the creation of accessible living.</p>	<p>Stairwells are 1200mm wide each side.</p> <p>Stairwells comply with BCA requirements.</p> <p>Stairwells have a maximum of seven steps and then a landing allowing a place to rest and then continue.</p>
<p>The necessity for the bin pad on verge to be paved.</p> <p>The area identified as 'bin pad' on verge should be removed to allow for more soft landscaping.</p>	<p>The bin pad has been removed and replaced with grass.</p>
<p>The bicycle bays are uncovered.</p>	<p>Bicycle bays relocated.</p>
<p>There is a lack of communal open space areas across the site and shared spaces.</p>	<p>Informal seating areas are now provided on amended plans in the deep soil area on the northern boundary.</p> <p>No communal open space is required on site due to it being less than 10 dwellings.</p> <p>All outdoor living areas and balconies are larger than the minimum required in order to allow for socialising within their private spaces.</p>
<p>Although compliant, the shadow to southern property in the short term is significant.</p>	<p>Overshadowing has been minimised to the southern adjoining property by locating the building to the northern boundary as much as possible.</p> <p>SPP7.3 requires R20 adjoining site 25% maximum overshadowing and R60 adjoining site maximum 50% of the site.</p>

Design Reference Panel comment	Summary of applicant response
	<p>The actual overshadowing to neighbours is 16.5%.</p>
<p>Living spaces have been identified as having a minimum area of less than four metres.</p>	<p>Unit 2, Unit 4 and Unit 6 achieve a 3.69 metre width for living with a very generous length of 4.98 metre, with a large separate dining space provided in the kitchen area along with larger balcony and courtyard spaces.</p> <p>The living rooms could be increased to the prescriptive room size as a condition of approval by reducing balcony and courtyard sizes.</p> <p>SPP7.3 intent and element objectives are met in that the living spaces are large enough to accommodate differing arrangements of furniture depending on individual preferences and requirements appropriate to expected household size of the two-bedroom apartments. Unit 1, Unit 3 and Unit 5 achieve minimum four metre width.</p> <p>All living areas allow space for a study desk and / or storage units, in addition to six seater couches and dining tables.</p>
<p>There is opportunity to adjust the size of balconies to remove screening to Unit 3 and Unit 5 or incorporate alternative screening which allows for more light to the area.</p>	<p>We are willing to amend to obscure glass if preferred for filtered light, or any other alternative requested by the City as DA condition.</p> <p>The screening proposed is fixed louvres angled up towards the sky, allowing direct sunlight to enter through the louvre gaps while preventing overlooking to the northern neighbour.</p> <p>The balcony has over a 10 metre perimeter which is unscreened allowing ample eastern light into the area.</p>
<p>Landscaping details have not been appropriately considered and are vague. The proposed landscaping is predominantly to the edges of the development site. Landscaping details should include root zones, paved areas and accurately represent deep soils areas.</p>	<p>Plans amended to show root zones and separate paved areas from building areas.</p>

Design Reference Panel comment	Summary of applicant response
The landscaping proposed adjacent to driveway, car parking areas and entry to dwellings are not able to sustain trees, which in turn will be unable to sufficiently grow.	Amended plans provided.
Landscaping in proximity to the sewer line is to take into consideration water corporation setbacks and permitted species.	<p>Water Corporation advised they have no setback or permitted species requirements.</p> <p>Water Corporation provided a document 'select the right trees' which outlines tree species and suggested minimum planting distances from water services, however this is a guide.</p> <p>The landscaping plan includes indicative tree species that the Water Corporation document mentions as good waterwise species: Chinese Tallow, Ornamental Pears, Magnolia Grandiflora and Flowering Ash.</p> <p>None of our indicative tree species are on their 'trees not suggested for urban gardens' list.</p> <p>It is noted that sandy soils generally drain well and holds little water and is typically acidic and species that are waterwise are recommended.</p>
The aesthetics of the development will have an impact on neighbours.	<p>We feel the aesthetics of the development will complement the area and not have any negative impacts on neighbours.</p> <p>Rendered brickwork in timeless colours, complemented by a feature 1c face brick with traditional pitched hip and valley roof, and the staggering of the bulk of the building from the street will complement the street and area especially whilst it is in its transition phase from residential R20 to R60 apartments.</p>
Consideration of the location of hot water and air conditioning units is required, with the proposed location having an impact on the useable space of outdoor living areas.	Amended plans provided, with hot water and air conditioning units relocated.

Planning assessment

An assessment has been undertaken against the relevant provisions of LPS3, SPP7.3 and City's RDLPP.

Local Planning Scheme No. 3

Minimum lot frontage requirement

Clause 26 (5) of LPS3 requires multiple dwelling sites to have a minimum site width of 20 metres at the street boundary.

The subject site has a lot frontage of 20.1 metres at the street boundary and therefore meets this requirement.

Land use

The subject site is zoned 'Residential' under LPS3 with a residential density coding of R20/R60. The land use of 'Multiple Dwelling' is a discretionary or 'D' land use in the Residential zone.

The discretionary land use permissibility for multiple dwellings applies to every lot in the entire residential zone, across all suburbs of the City. Multiple dwellings are not appropriate to be built on every residential lot in the City and that is why the land use permissibility in the City's scheme requires the exercise of discretion in deciding which lots are appropriate for multiple dwelling development and which are not. The City, as part of Amendment No. 73 to former *District Planning Scheme No. 2 (DPS2)*, recoded certain properties, including the subject site, to allow for the provision of higher density development in certain areas. It was through this action that the City exercised its discretion and decided that multiple dwellings were considered acceptable on certain lots by virtue of the higher density code allocated to them. The relevant standards of the former DPS2 have been transferred through to LPS3.

One of the objectives of the residential zone is to provide for a range of housing and a choice of residential densities to meet the needs of the community, which the proposed development, and the Housing Opportunity Areas more broadly, does in a local government area that is characterised primarily by detached, single houses.

State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments (SPP7.3)

SPP7.3 provides the primary built form controls for multiple dwellings. The policy is performance-based, broken up into different design elements (such as building height, visual privacy, solar access). For each design element there are element objectives that are required to be met, in addition to the overall policy objectives. A development that satisfies these objectives is considered to meet the requirements and therefore should not reasonably be refused.

To assist in guiding the assessment against the element objectives, acceptable outcomes and design guidance is provided. These are more specific measurable requirements for each design element. SPP7.3 makes it clear that these acceptable outcomes and design guidance are not a 'deemed-to-comply' pathway and, whilst meeting the acceptable outcomes is likely to achieve the element objectives, a proposal may still satisfy the objectives via alternative methods.

SPP7.3 acknowledges that many local governments have pre-existing local planning policies in place that preceded the introduction of SPP7.3 in May 2019. In recognition of this, SPP7.3 allows certain (but not all) standards of pre-existing local planning policies to continue and carry across as part of the assessment criteria of multiple dwellings.

State Planning Policy 7 Design of the Built Environment (SPP7) is an overarching policy that establishes 10 broad principles of good design that are applicable to all planning proposals.

These principles have been used to establish the policy objectives and element objectives of SPP7.3. If a proposal meets the objectives of SPP7.3 it is also considered to meet the requirements of SPP7.

A summary of the City's assessment against SPP7.3 is included in Attachment 8.

Notwithstanding this, the key design elements and those relating to the primary concerns raised during consultation are discussed in more detail below.

Building height

Element 2.2 Building height objectives state:

- O 2.2.1 The height of development responds to the desired future scale and character of the street and local area, including existing buildings that are unlikely to change.*
- O 2.2.2 The height of buildings within a development responds to changes in topography.*
- O 2.2.3 Development incorporates articulated roof design and/or roof top communal open space where appropriate.*
- O 2.2.4 The height of development recognises the need for daylight and solar access to adjoining and nearby residential development, communal open space and in some cases, public spaces.*

The acceptable outcomes suggest a building height of three storeys as appropriate in areas with an R60 density. Whilst the development is three storeys and meets the height suggested, the scale of the development is not considered to meet the element objectives.

The surrounding area is currently transitioning from an R20 density to higher density development of R40 and R60, with the current streetscape predominantly developed with single storey dwellings. The design and scale of the development, do not appropriately respond to the existing and transitioning character of the area. Furthermore, whilst the sites on the western side of Stockwell Way are coded R20/R60, the properties on the eastern side are coded R20/R40 where a two storey height limit is suggested as an acceptable outcome. The design and massing of the building does not acknowledge or respect the need to transition between the two different density codes within the street.

The subject site has a slope from the northern to southern boundary of approximately 0.5 metres and will result in the finished floor level of the development being between 0.5 metres to one metre higher than the adjoining property to the north. The cumulative effect of the height of the proposed development, the setbacks proposed, and the lack of articulation will have an adverse impact on the adjoining property.

Whilst the proposed development does not restrict access to sunlight for the dwelling to the north to an unacceptable level, the height of the development results in shadow being cast onto the property immediately south of the subject site. Although the setbacks of the proposed building from the southern boundary are in excess of the three metres suggested under the acceptable outcomes, the shadow cast from the development falls onto major openings of the adjoining property and, as such, limits solar access and daylight to these rooms.

Given the above, the proposed building height is not considered to achieve the element objectives.

Side and rear setbacks

Element 2.4 Side and rear setbacks objectives state:

- O 2.4.1 *Building boundary setbacks provide for adequate separation between neighbouring properties.*
- O 2.4.2 *Building boundary setbacks are consistent with the existing streetscape pattern or the desired streetscape character.*
- O 2.4.3 *The setback of development from side and rear boundaries enables retention of existing trees and provision of deep soil areas that reinforce the landscape character of the area, support tree canopy and assist with stormwater management.*
- O 2.4.4 *The setback of development from side and rear boundaries provides a transition between sites with different land uses or intensity of development.*

The acceptable outcomes suggest:

- The development should comply with the side and rear setbacks set out in Table 2.1, except where modified by the local planning framework and/or a greater setback is required to address 3.5 Visual Privacy (A2.4.1); and
- Development be set back to achieve element 2.7 *Building Separation*, 3.3 *Tree Canopy*, 3.5 *Visual Privacy* and 4.1 *Solar and daylight access* objectives (A2.4.2).

Table 2.1 suggests a three-metre minimum setback and 3.5 metre average setback where the building length exceeds 16 metres. The development does not meet the suggested acceptable outcomes as outlined below:

- Northern (side) boundary:
 - Ground floor: 2.1 metre minimum and 1.96 metre average
 - First floor: 2.1 metre minimum and 2.56 metre average
 - Second floor: 3 metre minimum, 3.12 metre average.
- The boundary wall to the northern boundary has an average height of 3.15 metres while the acceptable outcome (taken from the RDLPP) suggests an average height of three metres.
- The carport structure is set back one metre from the southern (side) boundary and 0.5 metres from the rear boundary while the acceptable outcomes suggest a setback of three metres to these boundaries.

The proposal is not considered to provide setbacks from the northern boundary which allow for adequate building separation or an appropriate level of articulation to break up the building mass. When considering building setbacks in conjunction with the height of the development, it is noted that the setback to the northern boundary for the three storey element does not meet the acceptable outcome of a 3.5 metre average setback.

Additionally, the overall building length offers little articulation and a façade and, due to the reduced setbacks, incorporates openings which need to be obscured to 1.6 metres above the finished floor level to protect the privacy of neighbours, resulting in a negative outlook for residents. The setbacks are not considerate of the adjoining development being a single storey dwelling and do not allow for adequate transitioning between the subject site and the R20 density of the surrounding developments.

The setback of the carport from the rear boundary of 0.5 metres does not provide adequate separation between the neighbour property to provide meaningful landscaping and to moderate the impact of the development on the adjoining property. The carport has also not been designed to be integrated with the overall development, which is required to satisfy design element 3.9 car and bicycle parking.

In considering the above, the setbacks provided do not achieve the element objectives of design element 2.4. It is also noted that, due to the above, the development also does not satisfy design element 2.7 Building separation.

Plot ratio

Element 2.5 Plot ratio objective states:

- O 2.5.1 *The overall bulk and scale of development is appropriate for the existing or planned character of the area.*

A plot ratio of 0.8 is suggested under the acceptable outcomes, with the development proposing 0.71 (482.25m²). Even though the proposed development achieves the acceptable outcome in relation to plot ratio, the overall bulk of the development is still not considered to achieve the element objectives.

The proposed building mass and setbacks provide limited articulation in the building façade, particularly to the street and northern boundary, and the overall massing of the third floor results in a development that does not appropriately respond to the current and transitioning nature of the area. Due to the site being situated amongst an established streetscape which predominantly comprises single storey houses, and given as the development is concentrated on one part of the development site, the building bulk as it presents to the streetscape and adjoining properties is considered inappropriate. The scale of the development is also not considered to appropriately respond to the future character, with the eastern side of Stockwell Way having a density code of R20/R40 and not R20/R60.

Tree canopy and deep soil areas and landscape design

Element 3.3 Tree canopy and deep soil areas objectives state:

- O 3.3.1 *Site planning maximises retention of existing healthy and appropriate and protects the viability of adjoining trees.*
- O 3.3.2 *Adequate measures are taken to improve tree canopy (long term) or to offset reduction of tree canopy from pre-development condition.*
- O 3.3.3 *Development includes deep soil areas, or other infrastructure to support planting on structures, with sufficient area and volume to sustain healthy plant and tree growth.*

Element 4.12 Landscape design objectives state:

- O 4.12.1 *Landscape design enhances streetscape and pedestrian amenity; improves the visual appeal and comfort of open space areas; and provides an attractive outlook for habitable rooms.*
- O 4.12.2 *Plant selection is appropriate to the orientation, exposure and site conditions and is suitable for the adjoining uses.*
- O 4.12.3 *Landscape design includes water efficient irrigation systems and, where appropriate incorporates water harvesting or water re-use technologies.*

The acceptable outcomes suggest 10% of the site as deep soil area is appropriate, with one medium tree and small trees required based on the lot size. The proposed development provides 11.9% of the site area as deep soil area, with three medium trees. However, the medium trees are provided within deep soil areas less than 36m² as suggested by the acceptable outcomes and no evidence has been provided to demonstrate that the size of the deep soil zones is suitable for the species proposed.

A landscaping plan has been provided for the development (Attachment 4 refers); however, it has not been prepared by a certified landscape designer as suggested under the acceptable outcomes of element 4.12 of SPP 7.3. The City has specifically requested a landscaping plan be prepared by a certified landscape designer, but this has not occurred. Based on the level of information provided, the City has not been provided evidence that there are no trees on site worth keeping and the City has been unable to determine the appropriateness of the deep soil areas and whether they are sufficient to support the growth of the small and medium trees proposed.

The acceptable outcomes suggest that the width for deep soil areas can be reduced by one metre where rootable soil zones are located adjacent. Rootable soil zones require specific treatment to the soil profile such that roots are able to easily penetrate. The landscaping plan (Attachment 4 refers) indicates rootable soil zones, however these are located outside the property boundaries, within the verge and adjoining residential lots. This is not considered appropriate, as the developer will be unable to alter the soil on adjoining lots. The extent of root growth will be further inhibited for the medium trees due to the proximity of footings for retaining walls and/or the building itself. The deep soil areas are also being reduced adjacent to Unit 1, as the clothes drying areas and store access are located within these areas with no detailing to confirm whether or not an alternative treatment (such as permeable paving) is proposed.

As the deep soil areas are predominantly located along the northern boundary and within the courtyards of Unit 1 and Unit 2, the landscaping design is not considered to improve the visual appeal of open space areas or provide an attractive outlook from habitable rooms of the remaining dwellings, with highlight windows used extensively on the upper floors. Additionally, only a small portion of the landscaping is located adjacent to the street frontage and as such it is not considered to enhance the amenity of the streetscape.

The plant selection includes waterwise species which are appropriate for the site, however, water efficient methods including water harvesting and water re-use technologies have not been identified. Reticulation methods have also not been outlined to demonstrate that waterwise design principles can be achieved.

Given the above, the deep soil and landscaped areas are not considered to achieve the relevant element objectives of design elements 3.3 and 4.12. Insufficient detail has been provided to support the landscape design and to demonstrate the appropriateness of the tree species within the nominated deep soil areas.

Visual privacy

Element 3.5 Visual Privacy objective states:

- O 3.5.1 *The orientation and design of buildings, windows and balconies minimises direct overlooking of habitable rooms and private outdoor living areas within the site and of neighbouring properties, while maintaining daylight and solar access, ventilation and the external outlook of habitable rooms.*

The acceptable outcomes suggest major openings (windows) be set back from adjoining properties at a distance of 4.5 metres to bedrooms, studies and open walkways, six metres to habitable rooms other than bedrooms and studies (such as living rooms) and 7.5 metres to unenclosed private open space areas (such as balconies). The acceptable outcomes also suggest balconies be unscreened for at least 25% of their perimeter.

The development is considered to achieve the acceptable outcomes above, with the setbacks of unscreened windows and balconies meeting the minimum setback, except for the overlooking from an opening to bedroom 2 of Unit 3 which extends one metre into the adjoining lot. The overlooking from this opening, as defined by the cone of vision measurement, extends to the side setback area of the adjoining property and the area in front of the main building façade that is already visible from the street. It is considered that the landscaping within Unit 1's courtyard below will also assist in providing additional screening to the adjoining property from the bedroom of Unit 3.

During community consultation, concerns were raised regarding the loss of privacy to adjacent properties from the upper floors of the development, particularly from the unscreened balconies. However, the openings provided within the development are either provided with screening or are set back in accordance with the acceptable outcome.

The development is therefore considered to achieve the element objective pertaining to visual privacy.

Car and bicycle parking

Element 3.9 Car and bicycle parking objectives state:

- O 3.9.1 *Parking and facilities are provided for cyclists and other modes of transport.*
- O 3.9.2 *Carparking provision is appropriate to the location, with reduced provision possible in areas that are highly walkable and/or have good public transport or cycle networks and/or are close to employment centres.*
- O 3.9.3 *Car parking is designed to be safe and accessible.*
- O 3.9.4 *The design and location of car parking minimises negative visual and environmental impacts on amenity and the streetscape.*

The acceptable outcomes suggest the provision of six resident bays, two visitor bays and four bicycle bays for the development, and that the bays and vehicle circulation areas be designed in accordance with AS2890.1. The proposed development achieves the acceptable outcomes in relation to the provision of car parking and bicycle bays and, whilst the Australian Standards are met in regard to vehicle movement, the arrangement is not considered by the City to be safe and accessible.

The manoeuvring and parking areas are considered to have an adverse impact on the long term safety and accessibility for residents, with bays one and two being reverse only bays, due to the location of the medium tree on the southern boundary. This requires multiple vehicle movements to exit the site from these bays. The need for additional vehicle manoeuvres is considered to impact on the pedestrian and vehicle safety of those utilising the car parking space. The location of the medium tree also requires a shift in driveway movements and has the potential to impact pedestrian and vehicle movements, with vehicles required to manoeuvre over the pedestrian path leading to the dwelling entries to navigate around the landscaping.

The car parking area is not considered to provide an environment that minimises negative visual impact and there is reliance on a large carport to provide weather protection, which has not been integrated with the overall building design.

Bicycle bays have been provided for the use of residents and visitors, however they are not provided in secure and undercover locations. For example, there are resident bicycle bays located on the northern boundary next to the communal space, which have no cover provided for weather protection.

Community concerns were raised regarding the limited on-site parking for residents and visitors. The number of bays provided is considered appropriate for the site given the proximity to alternative transport modes such as the train and bus, with Whitfords Station located within 320 metres of the site.

Given all of the above, it is considered that the development does not meet the element objectives relating to car and bicycle parking.

Façade design

Element 4.10 Façade design objectives state:

O4.10.1 Building façades incorporate proportions, materials and design elements that respect and reference the character of the local area.

O4.10.2 Building façades express internal functions and provide visual interest when viewed from the public realm.

The acceptable outcomes suggest the façade of the building should include elements of scaling, articulation and inclusion of design elements at lower levels which reflect the scale and character of the area; building fixtures that are integrated with the façade and are not visually intrusive; and a combination of building articulation, textures, colours and materials to create visual interest.

The proposed façade is not considered to incorporate elements of articulation and scaling to reflect the scale and character of the area, particularly given the area is transitioning from an R20 area to higher density built form. The three storey element to the street frontage results in bulk to the streetscape despite the inclusion of various design elements including render, contrast render and face brick. The appearance of bulk results, in part, from a lack of articulation throughout the levels of the development, with the alfresco at ground level and balconies to the upper floors all directly above one another at a minimum setback of two metres from the primary street. The lack of articulation in the levels of the development fronting the street is not considered to provide suitable visual interest when viewed from the public realm and results in a building which dominates the streetscape.

Given the above, the development is not considered to achieve the element objectives relating to façade design as the proposal does not provide for adequate articulation and results in adverse bulk as viewed from the public realm.

Insufficient information

The City is unable to determine if the element objectives of design element 4.15 Energy efficiency and 4.17 Waste management can be achieved as insufficient information has been provided. The applicant has not provided detail on the inclusion of energy efficient initiatives and insufficient information has been provided surrounding waste management and collection.

The applicant's environmentally sustainable design checklist (Attachment 9 refers) does not provide sufficient information on whether the development exceeds the minimum Nationwide House Energy Reduction Scheme (NATHERS) requirement by 0.5 stars. Additionally, the checklist states that the inclusion of renewable technologies has not been confirmed.

In regard to waste management, the details provided by the applicant are insufficient (Attachment 5 refers). A *Waste Management Plan* is required to include (but not be limited to) the following detail:

- Detail on the provision of a 240 litre green waste bin is required.
- Location of bulk green waste, skip and white good collection areas.
- Wash down facilities within the bin store area.
- Signage within the bin store to ensure appropriate bins are being used.

The information provided on waste management only identifies the size and number of general and recycling bins required for the development and their collection method (from the verge).

Further information including the provision of a green waste bin, bulk green waste, skip bins and white good collections and resident education information is required to ensure waste is adequately managed on site and to also ensure the bin store is appropriately sized.

Issues and options considered

Council is required to determine whether the proposed development of six multiple dwellings at Lot 7 (6) Stockwell Way, Kingsley 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 *Residential Development Local Planning Policy (RDLPP).
Environmentally Sustainable Design Policy.
State Planning Policy 7 Design of the Built Environment (SPP7).
State Planning Policy 7.3 Residential Design Codes
Volume 2 – Apartments (SPP7.3).
State Planning Policy 5.4 Road and rail noise (SPP5.4).*

Local Planning Scheme No.3

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

- *To provide for a range of housing and a choice of residential densities to meet the needs of the community.*
- *To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.*
- *To provide for a range of non-residential uses, which are compatible with and complementary to residential development.*

Clause 26 (5) of LPS3 states:

Clause 5.1.1 of the R-Codes is modified by inserting the additional 'deemed-to-comply' criteria:

C1.5 In areas where dual coding applies, site areas under the higher coding may be applied subject to the following:

- (i) Development which complies with a minimum frontage of 10 metres at the setback line, with the exception of multiple dwelling sites; or*
- (ii) Development of multiple dwelling sites which complies with a minimum site width of 20 metres at the street boundary.*

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.*

Residential Development Local Planning Policy

The overall objectives of this policy are to encourage:

- *An improved streetscape outcome, which is attractive and enhances and complements the visual character, bulk and scale of the surrounding built form.*
- *High quality built development outcomes in relation to building design and site layout.*
- *Residential subdivision and development with safe, functional and attractive access arrangements in and out of sites, which contribute to the overall aesthetics of developments.*

- *New development that is designed having regard to the issue of crime prevention and surveillance of the street and housing entrances.*
- *Varying density development, inclusive of development within dual density coded areas that are integrated into the surrounding built environment.*

State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments

The overall policy objectives for multiple dwellings are:

- *To provide residential development of an appropriate design for the intended residential purpose, land tenure, density, place context and scheme objectives.*
- *To encourage design consideration of the social, environmental and economic opportunities possible from new housing, and an appropriate response to local context.*
- *To encourage design that considers and respects local heritage and culture.*
- *To facilitate residential development that offers future residents the opportunities for better living choices and affordability when seeking a home, as well as reduced operational costs and security of investment in the long term.*

The overall policy objectives for the planning, governance and development processes are:

- *To encourage design that is responsive to site, size and geometry of the development site.*
- *To allow variety and diversity of housing choices where it can be demonstrated this better reflects context or scheme objectives.*
- *To ensure clear scope for scheme objectives to influence the assessment of proposals.*
- *To ensure certainty in timely assessment and determination of proposals, applied consistently across State and local government.*

State Planning Policy 5.4 – Road and rail noise

In September 2019, the Department of Planning Lands and Heritage updated the planning framework relating to noise impacts from road and rail noise. The amendments included new requirements for noise sensitive land uses (including residential developments) within 300 metres of a significant freight or traffic route and that proposals need to be assessed on the potential impact of noise, as outlined in the policy. Previously this requirement only applied to noise sensitive land uses immediately next to these traffic routes. The site is now subject to the requirements of SPP5.4 due to its proximity to Whitfords Avenue.

Although the required information has not been provided to demonstrate compliance with the requirements of SPP 5.4, it is considered that any impact of noise from Whitfords Avenue will be within the acceptable limits outlined in the policy. Should the application be approved, a condition will be required for the applicant to confirm compliance with the policy prior to commencing construction.

Risk management considerations

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

Financial / budget implications

The applicant has paid fees of \$3,514.42 (excluding GST) for assessment of the application in accordance with the City's Schedule of Fees and Charges.

Regional significance

Not applicable.

Sustainability implications

The applicant has completed the City's Environmentally Sustainable Design Checklist to the extent that it is applicable to the development. The applicant has indicated that the following will be achieved as part of the development:

- Retention of natural landforms and topography.
- Passive shading of glass.
- Ceiling insulation.
- Floor plan zoning based on water and heating needs and the supply of hot water.
- Low energy technologies.
- Natural and/or fan forced ventilation.
- Water efficient technologies.
- Recyclable materials.
- Low-VOC products.

Consultation

The application was advertised for a period of 16 days, commencing on 21 October 2019 and concluding on 6 November 2019. An additional two days was added to the consultation timeframe, due to an administrative error in the initial consultation letter sent to surrounding residents.

Consultation was undertaken in the following manner:

- A letter was sent to owners and occupiers of 76 properties in the vicinity of the subject site.
- A sign was installed on site.
- Development plans and information were made available for public viewing on the City's website and at the City's Administration Building.

At the conclusion of the consultation period, 27 submissions were received, all being objections to the development. Of the submissions received, 26 were received from residents of Kingsley and one was received from a resident in Kallaroo.

The key concerns raised during the consultation period include the following:

- Bulk and scale of the development, including the building height and setbacks not in keeping with the surrounding area.

- Three storey element integrates poorly into the existing streetscape and surroundings.
- Poor landscaping quality and areas around the site.
- Visual privacy concerns to surrounding developments.
- Limited parking on site resulting in vehicles parked on surrounding verge and road areas.
- Number of dwellings increasing the traffic and hindering safety within the street and surrounding road networks.

A detailed summary of the submissions against the specific design elements of SPP7.3, and general comments on the development is provided at Attachment 7.

COMMENT

The proposal has been assessed against the element objectives of SPP7.3. Having regard to the element objectives it is considered that the development does not achieve a number of these, as outlined in the assessment above.

The application is therefore recommended for refusal for the reasons set out in the recommendation.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

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 10 May 2019 submitted by Simsai Construction Group for the proposed six multiple dwellings at Lot 7 (6) Stockwell Way, Kingsley, for the following reasons:

- 1 The proposal does not satisfy the element objectives of 2.2 Building Height of *State Planning Policy 7.3*, as the building height does not respond appropriately to the existing and desired character of the local area;**
- 2 The proposal does not satisfy the element objectives of 2.4 Side and rear setbacks and element objectives of 2.7 Building separation of *State Planning Policy 7.3*, as the setbacks do not provide adequate separation between neighbouring properties and the development does not provide an appropriate transition between sites with different intensity of development;**
- 3 The proposal does not satisfy the element objectives of 2.5 Plot ratio of *State Planning Policy 7.3*, as building bulk and scale of the development is inconsistent with the existing and planned character of the area;**
- 4 The proposal does not satisfy the element objectives of 3.3 Tree canopy and deep soil areas of *State Planning Policy 7.3*, as inadequate deep soil areas have been provided to accommodate tree canopy on site;**

- 5 **The proposal does not satisfy the element objectives of 3.9 Car and bicycle parking of *State Planning Policy 7.3*, as safe and accessible vehicle movements are not provided and car parking areas have not been integrated with the overall built design;**
- 6 **The proposal does not satisfy the element objectives of 4.10 Façade design of *State Planning Policy 7.3*, as insufficient building articulation has been provided as viewed from the public realm;**
- 7 **The proposal does not satisfy the element objectives of 4.12 Landscape design of *State Planning Policy 7.3*, as insufficient landscaping detail has been provided to demonstrate that the species, location and reticulation methods are suitable for the site.**

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf191203.pdf](#)

Disclosures of interest affecting impartiality

Name/Position	Cr Russell Poliwka.
Item No./Subject	CJ168-12/19 - Proposed Seven Multiple Dwellings (Apartments) at Lot 945 (12) Northwood Way, Kallaroo.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Residents speaking against the motion are known to Cr Poliwka.

Name/Position	Cr Christopher May.
Item No./Subject	CJ168-12/19 - Proposed Seven Multiple Dwellings (Apartments) at Lot 945 (12) Northwood Way, Kallaroo.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Residents speaking against the item are known to Cr May.

Name/Position	Cr Suzanne Thompson.
Item No./Subject	CJ168-12/19 - Proposed Seven Multiple Dwellings (Apartments) at Lot 945 (12) Northwood Way, Kallaroo.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Residents speaking against the development are known to Cr Thompson.

CJ168-12/19 PROPOSED SEVEN MULTIPLE DWELLINGS (APARTMENTS) AT LOT 945 (12) NORTHWOOD WAY, KALLAROO

WARD	Central
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	66264, 101515
ATTACHMENTS	Attachment 1 Location plan Attachment 2 Development plans Attachment 3 Building perspectives Attachment 4 Landscaping plan Attachment 5 Waste management plan Attachment 6 Applicant's submission against SPP7.3 design elements Attachment 7 Summary of submissions Attachment 8 Summary of City's SPP7.3 assessment Attachment 9 Environmentally Sustainable Design Checklist
AUTHORITY / DISCRETION	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 seven multiple dwellings at Lot 945 (12) Northwood Way, Kallaroo.

EXECUTIVE SUMMARY

An application for development approval has been received for seven multiple dwellings at Lot 945 (12) Northwood Way, Kallaroo.

The proposed development is two storeys, comprising two dwellings on the ground floor and five dwellings on the second floor.

The subject site is zoned 'Residential' with a density code of R20/R40 under the City's *Local Planning Scheme No. 3 (LPS3)*. The development is primarily subject to the requirements of LPS3, *State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments (SPP7.3)* and the *Residential Development Local Planning Policy (RDLPP)*.

The application was advertised for a period of 14 days by way of letters to surrounding land owners/occupiers, a sign on site and notice on the City's website, concluding on Monday 28 October 2019. A total of 48 submissions were received, being 47 objections and one submission of support.

The application is required to be determined by Council as the development proposes more than five multiple dwellings.

It is considered that the proposed development satisfies the requirements of LPS3, SPP7.3 and RDLPP and therefore, there are no reasonable grounds upon which to base any refusal of the proposal. It is therefore recommended that the application is approved subject to conditions.

BACKGROUND

Suburb/Location	Lot 945 (12) Northwood Way, Kallaroo.
Applicant	Mark Anthony Design.
Owner	D, S and B Bradshaw.
Zoning	LPS3 Residential, R20/R40.
	MRS Urban.
Site area	1017.61m ² .
Structure plan	Not applicable.

The site is a battleaxe lot, with a four-metre wide access leg, and is occupied by a single storey detached dwelling. Belrose Park is located to the western and north-western boundaries, Whitfords Avenue to the southern boundary, and residential properties to the north-east and east. Whitfords shopping centre, a secondary centre, is located an approximate walkable distance of 270 metres to the south-east of the site.

The development site and surrounding properties are zoned 'Residential' under the City's *Local Planning Scheme No. 3 (LPS3)*, with a density coding of R20/40 and are located within Housing Opportunity Area 5 (HOA).

The immediate locality is developed with predominantly single dwellings, both single and two storeys. New development in the surrounding streets at the higher density comprises two storey grouped dwelling and two storey multiple dwelling developments, ranging in scale from two to six dwellings per development.

Draft new development standards for infill development in Housing Opportunity Areas

At its meeting held on 20 August 2019 (CJ099-08/19 refers), Council resolved to prepare and advertise draft new development standards for infill development in Housing Opportunity Areas. These new development standards are included in two documents - a new local planning policy and scheme amendment. Once these documents have been advertised Council is required to consider all submissions received and either proceed with the local planning policy and scheme amendment, with or without modifications, or not proceed with the documents. Should Council elect to proceed, the local planning policy and scheme amendment 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. The scheme amendment is also required to be approved by the Minister.

The current status of the draft local planning policy and scheme amendment is such that they have not yet reached a stage where they can be considered certain or imminent and, on this basis, do not yet meet the requirements to be considered a seriously entertained planning proposal. Therefore, the current application is required to be assessed wholly on the current planning framework.

DETAILS

The proposed development comprises the following:

- Seven multiple dwellings within a two-storey building.
- Two dwellings are located on the ground floor next to the public open space, with five dwellings located on the upper floor, with access via a communal foyer.
- Six dwellings contain two bedrooms and one dwelling is one-bedroom.
- The site is a battleaxe lot, with a four-metre wide access leg from Northwood Way, next to Belrose Park.
- The proposed dwellings to the western boundary of the site are orientated to face Belrose Park, with the provision of balconies and courtyards, as well as open style fencing.
- Ten resident bays and two visitor bays are located behind a security gate.
- The building façade incorporates rendered brickwork and cladding. Private balconies contain clear glazed balustrading. A mixture of rendered brickwork and fixed obscured louvre screens are provided to northern elevation of the common foyer.
- Bin storage is located on the ground floor. Bin collection is proposed to be on site, as per the proposed *Waste Management Plan*.

The development plans and supporting information for the development are provided at Attachments 2 to 7.

Joondalup Design Reference Panel

The proposal was presented to the Joondalup Design Reference Panel (JDRP) on 19 June 2019. A summary of the JDRP comments, as well as the applicant's response to these items is included in the table below:

Design Reference Panel comment	Applicant response
Concern regarding setbacks not meeting the acceptable outcomes of SPP7.3.	Plans were amended to incorporate greater setbacks to the northern and eastern boundaries, where the development adjoins residential properties.
Communal open space is not a useable space, but rather located in the middle of walkways to the dwellings. This should be separated from walkways and needs improvement based on its size and useability.	Ground floor was redesigned to incorporate a separate and more useable communal area adjacent to the parkland. This incorporates landscaping and a roofed seating area.
Trees proposed are all small trees (90L), not as per the acceptable outcomes of SPP7.3.	A landscape plan prepared by a landscape architect is submitted with amended plans. Deep soil areas and tree sizes have been increased.
Landscaping appears 'squashed' to the sides and may be impractical with chosen species.	The ground floor level of the development has been redesigned to incorporate more substantial landscaped and deep soil areas. Landscaping to the front of the development has been increased to soften the approach to the development.
Concern regarding entry to Unit 1 and Unit 2 given it is straight off the proposed car park. It generally does not provide a good outcome with main entrance via communal carpark. Windows facing the undercroft area for these units will not provide sunlight and ventilation to these rooms. Does not allow access to winter sunlight.	Units 1 and 2 have been redesigned so that the entrances are now separated from the car park. A separate lobby area is provided which ensures that safety is enhanced for pedestrians entering or exiting the dwelling. The redesign of the dwelling increases access to winter sunlight. Outdoor living areas have been designed to maximise the northerly aspect.
Living rooms with an internal dimension less than four metres does not protect internal useability.	Most have been redesigned to meet the acceptable outcomes. Bedroom 2 of Unit 3 and Unit 4 do not meet the acceptable outcomes for the minimum dimension, however exceed the minimum area requirement and are regular in shape which provides a useable space to accommodate furniture, thus satisfying the relevant element objective.
Permeable paving impractical.	Permeable paving has been deleted.

Planning assessment

An assessment has been undertaken against the relevant provisions of LPS3, SPP7.3 and City's RDLPP.

Local Planning Scheme No. 3

Minimum lot frontage requirement

Clause 26 (5) of LPS3 requires multiple dwelling sites to have a minimum site width of 20 metres at the street boundary, however Clause 7.3.1 of the RDLPP excludes battleaxe sites from this requirement.

Having regard to the requirements of the RDLPP, which excludes battleaxe sites from the 20 metre frontage requirement, it is considered that multiple dwellings are still able to be approved for the site, subject to meeting other applicable planning requirements.

Land use

The subject site is zoned 'Residential' under LPS3 with a residential density coding of R20/R40. The land use of 'Multiple Dwelling' is a discretionary or 'D' land use in the Residential zone.

The discretionary land use permissibility for multiple dwellings applies to every lot in the entire Residential zone, across all suburbs of the City. Multiple dwellings are not appropriate to be built on every residential lot in the City and that is why the land use permissibility in the City's scheme requires the exercise of discretion in deciding which lots are appropriate for multiple dwelling development and which are not.

The City, as part of Amendment No. 73 to former *District Planning Scheme No. 2* (DPS2), recoded certain properties, including the subject site, to allow for the provision of higher density development in certain areas. It was through this action that the City exercised its discretion and decided that multiple dwellings were considered acceptable on certain lots by virtue of the higher density code allocated to them. The relevant standards of the former DPS2 have been transferred through to LPS3.

One of the objectives of the residential zone is to provide for a range of housing and a choice of residential densities to meet the needs of the community, which the proposed development, and the Housing Opportunity Areas more broadly, does in a local government area that is characterised primarily by detached, single houses.

State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments (SPP7.3)

SPP7.3 provides the primary built form controls for multiple dwellings. The policy is performance-based, broken up into different design elements (such as building height, visual privacy, solar access). For each design element there are element objectives that are required to be met, in addition to the overall policy objectives. A development that satisfies these objectives is considered to meet the requirements and therefore should not reasonably be refused.

To assist in guiding the assessment against the element objectives, acceptable outcomes and design guidance is provided in SPP7.3. These are more specific measurable requirements for each design element. SPP7.3 makes it clear that these acceptable outcomes and design guidance are not a 'deemed-to-comply' pathway and, while meeting the acceptable outcomes is likely to achieve the element objectives, a proposal may still satisfy the objectives via alternative methods.

SPP7.3 acknowledges that many local governments have pre-existing local planning policies in place that preceded the introduction of SPP7.3 in May 2019. In recognition of this, SPP7.3 allows certain (but not all) standards of pre-existing local planning policies to continue and carry across as part of the assessment criteria of multiple dwellings.

State Planning Policy 7 Design of the Built Environment (SPP7) is an overarching policy that establishes 10 broad principles of good design that are applicable to all planning proposals. These principles have been used to establish the policy objectives and element objectives of SPP7.3. If a proposal meets the objectives of SPP7.3 it is also considered to meet the requirements of SPP7.

A summary of the City's assessment against SPP7.3 is included in Attachment 8 to Report CJ168-12/19. Notwithstanding this, the key design elements and those relating to the primary concerns raised during consultation, are discussed in more detail below.

Building height

Element 2.2 Building height objectives state:

- O 2.2.1 *The height of development responds to the desired future scale and character of the street and local area, including existing buildings that are unlikely to change.*
- O 2.2.2 *The height of buildings within a development responds to changes in topography.*
- O 2.2.3 *Development incorporates articulated roof design and/or roof top communal open space where appropriate.*
- O 2.2.4 *The height of development recognises the need for daylight and solar access to adjoining and nearby residential development, communal open space and in some cases, public spaces.*

The maximum height of the proposed development is 6.88 metres, less than the nine-metre height suggested by the acceptable outcomes.

The proposed building height of two storeys responds to the character of the street and local area, given the immediate area currently comprises predominantly single and two-storey dwellings. The proposed height is also consistent with the deemed-to-comply height requirements of development at the lower R20 coding.

The proposed dwelling is located approximately 40 metres from the front boundary and would therefore have minimal impact on the existing streetscape. The proposed flat roof design would minimise the impact of the development as viewed from the adjacent park and reduce the overall impact of building bulk.

The site slopes approximately 1.7 metres from the eastern boundary to the western boundary. It is considered that the proposed finished floor level is consistent with the natural slope of the site and is approximately 0.15 metres below the finished floor level of the existing dwelling on the site.

Access to adequate daylight and solar access into the subject site, adjoining properties and surrounding public spaces is not unduly impacted by the proposal. The shadow cast by the building at midday on 21 June will be directed onto Whitfords Avenue and the proposed building will not prevent access to northern light for the adjoining residential dwellings.

Given the above, the development is considered to achieve the element objectives pertaining to building height.

Side and rear setbacks

Element 2.4 Side and rear setbacks objectives state:

- O 2.4.1 *Building boundary setbacks provide for adequate separation between neighbouring properties.*
- O 2.4.2 *Building boundary setbacks are consistent with the existing streetscape pattern or the desired streetscape character.*
- O 2.4.3 *The setback of development from side and rear boundaries enables retention of existing trees and provision of deep soil areas that reinforce the landscape character of the area, support tree canopy and assist with stormwater management.*
- O 2.4.4 *The setback of development from side and rear boundaries provides a transition between sites with different land uses or intensity of development.*

The acceptable outcomes suggest a minimum setback of two metres to the side boundaries and three metres to the rear boundary (Whitfords Avenue). The development proposes setbacks of:

- 1.745 metres minimum, increasing to 7.2 metres, from the northern boundary
- 2 metres minimum from the eastern boundary
- 1.263 metres minimum from the western boundary (Belrose Park)
- 1.6 metres from the rear boundary (Whitfords Avenue).

The building has been designed to be located towards the southern (rear) boundary and the western boundary to reduce any impact of the development on the existing dwellings to the east and north. The setback from the northern boundary is stepped, resulting in small portions of the building being set back less than two metres (minimum 1.745 metres), increasing to 7.2 metres. The proposed setbacks do not compromise visual privacy between adjoining properties and also exceed the setbacks that would be required for a two-storey single house that could be developed at the R20 density.

The setbacks from the southern (Whitfords Avenue) and western (Belrose Park) boundaries allow for surveillance of the street and the parkland and provide a presence to these public frontages, which is not currently achieved by the existing single dwelling.

The inclusion of landscaping, courtyards and balconies along these frontages reduce the bulk of the building, as presented to the public realm. The setback to the parkland, along with the proposed outdoor living areas, also encourages interaction with this space. Open style fencing is proposed along the western and north-western boundaries to replace the existing solid fencing, improving surveillance of the public space.

During community consultation, concerns were raised that the building encroaches into the side and rear setback zones and does not meet the setback requirements. While the building does not achieve the setbacks suggested under the acceptable outcomes, the development is considered to satisfy the element objectives, as outlined above. It is noted that generally the setbacks that do not achieve the acceptable outcomes relate to the boundaries along Whitfords Avenue and Belrose Park, and therefore have no direct impact on residential properties.

In considering the above, the side and rear setbacks are considered to achieve the element objectives.

Plot ratio

Element 2.5 Plot ratio objective states:

- O 2.5.1 *The overall bulk and scale of development is appropriate for the existing or planned character of the area.*

A plot ratio of 0.6 is suggested under the acceptable outcomes, with the development proposing 0.61. The 0.6 plot ratio equates to 610.57m², with 625.69m² proposed (15.12m² over the acceptable outcome).

It is considered that the bulk and scale of the development are appropriate for the character of the area with the building height, setbacks and building separation consistent with dwellings recently developed in the immediate area and consistent with the element objectives of SPP 7.3.

During community consultation, concerns were raised that excluding the access leg from the site area means that plot ratio on the site would be higher. Plot ratio is based on the total site area and does not exclude access legs from forming part of the calculation.

In considering the above, the plot ratio of the development is considered to achieve the element objective.

Tree canopy, deep soil areas and landscape design

Element 3.3 Tree canopy and deep soil areas objectives state:

- O 3.3.1 *Site planning maximises retention of existing healthy and appropriate and protects the viability of adjoining trees.*
- O 3.3.2 *Adequate measures are taken to improve tree canopy (long term) or to offset reduction of tree canopy from pre-development condition.*
- O 3.3.3 *Development includes deep soil areas, or other infrastructure to support planting on structures, with sufficient area and volume to sustain healthy plant and tree growth.*

Element 4.12 Landscape design objectives state:

- O 4.12.1 *Landscape design enhances streetscape and pedestrian amenity; improves the visual appeal and comfort of open space areas; and provides an attractive outlook for habitable rooms.*
- O 4.12.2 *Plant selection is appropriate to the orientation, exposure and site conditions and is suitable for the adjoining uses.*
- O 4.12.3 *Landscape design includes water efficient irrigation systems and, where appropriate incorporates water harvesting or water re-use technologies.*
- O 4.12.4 *Landscape design is integrated with the design intent of the architecture including its built form, materiality, key functional areas and sustainability strategies.*

The acceptable outcomes suggest 10% as deep soil area is appropriate, with one large tree required based on the lot size. The proposed development provides 21% of the site as deep soil area, with three medium trees and three small trees within these areas.

The existing vegetation on-site includes some small trees, varying in height between two and three metres. It is proposed that these trees be removed, noting that they do not meet the minimum requirements under SPP7.3 for retention or the minimum height requirements for small trees suggested under SPP7.3. Notwithstanding the loss of these trees, the increase in the size of trees and resultant tree canopy coverage would increase from the current site conditions.

The majority of the deep soil areas and landscaping is located along the northern and western side boundaries, between the adjoining residential dwellings and Belrose Park. This would provide an attractive outlook for residents and contribute to the visual appeal of the development.

During community consultation, concerns were raised regarding the deep soil areas not achieving the acceptable outcome of 36m² and that the areas would therefore be inadequate to sustain the proposed trees. While 36m² is suggested as an acceptable outcome, the element objectives require deep soil areas to be adequate for the trees to reach maturity. The deep soil areas proposed for each tree have been reviewed and are considered to be of sufficient size for the proposed trees to reach full maturity.

Considering the above, the overall landscape design for the site, which includes both medium and small trees is acceptable, and the species selected are considered to support long term canopy coverage within the site. As such, the proposal is considered to achieve the element objectives pertaining to tree canopy, deep soil areas and landscape design.

Communal open space

Element 3.4 Communal open space objectives state:

- O 3.4.1 *Provision of quality communal open space that enhances resident amenity and provides opportunities for landscaping, tree retention and deep soil areas.*
- O 3.4.2 *Communal open space is safe, universally accessible and provides a high level of amenity for residents.*

- O 3.4.3 *Communal open space is designed and oriented to minimise impacts on the habitable rooms and private open space within the site and of neighbouring properties.*

The acceptable outcome suggests an informal seating area (for communal use) be provided within deep soil or landscaped areas of the site.

A communal open space area is provided to the north of Unit 1, featuring paving, seating and deep soil areas to accommodate two medium trees and other landscaping.

The location of this communal open space next to Belrose Park enhances surveillance of the park and extends the useability of the communal open space, with direct access to from this space to the park provided via a pedestrian gate.

The communal open space is in a location where it can be utilised by all residents, being located 3.5 metres from the entrance of the foyer area and located to maximise access to winter sunlight. The private courtyard to Unit 1 is appropriately separated from the communal open space by a boundary wall and is also separated from the car park and driveway by a low wall and landscaping.

The location of the communal open space, being on the north-western side of the site and therefore away from adjoining properties, minimises the impact on habitable rooms and private open space of neighbouring residents.

Given the above, the development is considered to achieve the element objectives for communal open space.

Visual privacy

Element 3.5 Visual Privacy objective states:

- O 3.5.1 *The orientation and design of buildings, windows and balconies minimises direct overlooking of habitable rooms and private outdoor living areas within the site and of neighbouring properties, while maintaining daylight and solar access, ventilation and the external outlook of habitable rooms.*

The acceptable outcomes suggest major openings (windows) be set back from adjoining properties at a distance of 4.5 metres to bedrooms, studies and open walkways, six metres to habitable rooms other than bedrooms and studies (for instance living rooms), and 7.5 metres to unenclosed private open space areas (such as balconies). The acceptable outcomes also suggest balconies be unscreened for at least 25% of their perimeter.

The design and orientation of the dwellings ensure the acceptable outcomes for visual privacy are met, thereby achieving an appropriate level of privacy between the development and adjoining residential properties. A mix of obscured glazing and highlight windows has been proposed to ensure that there is no direct overlooking between properties.

During community consultation, concerns were raised regarding overlooking, particularly from the unenclosed upper floor foyer area. As a result of these concerns, the development has been amended to provide fixed and obscured screening to this area. The provision of the unroofed foyer provides access to winter sunlight for the upper floor units and the addition of the screening protects privacy to the adjoining residential properties.

Given the above, the development is considered to achieve the element objective pertaining to visual privacy.

Vehicle Access

Element 3.8 Vehicle Access objectives state:

- O 3.8.1 *Vehicle access points are designed and located to provide safe access and egress for vehicles and to avoid conflict with pedestrians, cyclists and other vehicles.*
- O 3.8.2 *Vehicle access points are designed and located to reduce visual impact on the streetscape.*

The acceptable outcomes suggest the following:

- Vehicle access be limited and have adequate separation from street intersections.
- Vehicle circulation areas should avoid headlights shining into habitable rooms of apartments.
- Driveway width is kept to a functional minimum, relative to traffic volumes and entry/egress requirements.
- Driveways are designed for two-way access to allow vehicles to enter in forward gear where there more than 10 dwellings, the distance to car parking on-site from the street is more than 15 metres or the driveway connects to a high order road.
- Vehicle sightlines are provided where the driveway meets the street boundary, with walls not being higher than 0.75 metres.

The subject site is accessed via a four metre wide vehicle access leg, with the proposed driveway to be three metres in width. The development incorporates a passing area next to the proposed communal space at the top of the access leg. This will allow vehicles entering or exiting the site to safely view vehicles approaching and provides an area for vehicles to pass. A convex mirror is also proposed at this point to further increase sightlines. Given the number of dwellings proposed, the width of the access leg and configuration is considered sufficient for the development. The vehicle access also meets Australian Standards.

Separate pathways are provided internally between each apartment and the car park to reduce conflict between vehicles and pedestrians. No pedestrian paths are provided between the street and the building due to the configuration of the lot, however it is considered that with the number of apartments proposed, coupled with the fact that direct pedestrian access is provided to the adjacent park, there is opportunity for pedestrians and cyclists to safely enter the site.

During community consultation, concerns were raised regarding the increased use of the access leg and the impact on students and park users. The access leg is open next to the park and is intended to remain unfenced. Sufficient sightlines are also provided where the driveway meets the street boundary. This would result in adequate visibility being provided for pedestrian and vehicles.

Given the above, the proposal is considered to achieve the element objectives relating to vehicle access.

Car and bicycle parking

Element 3.9 Car and bicycle parking objectives state:

- O 3.9.1 *Parking and facilities are provided for cyclists and other modes of transport.*

- O 3.9.2 *Carparking provision is appropriate to the location, with reduced provision possible in areas that are highly walkable and/or have good public transport or cycle networks and/or are close to employment centres.*
- O 3.9.3 *Car parking is designed to be safe and accessible.*
- O 3.9.4 *The design and location of car parking minimises negative visual and environmental impacts on amenity and the streetscape.*

The acceptable outcomes suggest the provision of seven resident bays, two visitor bays and five bicycle bays for the development. The development proposes 10 resident bays, two visitor bays and five bicycle bays.

The number of bays provided for the dwellings and visitors is considered appropriate given the acceptable outcomes are met and given the proximity to high frequency bus routes on Whitfords Avenue. The site is also located approximately 270 metres from the Whitford Shopping Centre which provides access to services and amenities, as well as local employment opportunities.

The location of the parking minimises any negative visual impact as it will not be visible from the park, the primary distributor road to the south, or the adjoining properties to the northern and eastern boundaries. The visitor parking is located with the resident parking, behind security gates. As the visitor parking is located behind security gates, a condition is recommended (should the application be approved), requiring a management plan for the security gate operation to satisfactorily demonstrate how visitors can access the parking. The visitor parking is located at the entrance to the car park and therefore would be easily identifiable to visitors.

Bicycle parking is located to the east of the bin store, underneath the first floor, and therefore protected from the elements. A total of five bicycle parking bays are proposed, meeting the suggested acceptable outcome.

During community consultation, concerns were raised that the number of visitor bays did not meet the amount required under the City's RDLPP, but the car parking requirements of the RDLPP were automatically replaced by the requirements of SPP7.3 upon its gazettal on 24 May 2019. The RDLPP parking standard is therefore no longer applicable to multiple dwelling developments.

Considering the above, the proposal achieves the element objectives relating to car and bicycle parking.

Solar and daylight access

Element 4.1 Solar and daylight access objectives state:

- O 4.1.1 *In climate zones 4, 5 and 6: the development is sited and designed to optimise the number of dwellings receiving winter sunlight to private open space and via windows to habitable rooms.*
- O 4.1.2 *Windows are designed and positioned to optimise daylight access for habitable rooms.*

- O 4.1.3 *The development incorporates shading and glare control to minimise heat gain and glare:*
- *from mid-spring to autumn in climate zones 4, 5 and 6 and*
 - *year-round in climate zones 1 and 3.*

The acceptable outcome suggests a minimum of 70% of dwellings should have living rooms and private open space areas receiving at least two hours direct sunlight per day, and a maximum 15% of dwellings receiving no direct sunlight.

The development includes the following:

- Four dwellings (Unit 1, Unit 2, Unit 3 and Unit 4) which receive two or more hours of direct sunlight to living rooms and private open spaces (such as 57% of all dwellings).
- Unit 5, Unit 6 and Unit 7 which receive more than two hours of direct sunlight to living areas but do not receive sunlight to the balconies, which are oriented to the south.

While the balconies to Unit 5, Unit 6 and Unit 7 are oriented to the south, these face Whitfords Avenue and the outlook from these areas will therefore remain open and will not be affected by any shadowing from future development. The occupants of these units also have access to north facing communal open space and Belrose Park which provide alternative areas for passive and active recreation.

For the upper floor dwellings, the inclusion of the north facing unroofed lobby maximises winter sunlight to these dwellings while ensuring there is no overlooking of the adjoining residential dwellings. While some north facing windows to the upper floor dwellings have been obscured to 1.6 metres to provide privacy for the adjoining lot, the size of these windows ensures that adequate access to light is provided.

Shading devices have been provided on the western elevation of the upper floor, assisting in reducing heat and glare to the bedroom windows. The living areas which face west are also recessed behind the roofed balconies, therefore reducing heat to the main living areas of the dwellings during the summer months. Mature vegetation within the park will also reduce some direct sunlight to the western facing elevation of the dwelling during warmer months.

Given the above, the proposal is considered to achieve the element objectives relating to solar and daylight access.

Façade and roof design

Element 4.10 Façade and Element 4.11 Roof design objectives state:

- O 4.10.1 *Building façades incorporate proportions, materials and design elements that respect and reference the character of the local area.*
- O 4.10.2 *Building façades express internal functions and provide visual interest when viewed from the public realm.*

Element 4.11 Roof design:

- O 4.11.1 *Roof forms are well integrated into the building design and respond positively to the street.*
- O 4.11.2 *Where possible, roof spaces are utilised to add open space, amenity, solar energy generation or other benefits to the development.*

The acceptable outcomes suggest the façade of the building should include elements of scaling, articulation and inclusion of design elements at lower levels which reflect the scale and character of the area; building fixtures that are integrated with the façade and are not visually intrusive; and a combination of building articulation, textures, colours and materials to create visual interest. The acceptable outcomes also suggest the roof form should complement the façade design and desired streetscape.

The development includes different textures, colours and materials to provide visual interest as viewed from the park and Whitfords Avenue, including face brick, feature cladding and contrasting render. These building finishes are consistent with contemporary residential design and reflect other development undertaken in the area. The building is articulated on the southern façade and the façade facing the park through the inclusion of balconies and large major openings, which assist in reducing the impact of bulk.

The concealed roof element and the breaking up of the roof form are considered to improve the overall articulation of the building. There are numerous dwellings in the immediate area that have flat or skillion roof design, including existing single and grouped dwellings, and therefore this roof form is considered to be consistent with the character of the area. Air conditioning units are located on the roof of the development and positioned to have minimal visual impact on the streetscape.

The development provides for a façade and roof design which is complementary to and consistent with the existing locality, including existing detached single dwellings. As such, the proposal is considered to achieve the relevant façade design and roof design element objectives.

Waste management

Element 4.17 Waste management objectives state:

- O 4.17.1 *Waste storage facilities minimise negative impacts on the streetscape, building entries and the amenity of residents.*
- O 4.17.2 *Waste to landfill is minimised by providing safe and convenient bins and information for the separation and recycling of waste.*

A detailed waste management plan is provided as Attachment 5. The management plan details the inclusion of general waste, recycling and green waste bins, with the responsibility and maintenance of these bins by a caretaker on site.

During the consultation period, concerns were raised regarding the number of bins and the location of bins on the verge next to the park. Waste services for the site will be shared, with five 240 litre general waste, two 360 litre recycling and one 240 litre green waste bins provided to service the seven units. The bin store is large enough to accommodate the bins required. Following consultation, the waste collection method for these bins was modified to on-site collection, with a bin pad area provided in the access leg. The crossover and driveway will need to be suitably engineered to enable a waste truck to access the bins. To ensure on-site collection can be facilitated, a condition is recommended (should the application be approved) to require the specifications of the driveway and crossover to be approved by the City.

An area within the verge next to the park has been designated for skip bin and bulk waste collection. With the low frequency of these collections, coupled with the fact that the skip bins are only there for a short period of time, there should be no undue impact on the amenity of the streetscape, or the adjoining properties.

Given the above, the proposal is considered to achieve the element objectives relating to waste management.

Issues and options considered

Council is required to determine whether the proposed development of seven multiple dwellings at Lot 945 (12) Northwood Way, Kallaroo 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 *Residential Development Local Planning Policy (RDLPP).
Environmentally Sustainable Design Policy.
State Planning Policy 7 Design of the Built Environment (SPP7).
State Planning Policy 7.3 Residential Design Codes
Volume 2 – Apartments (SPP7.3).*

Local Planning Scheme No.3

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

- *To provide for a range of housing and a choice of residential densities to meet the needs of the community.*
- *To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.*
- *To provide for a range of non-residential uses, which are compatible with and complementary to residential development.*

Clause 26 (5) of LPS3 states:

Clause 5.1.1 of the R-Codes is modified by inserting the additional 'deemed-to-comply' criteria:

C1.5 In areas where dual coding applies, site areas under the higher coding may be applied subject to the following:

- (i) Development which complies with a minimum frontage of 10 metres at the setback line, with the exception of multiple dwelling sites; or*
- (ii) Development of multiple dwelling sites which complies with a minimum site width of 20 metres at the street boundary.*

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.*

Residential Development Local Planning Policy

The overall objectives of this policy are to encourage the following:

- *An improved streetscape outcome, which is attractive and enhances and complements the visual character, bulk and scale of the surrounding built form.*
- *High quality built development outcomes in relation to building design and site layout.*
- *Residential subdivision and development with safe, functional and attractive access arrangements in and out of sites, which contribute to the overall aesthetics of developments.*
- *New development that is designed having regard to the issue of crime prevention and surveillance of the street and housing entrances.*
- *Varying density development, inclusive of development within dual density coded areas that are integrated into the surrounding built environment.*

State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments

The overall policy objectives for multiple dwellings as follows:

- *To provide residential development of an appropriate design for the intended residential purpose, land tenure, density, place context and scheme objectives.*
- *To encourage design consideration of the social, environmental and economic opportunities possible from new housing, and an appropriate response to local context.*
- *To encourage design that considers and respects local heritage and culture.*
- *To facilitate residential development that offers future residents the opportunities for better living choices and affordability when seeking a home, as well as reduced operational costs and security of investment in the long term.*

The overall policy objectives for the planning, governance and development processes are as follows:

- *To encourage design that is responsive to site, size and geometry of the development site.*
- *To allow variety and diversity of housing choices where it can be demonstrated this better reflects context or scheme objectives.*
- *To ensure clear scope for scheme objectives to influence the assessment of proposals.*
- *To ensure certainty in timely assessment and determination of proposals, applied consistently across State and local government.*

Risk management considerations

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

Financial / budget implications

The applicant has paid fees of \$3,756 (excluding GST) for assessment of the application in accordance with the City's *Schedule of Fees and Charges*.

Regional significance

Not applicable.

Sustainability implications

The applicant has completed the City's *Environmentally Sustainable Design Checklist* to the extent that it is applicable to the development. The applicant has indicated that the following will be achieved as part of the development:

- Development includes:
 - northerly orientation of daytime living/working areas with large windows, and minimal windows to the east and west
 - passive shading of glass
 - sufficient thermal mass in building materials for storing heat
 - insulation and draught sealing
 - floor plan zoning based on water and heating needs and the supply of hot water
 - advanced glazing solutions.
- Development is to incorporate:
 - renewable energy technologies
 - low energy technologies and/or
 - natural and/or fan forced ventilation.
- Development is to incorporate water efficient technologies.
- Recycled materials – reusing existing brick fencing adjacent to Whitfords Avenue.
- Low-VOC products.

Consultation

The application was advertised for a period of 14 days, commencing on 14 October 2019 and concluding on 28 October 2019. Consultation was undertaken in the following manner:

- a letter was sent to owners and occupiers of 37 properties in the vicinity of the subject site
- a sign was installed on site and
- development plans and information were made available for public viewing on the City's website and at the City's administration building.

At the conclusion of the consultation period, a total of 48 submissions was received, being 47 objections and one submission in support. Of the 47 objections, 34 were received from Kallaroo residents and 13 were received from people living in other suburbs, including Duncraig, Iluka, Warwick and Woodvale. Seventeen of the objections were proforma submissions.

The key concerns raised with the development include the following:

- Plot ratio, height, setbacks, scale, roof form and façade design of the development is not in keeping with the surrounding area.
- Lack of parking, particularly visitor parking, on site.
- Number of dwellings being accessed via the access leg, and the access leg being located next to the park will be a hazard.
- Loss of light and privacy to adjoining properties.
- The lack of light to some of the units.
- Limited deep soil areas, with areas provided unable to achieve acceptable outcome requirements.
- Insufficient area for bin collection.

A detailed summary of the submissions, against the specific design elements of SPP7.3 and general comments on the development, is provided at Attachment 7 to Report CJ168-12/19.

COMMENT

The proposal has been assessed against the element objectives of SPP7.3.

Having regard to the element objectives it is considered there are no reasonable planning grounds upon which this proposal could be refused, and the application is therefore recommended for approval, subject to conditions.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

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 15 May 2019 submitted by Mark Anthony Design for the proposed seven multiple dwellings at Lot 945 (12) Northwood Way, Kallaroo subject to the following conditions:

- 1 This approval relates to the multiple dwelling development only and development shall be in accordance with the approved plan(s), any other supporting information and conditions of approval. It does not relate to any other development on the lot;
- 2 A Construction Management Plan being submitted and approved prior to the commencement of development. The management plan shall detail how it is proposed to manage:
 - 2.1 all forward works for the site;
 - 2.2 the delivery of materials and equipment to the site;
 - 2.3 the storage of materials and equipment on the site;
 - 2.4 the parking arrangements for the contractors and subcontractors;
 - 2.5 the management of dust during the construction process;
 - 2.6 other matters likely to impact on the surrounding properties,

- and works shall be undertaken in accordance with the approved *Construction Management Plan*;
- 3 A full schedule of colours and materials for all exterior parts of the building is to be submitted and approved 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;
 - 4 A detailed landscaping plan shall be submitted to, and approved, by the City prior to commencement of development. The landscaping plans are to indicate the proposed landscaping treatments of the subject site and adjoining road verges and shall:
 - 4.1 be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;
 - 4.2 provide all details relating to paving, treatment of verges and tree plantings, including treatment of rootable soil zones;
 - 4.3 provide plant species, mature height and spread, plant spacing, pot size and quantities and an irrigation design by a Certified Irrigation Designer;
 - 4.4 be based on water sensitive urban design and designing out crime principles;
 - 5 Landscaping and reticulation shall be established in accordance with the approved landscaping plans, Australian Standards and best trade practice prior to the occupation of the development and thereafter maintained to the satisfaction of the City;
 - 6 A *Waste Management Plan* indicating the method of rubbish collection shall be submitted to the City prior to the commencement of development and approved by the City prior to the occupation of the development. All rubbish collection shall be in accordance with the approved *Waste Management Plan*;
 - 7 Lighting shall be installed along all driveways and pedestrian pathways and in all common service areas prior to the development first being occupied, to the satisfaction of the City. A lighting plan shall be submitted to the City for approval prior to the commencement of development;
 - 8 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;
 - 9 Unit 1 and Unit 2 shall be designed to meet Silver Level requirements as defined in the *Liveable Housing Design Guidelines* (Liveable Housing Australia). Details shall be submitted to and approved by the City prior to commencement of development, and works shall be undertaken in accordance with the approved details;

- 10 **Bicycle parking facilities provided shall be designed in accordance with the Australian Standard for Off-street Car parking – Bicycles (AS2890.3-1993). Details of bicycle parking area(s) shall be provided to, and approved by the City prior to the commencement of development;**
- 11 **The on-site visitor bays shall be marked and permanently made available for visitor parking and shall remain accessible to visitors. A *Security and Access Management Plan* detailing security gate operation, management of intercom controls, signage and other methods to direct and enable visitor access to private areas shall be submitted to the City for approval prior to occupation of the development, and shall be implemented in accordance with the approved plan;**
- 12 **The parking areas and driveway are to be designed and constructed to the satisfaction of the City prior to occupation of the development and thereafter maintained to the satisfaction of the City. The driveway and crossover up to the bin collection area is to be constructed to enable on-site waste collection to the satisfaction of the City. Details are to be provided to and approved by the City prior to development. The driveway and crossover shall be constructed in accordance with the approved details;**
- 13 **All development shall be contained within the property boundaries;**
- 14 **All stormwater shall be collected on-site and disposed of in a manner acceptable to the City;**
- 15 **Prior to occupation of the dwellings, each dwelling shall be provided with an adequate area for clothes drying facilities that is screened from view from the street(s) to the satisfaction of the City. Clothes drying is not permitted on balconies or in courtyards;**
- 16 **Fencing and gates adjacent to Belrose Park and the vehicular access gate the car park as shown on the approved plans, shall be visually permeable as defined by *State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments*;**
- 17 **The translucent glass and obscure louvered screen indicated on the approved plans shall comply with the definition of screening under *State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments*. All screening shall be a minimum of 1.6 metres above the finished floor level, at least 75 percent obscure, permanently fixed, made of durable material, and restrict view in the direction of overlooking into any adjoining property. All screening shall be installed to the satisfaction of the City prior to occupation of the dwellings.**

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf191203.pdf](#)

CJ169-12/19 EXECUTION OF DOCUMENTS

WARD	All
RESPONSIBLE DIRECTOR	Mr Garry Hunt Office of the CEO
FILE NUMBER	15876, 101515
ATTACHMENT	Attachment 1 Documents sealed by affixing the common seal during the period 5 November 2019 to 21 November 2019
AUTHORITY / DISCRETION	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 5 November 2019 to 21 November 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 5 November 2019 to 21 November 2019, as detailed in Attachment 1 to Report CJ169-12/19.

BACKGROUND

For the period 5 November 2019 to 21 November 2019, six documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Section 70A Notification	2
Restrictive Covenant	1
Power of Attorney	1
Revocation of Power of Attorney	2

DETAILS**Issues and options considered**

Not applicable.

Legislation / Strategic Community Plan / Policy implications

Legislation *Local Government Act 1995.*

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 implicationsCurrent 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.

RECOMMENDATION

That Council NOTES the Schedule of Documents executed by means of affixing the Common Seal for the period 5 November 2019 to 21 November 2019, as detailed in Attachment 1 to Report CJ169-12/19.

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf191203.pdf](#)

CJ170-12/19 MINUTES OF EXTERNAL COMMITTEES

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	03149, 41196
ATTACHMENT	Attachment 1 Tamala Park Regional Council Special Meeting of Council Minutes. (Please note: These minutes are only available electronically).
AUTHORITY / DISCRETION	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 minutes of various bodies on which the City has current representation.

EXECUTIVE SUMMARY

The following minutes are provided:

- Minutes of Special Tamala Park Regional Council meeting held on 7 November 2019.

DETAILS

Tamala Park Regional Council – Special Council Meeting – 7 November 2019

A special meeting of the Tamala Park Regional Council was held on 7 November 2019.

At the time of this meeting Cr John Chester and Cr Philippa Taylor were Council's representatives to the Tamala Park Regional Council.

The attached minutes detail those matters that were discussed at these external meetings that may be of interest to the City of Joondalup.

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Governance and Leadership.

Objective	Strong leadership.
Strategic initiative	Seek out City representation on key external and strategic bodies.
Policy	Not applicable.

Risk management considerations

Not applicable.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the minutes of the Tamala Park Regional Council Special Council meeting held on 7 November 2019 forming Attachment 1 to Report CJ170-12/19.

To access this attachment on electronic document, click here: [ExternalMinutes191203.pdf](#)

CJ171-12/19 STATUS OF PETITIONS

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	05386, 101515
ATTACHMENT	Attachment 1 Status of Petitions – 16 August 2016 to 19 November 2019
AUTHORITY / DISCRETION	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 status of outstanding petitions.

BACKGROUND

At its meeting held on 16 December 2008 (CJ261-12/08 refers), Council considered a report in relation to petitions.

As part of that report, it was advised that quarterly reports would be presented to Council in the future.

DETAILS

Issues and options considered

Attachment 1 provides a list of all outstanding petitions, which were received during the period 16 August 2016 to 19 November 2019, with a comment on the status of each petition.

Legislation / Strategic Community Plan / policy implications

Legislation *City of Joondalup Meeting Procedures Local Law 2013.*

Strategic Community Plan

Key Themes Governance and Leadership.

Objective Active democracy.

Strategic Initiatives

- Fully integrate community consultation practices into City activities.
- Optimise opportunities for the community to access and participate in decision-making processes.
- Adapt to community preferences for engagement formats.

Policy Implications

Each petition may impact on the individual policy position of the City.

Risk Management Considerations

Failure to give consideration to the request of the petitioners and take the appropriate actions may impact on the level of satisfaction of the community.

Financial/Budget Implications

Individual requests made by the way of petitions may have financial implications.

Regional Significance

Not applicable.

Sustainability Implications

Not applicable.

Consultation

Not applicable.

COMMENT

The list of petitions is presented to Council for information, detailing the actions taken to date and the actions proposed to be undertaken for those petitions that remain outstanding.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION**That Council NOTES:**

- 1 the status of outstanding petitions submitted to Council during the period 16 August 2016 to 19 November 2019, forming Attachment 1 to Report CJ171-12/19;

- 2** in relation to the petition requesting Council create a working group to review and develop appropriate signage guidelines and policy to allow small business to have a say on signage and place-making within the City of Joondalup, *Local Planning Scheme No. 3* was gazetted on 23 October 2018. A review of the *Signs Policy* is continuing, and the petition will be considered as part of that review;
- 3** in relation to the petition requesting that Council to introduce the following to drive growth and success in the Performing Arts and Cultural sector, thereby making opportunities available to our families and businesses:
 - 3.1** establish a formal subcommittee of Council to manage and deliver all performing arts and cultural growth / events in the City with 80% of members drawn from this City's community;
 - 3.2** establish safe, secure and accessible equipment storage for groups along with a dedicated, City supplied, equipment library to supply (free of charge) key equipment;
 - 3.3** the City of Joondalup to have a professional Performing Arts and Cultural team that will:
 - 3.3.1** act as the production and support for all suburbs with activities being centralised;
 - 3.3.2** support all groups with fundraising applications, professional PR and memberships;
 - 3.3.3** facilitate access to all current facilities in the City of Joondalup such as school theatres, churches, parks or empty business units for all groups and activities;
 - 3.3.4** raise cross-cultural understanding and accessibility for families / disadvantaged groups;
 - 3.4** source a Performing Arts and Cultural Facility that is fully funded by grants and donations,

a report will be prepared following consideration of a refined business case for the Joondalup Performing Arts and Cultural Facility project;
- 4** in relation to the petition requesting a skate park facility be built at Chichester Park, Woodvale, the draft BMX, Skate and Youth Outdoor Recreation Strategy is currently being progressed and it is anticipated that a report will be presented to Council at a later date;
- 5** in relation to the petition requesting the installation of a BMX dirt track at Kallaroo Park, the draft BMX, Skate and Youth Outdoor Recreation Strategy is currently being progressed and it is anticipated that a report will be presented to Council at a later date;
- 6** in relation to the petition requesting investigation of the installation of a small, family based play space within Lacepede Park, Sorrento and make provision for the installation within the City's forward works program, it is anticipated that a report will be presented to Council at its meeting to be held in March 2020;

- 7** in relation to the petition requesting that Council:
- 7.1** revise and phase out of the use of glyphosate in public places considering the mounting evidence of its toxicity to workers, public health and environment;
 - 7.2** Conduct and repeat alternative non-chemical weed control trials especially in areas where children and pets are exposed;
 - 7.3** Immediately introduce marker dye in herbicide so public can avoid the recently sprayed areas,
- it is anticipated that a report will be presented to Council in May 2020;
- 8** in relation to the petition requesting the playground at Beldon Park, Beldon remains where it is and that the Management Orders are changed in order to erect shade cloth over the existing playground, it is anticipated that a report will be presented to Council in March 2020;
- 9** in relation to the petition requesting that Council reinstate the Braden Park Playspace Renewal Project in the 2019-20 schedule of the City's *Five Year Capital Works Program* and take account of community feedback in the planning and design of the playspace, it is anticipated that a report will be presented to Council in April 2020;
- 10** in relation to the petition requesting Council resists further deferment of the \$850,000 *Capital Works Program* refurbishment of the MacNaughton Park clubrooms in Kinross:
- 10.1** the City will consider the scheduling of the MacNaughton Park Facility Refurbishment when the *5 Year Capital Works Program* is reviewed as part of the 2020-21 annual budget process, including consideration of a number of elements taken into account in project prioritisation, including asset condition, current asset utilisation, community needs and availability of resources;
 - 10.2** the lead petitioner will be notified of this action;
- 11** in relation to the petition requesting the:
- 11.1** provision be made in the next upcoming budget to install traffic light controls, including pedestrian controls at the intersection of Walter Padbury Boulevard and Hepburn Avenue, Padbury;
 - 11.2** Council resolutely lobby the State Government's Main Roads Department, as the regulator for such installations, so that permission can be obtained for such an installation to proceed,
- it is anticipated that a report will be presented to Council in April 2020;

12 in relation to the petition requesting that Council investigate lighting options for Mirror Park Skate Park Ocean Reef to allow residents and their families to fully utilise this facility in the evening in a safe and secure manner. Consideration to include:

12.1 Plush button timers for lights like those at Wanneroo Skate Park to conserve energy;

12.2 Times of operation, including maximum time limits and consideration of local residents;

12.3 A solar powered USB and proximity charging station like the one installed at Tom Simpson Park,

the City is currently reviewing the request and a report will be presented to a future Council meeting.

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf191203.pdf](#)

CJ172-12/19 LIST OF PAYMENTS MADE DURING THE MONTH OF OCTOBER 2019

WARD	All
RESPONSIBLE ACTING DIRECTOR	Mr Mike Smith Corporate Services
FILE NUMBER	09882, 101515
ATTACHMENTS	Attachment 1 Chief Executive Officer's Delegated Municipal Payment List for the month of October 2019 Attachment 2 Chief Executive Officer's Delegated Trust Payment List for the month of October 2019 Attachment 3 Municipal and Trust Fund Vouchers for the month of October 2019
AUTHORITY / DISCRETION	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 October 2019.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of October 2019, totalling \$14,501,621.06.

It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for October 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 CJ172-12/19, totalling \$14,501,621.06.

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 October 2019. Lists detailing the payments made are appended as Attachments 1 and 2 to Report CJ172-12/19.

The vouchers for the month are appended as Attachment 3 to Report CJ172-12/19.

FUNDS	DETAILS	AMOUNT
Municipal Account	Municipal Cheques & EFT Payments 109003 - 109160 & EF081423 – EF081995 Net of cancelled payments.	\$ 8,764,842.76
	Vouchers 2639A – 2659A	\$ 5,718,955.33
Trust Account	Trust Cheques & EFT Payments 207389 - 207423 & TEF001734 – TEF001742 Net of cancelled payments.	\$ 17,822.97
Total		\$14,501,621.06

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 *2019-20 Annual Budget* as adopted by Council at its meeting held on 25 June 2019 (CJ073-06/19 refers) or has been authorised in advance by the Mayor or by resolution of Council as applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Chief Executive Officer's list of accounts for October 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 CJ172-12/19, totalling \$14,501,621.06.

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf191203.pdf](#)

CJ173-12/19 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 OCTOBER 2019

WARD	All
RESPONSIBLE ACTING DIRECTOR	Mr Mike Smith Corporate Services
FILE NUMBER	07882,101515
ATTACHMENTS	Attachment 1 Financial Activity Statement Attachment 2 Investment Summary Attachment 3 Supporting Commentary
AUTHORITY/ DISCRETION	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 Financial Activity Statement for the period ended 31 October 2019.

EXECUTIVE SUMMARY

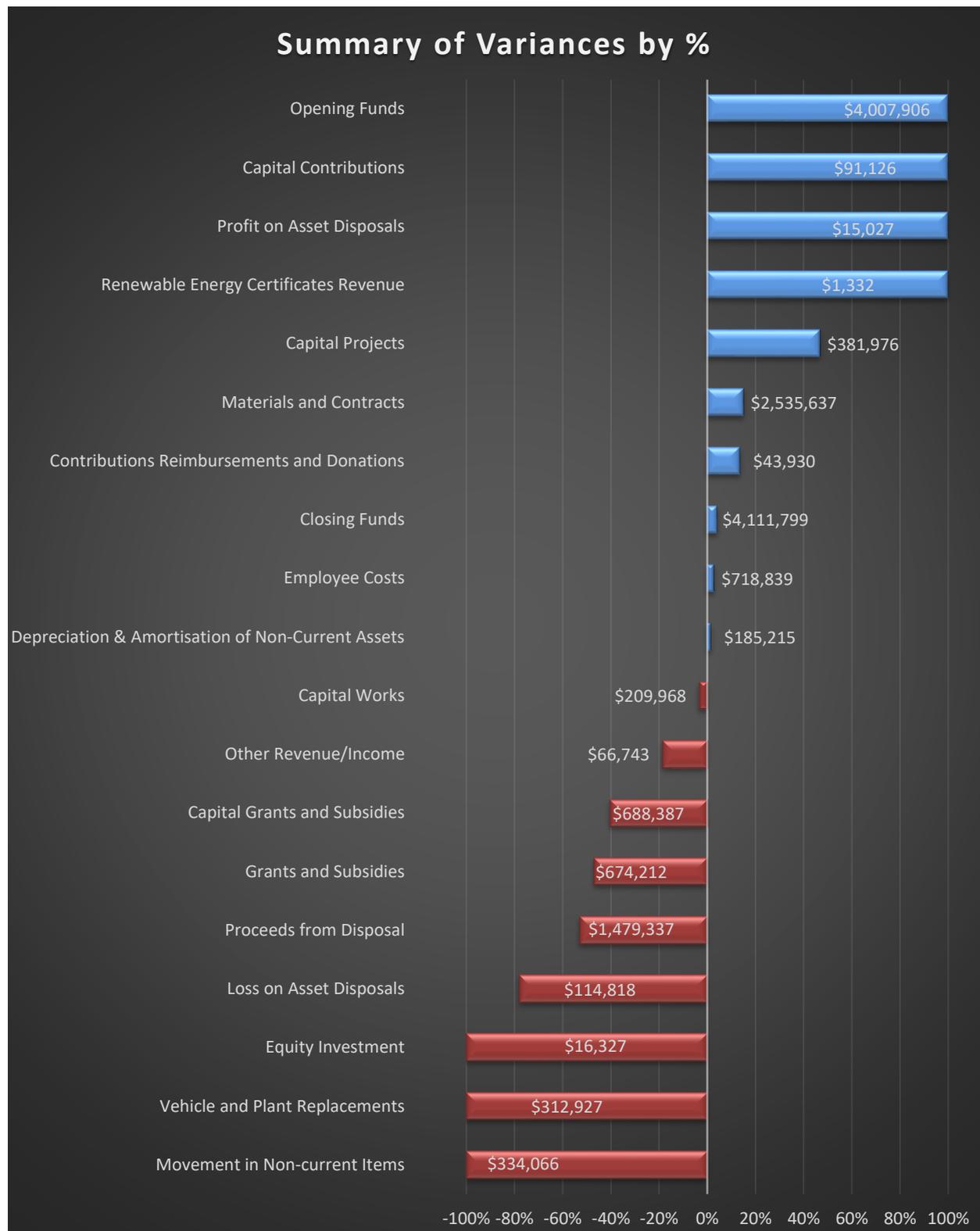
At its meeting held on 25 June 2019 (CJ073-06/19 refers), Council adopted the *2019-20 Annual Budget*. The figures in this report are compared to the adopted budget.

The October 2019 Financial Activity Statement Report shows an overall favourable variance of \$4,111,799 from operations and capital, after adjusting for non-cash items.

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 31 October 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 timing of revenue and expenditure compared to the budget estimate in October. The notes in Attachment 3 to Report CJ173-12/19 identify and provide commentary on the individual key material revenue and expenditure variances to date.

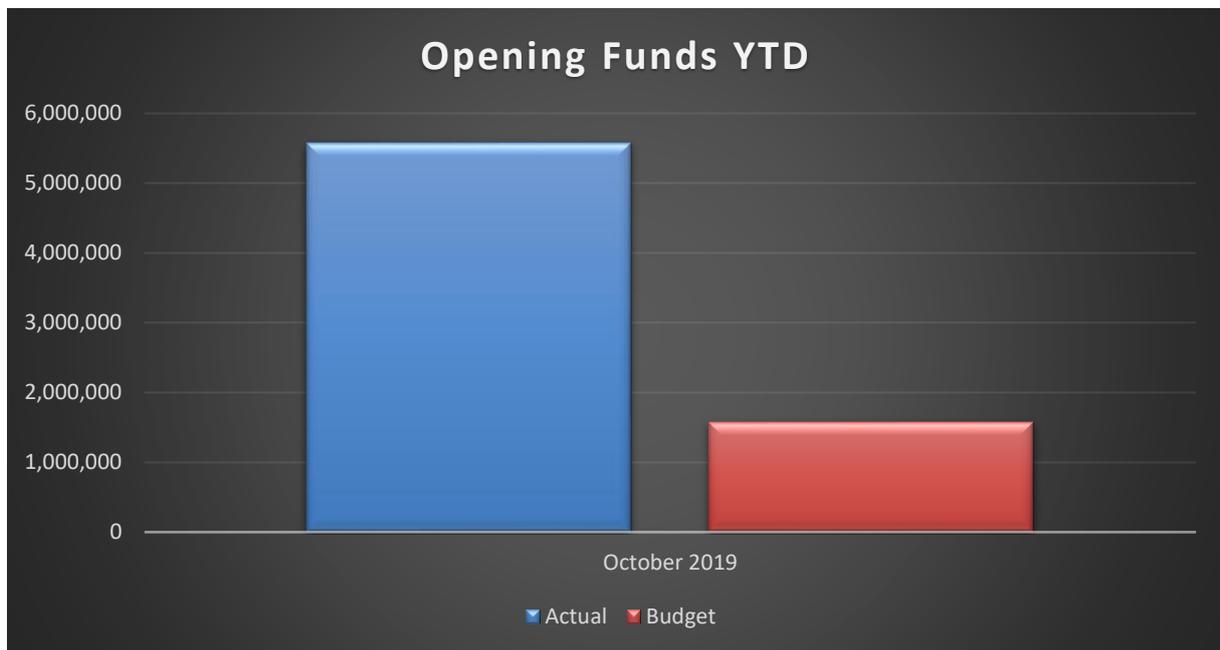
The key elements of the variance are summarised below:



The significant variances for October were:

Opening Funds

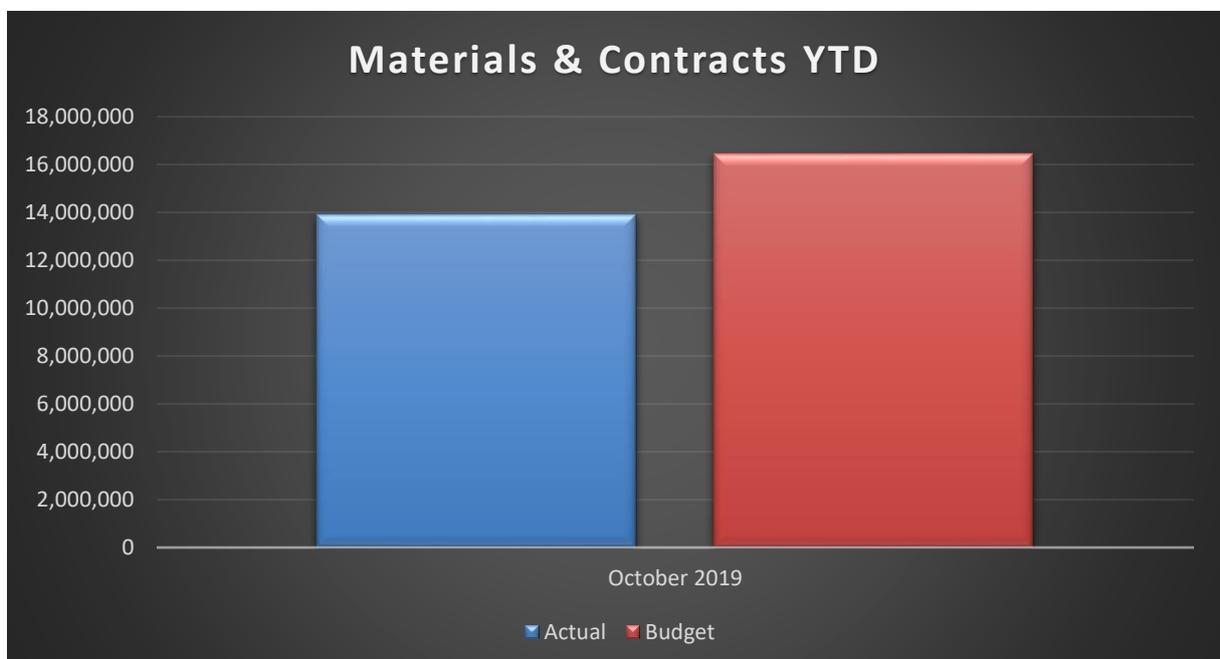
\$4,007,906



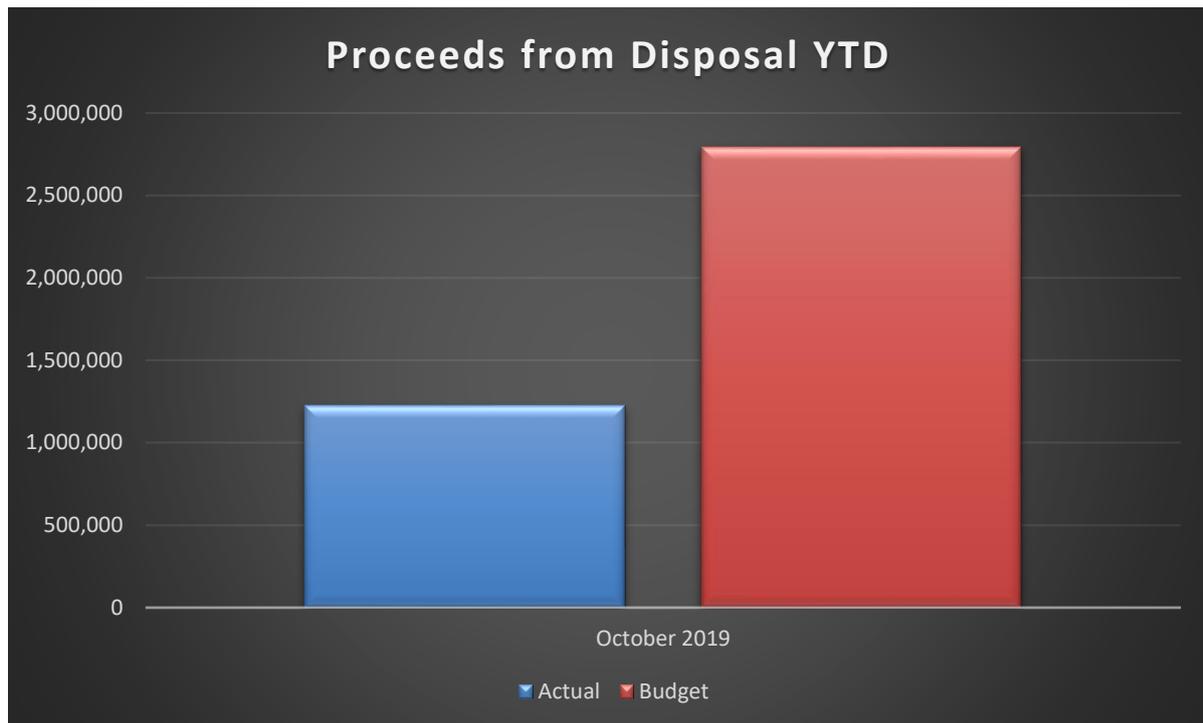
Opening Funds for July 2019 is \$4,007,906 above budget. This is due to variations in actual results for 2018-19 compared to budget estimate.

Materials and Contracts

\$2,535,637



Materials and Contracts expenditure is \$2,535,637 below budget. This is spread across a number of different areas including External Service Expenses \$1,349,792, Contributions and Donations \$293,129, Administration \$275,755 and Furniture, Equipment and Artworks \$223,597.

Proceeds from Disposal**(\$1,479,337)**

Proceeds from Disposal is (\$1,479,337) below budget. This unfavourable timing variance arose mainly in respect of Lot 803 (15) Burlos Court, Joondalup (\$1,634,000) with offers received not resulting in its sale.

It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 31 October 2019 forming Attachment 1 to Report CJ173-12/19.

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 31 October 2019 is appended as Attachment 1 to Report CJ173-12/19.

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

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 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

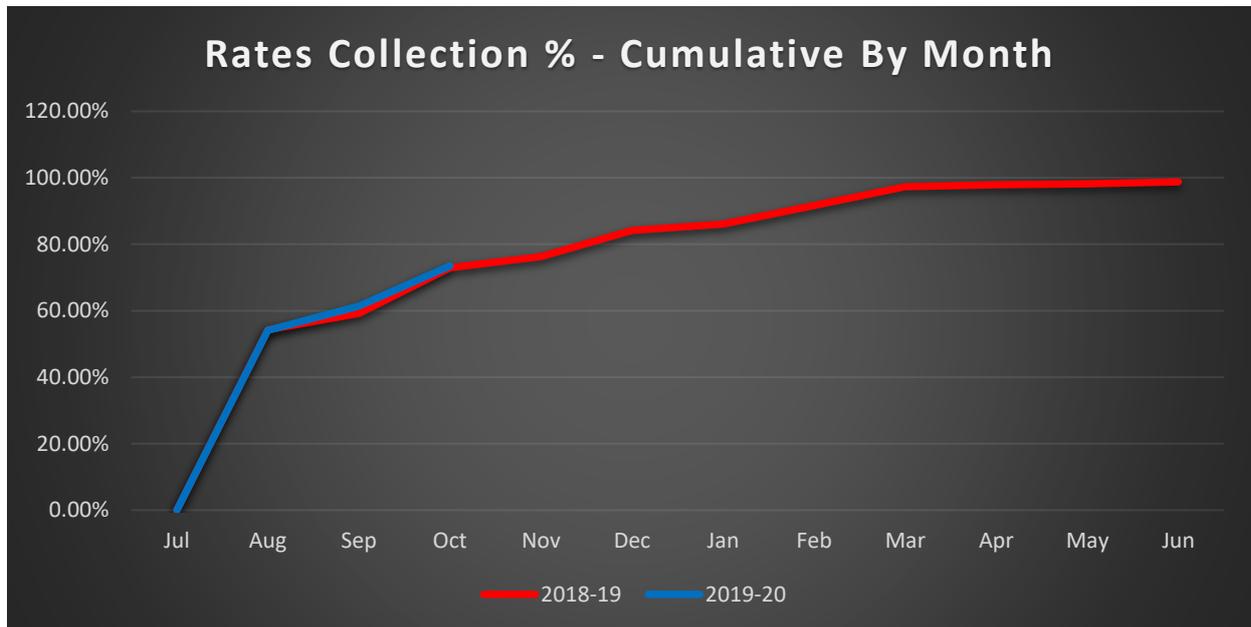
Expenditure has been incurred in accordance with adopted budget parameters, which have been structured on financial viability and sustainability principles.

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*.

KEY INDICATORS

Rates Collection



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

Economic Indicators



Increases occurred across all indicators during the June quarter. Wage inflation data for June demonstrates the WA wage price index has risen to be currently on par with CPI, which remained steady for the September quarter, but continues to lag the national wage price index which is 2.3% for the same period.

COMMENT

All expenditure included in the Financial Activity Statement is incurred in accordance with the provisions of the 2019-20 adopted budget or has been authorised in advance by Council where applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Financial Activity Statement for the period ended 31 October 2019 forming Attachment 1 to Report CJ173-12/19.

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf191203.pdf](#)

**CJ174-12/19 CONFIDENTIAL – TENDER 024/19 – CITY CENTRE
LIGHTING UPGRADE STAGE 4**

WARD	North
RESPONSIBLE ACTING DIRECTOR	Mr Mike Smith Corporate Services
FILE NUMBER	108122, 101515
ATTACHMENT	Attachment 1 Summary of Tender Submissions <i>(Please Note: The Report and Attachment is confidential and will appear in the official Minute Book only)</i>
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

This report is confidential in accordance with Section 5.23(2)(c) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

A full report is provided to Elected Members under separate cover. The report is not for publication.

CJ175-12/19 TENDER 031/19 – SUPPLY AND DELIVERY OF PVC PIPES, FITTINGS AND SPRINKLERS

WARD	All
RESPONSIBLE ACTING DIRECTOR	Mr Mike Smith Corporate Services
FILE NUMBER	108262, 101515
ATTACHMENTS	Attachment 1 Schedule of Items Attachment 2 Summary of Tender Submissions
AUTHORITY / DISCRETION	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 accept the tender submitted by Elliotts Irrigation Pty Ltd for the supply and delivery of PVC pipes, fittings and sprinklers.

EXECUTIVE SUMMARY

Tenders were advertised on 14 September 2019 through state-wide public notice for the supply and delivery of PVC pipes, fittings and sprinklers. Tenders closed on 3 October 2019. A submission was received from each of the following:

- Elliotts Irrigation Pty Ltd.
- Total Eden Pty Limited.

The submission from Elliotts Irrigation Pty Ltd represents best value to the City. The company demonstrated a thorough understanding and appreciation of the City's requirements. It has been supplying similar goods and services to various local governments in WA including the Cities of Stirling, Wanneroo and Vincent. It is the City's incumbent supplier for PVC pipes, fittings and sprinklers. Elliotts Irrigation Pty Ltd is well established with sufficient industry experience and proven capacity to provide the goods and services to the City.

It is therefore recommended that Council ACCEPTS the tender submitted by Elliotts Irrigation Pty Ltd for the supply and delivery of PVC pipes, fittings and sprinklers as specified in Tender 031/19 for a period of three years at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth CPI (All Groups).

BACKGROUND

The City has a requirement for the supply and delivery of PVC pipes, fittings and sprinklers to the City's Works Operations Centre. The Goods shall be supplied inclusive of labour, packaging and transport.

The City has a single contract in place with Elliotts Irrigation Pty Ltd which will expire on 4 December 2019.

Tender assessment is based on the best value for money concept. Best value is determined after considering whole of life costs, fitness for purpose, tenderers' experience and performance history, productive use of City resources and other environmental or local economic factors.

DETAILS

The tender for the supply and delivery of PVC pipes, fittings and sprinklers was advertised through statewide public notice on 14 September 2019. The tender period was for two weeks and tenders closed on 3 October 2019.

Tender Submissions

A submission was received from each of the following:

- Elliotts Irrigation Pty Ltd.
- Total Eden Pty Limited.

The schedule of items listed in the tender is provided in Attachment 1 to Report CJ175-12/19.

A summary of the tender submissions including the location of each tenderer is provided in Attachment 2 to Report CJ175-12/19.

Evaluation Panel

The evaluation panel comprised three members:

- one with tender and contract preparation skills
- two with the appropriate operational expertise and involvement in supervising the contract.

The panel carried out the assessment of submissions in accordance with the City's evaluation process in a fair and equitable manner.

Evaluation Method and Weighting

The qualitative weighting method of tender evaluation was selected to evaluate the offers for this requirement. Prior to assessment of individual submissions, a determination was made, based on the selection criteria, of what would be an acceptable qualitative score that would indicate the ability of the tenderer to satisfactorily deliver the services.

The standard minimum acceptable qualitative score for tenders at the City is 50%, but the specific circumstances of tender requirements may, from time to time, require the minimum score to be set higher than 50%, where the specification has complex design or technical requirements. The predetermined minimum acceptable qualitative score for this tender was set at 50%.

The qualitative criteria and weighting used in evaluating the submissions received were as follows:

Qualitative Criteria		Weighting
1	Capacity	50%
2	Demonstrated experience in supplying similar goods	35%
3	Demonstrated understanding of the required tasks	10%
4	Social and economic effects on the local community	5%

Compliance Assessment

All offers received were fully compliant and were considered for further evaluation.

Qualitative Assessment

Total Eden Pty Limited scored 65% and was ranked second in the qualitative assessment. The company demonstrated a sound understanding of the required tasks. It has the capacity and experience required to supply the goods to the City. It demonstrated experience supplying similar goods to WA local governments including the Cities of Gosnells, Belmont and Melville. It listed three similar contracts as examples of works with supply history for the last financial year, however, the period and dates or duration of contracts were not provided.

Elliotts Irrigation Pty Ltd scored 77.3% and was ranked first in the qualitative assessment. The company has been supplying similar goods and services to various local governments in WA including the Cities of Stirling, Wanneroo and Vincent. It is the City's incumbent supplier for PVC pipes, fittings and sprinklers. It demonstrated a thorough understanding and appreciation of the City's requirements. It is well established with sufficient industry experience and proven capacity to provide the goods and services to the City and is located within the City of Joondalup.

Given the minimum acceptable qualitative score of 50%, Elliotts Irrigation Pty Ltd and Total Eden Pty Limited qualified for stage two of the assessment.

Price Assessment

The panel carried out a comparison of the rates offered by each tenderer in order to assess value for money to the City.

The estimated expenditure over a 12-month period will vary based on demand and is subject to change in accordance with operational requirements. For the purposes of comparison of the financial value of the tenders, the tendered rates offered by each tenderer have been applied to actual historical usage data of all scheduled items. This provides a value of each tender for comparative evaluation purposes based on the assumption that the historical pattern of usage is maintained. There is no guarantee that this will occur and actual costs will be paid on the actual usage in future.

The rates are fixed for the first year of the contract but are subject to a price variation in years two and three of the contract to a maximum of the CPI for the preceding year. For estimation purposes, a 2% CPI increase was applied to the rates in years two and three.

Tenderer	Year 1	Year 2	Year 3	Total
Elliotts Irrigation Pty Ltd	\$319,830	\$326,226	\$332,751	\$978,807
Total Eden Pty Limited	\$341,558	\$348,389	\$355,357	\$1,045,304

During 2018-19, the City incurred \$300,105 for PVC pipes, fittings and sprinklers. Though the proposed schedule of rates provided by Elliotts Irrigation Pty Ltd is 7% higher than its current contract rates, there have been no increases to the existing rates throughout the term of the contract effective from 5 December 2016.

Evaluation Summary

Tenderer	Price Ranking	Estimated Total Comparative Price	Qualitative Ranking	Weighted Percentage Score
Elliotts Irrigation Pty Ltd	1	\$978,807	1	77.3%
Total Eden Pty Limited	2	\$1,045,304	2	65%

Based on the evaluation result the panel concluded that the tender from Elliotts Irrigation Pty Ltd provides best value to the City and is therefore recommended.

Issues and options considered

The City has a requirement for the supply and delivery of PVC pipes, fittings and sprinklers to the City's Works Operations Centre. The City does not have the internal resources to provide the required services and requires the appropriate external contractor to undertake the works.

Legislation / Strategic Community Plan / Policy implications

Legislation A statewide public tender was advertised, opened and evaluated in accordance with regulations 11(1) and 18(4) of Part 4 of the *Local Government (Functions and General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be more, or worth more, than \$150,000.

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality open spaces.

Strategic initiative Apply a strategic approach to the planning and development of public open spaces.

Policy Not applicable.

Risk management considerations

Should the contract not proceed, the risk to the City will be high as the City would not be able to maintain irrigation infrastructure on sporting reserves and public open space.

It is considered that the contract will represent a low risk to the City as the recommended tenderer is a well-established company with significant industry experience and proven capacity to provide the goods and services to the City.

Financial / budget implications

Account no.	Various capital and maintenance accounts.
Budget Item	Supply and delivery of PVC pipes, fittings and sprinklers.
Budget amount	\$ 360,000
Amount spent to date	\$ 94,159
Proposed cost	\$ 186,568
Balance	\$ 79,273

The balance does not represent a saving at this time. The actual expenditure will depend on actual usage under the contract.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Efficient reticulation systems are an integral component of the management of the City's water resources. The City has more than 300 parks and public open spaces that require irrigation. Efficient reticulation systems reduce the City's consumption of water and enhance the quality of these areas used by the community.

Consultation

Not applicable.

COMMENT

The evaluation panel carried out the evaluation of the submissions in accordance with the City's evaluation process and concluded that the offer submitted by Elliotts Irrigation Pty Ltd represents best value to the City.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ACCEPTS the tender submitted by Elliotts Irrigation Pty Ltd for the supply and delivery of PVC pipes, fittings and sprinklers as specified in Tender 031/19 for a period of three years at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth CPI (All Groups).

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf191203.pdf](#)

CJ176-12/19 TENDER 034/19 – PROVISION OF IRRIGATION PUMP AND BORE MAINTENANCE SERVICES

WARD	All
RESPONSIBLE ACTING DIRECTOR	Mr Mike Smith Corporate Services
FILE NUMBER	108275, 101515
ATTACHMENTS	Attachment 1 Schedule of Items Attachment 2 Summary of Tender Submissions
AUTHORITY / DISCRETION	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 accept the tender submitted by The Trustee for the McFadden Family Trust trading as Hydroquip Pumps for the provision of irrigation pump and bore maintenance services.

EXECUTIVE SUMMARY

Tenders were advertised on 21 September 2019 through state-wide public notice for the provision of irrigation pump and bore maintenance services. Tenders closed on 8 October 2019. A submission was received from each of the following:

- The Trustee for the McFadden Family Trust trading as Hydroquip Pumps.
- EI Irrigation Pty Ltd (Think Water Perth).

The submission from The Trustee for the McFadden Family Trust trading as Hydroquip Pumps represents best value to the City. It has extensive experience completing similar contracts for many local governments including the Cities of Canning, South Perth, Swan and Wanneroo. It is the City's incumbent supplier for irrigation pump and bore maintenance services. It demonstrated a thorough understanding and appreciation of the City's requirements. Hydroquip Pumps is well established with significant industry experience and proven capacity to provide the services to the City.

It is therefore recommended that Council ACCEPTS the tender submitted by The Trustee for the McFadden Family Trust trading as Hydroquip Pumps for the provision of irrigation pump and bore maintenance services as specified in Tender 034/19 for a period of three years at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth CPI (All Groups).

BACKGROUND

The City has a requirement for the provision of pump and bore maintenance, irrigation and drainage pump services to the City's irrigated parks and streetscapes. The scope of works includes the removal, maintenance, installation of irrigation, drainage pumps and the redevelopment of existing bores. The services shall be inclusive of emergency repairs and scheduled maintenance.

The City has a single contract in place with The Trustee for the McFadden Family Trust trading as Hydroquip Pumps which will expire on 4 December 2019.

Tender assessment is based on the best value for money concept. Best value is determined after considering whole of life costs, fitness for purpose, tenderers' experience and performance history, productive use of City resources and other environmental or local economic factors.

DETAILS

The tender for the provision of irrigation pump and bore maintenance services was advertised through statewide public notice on 21 September 2019. The tender period was for two weeks and tenders closed on 8 October 2019.

Tender Submissions

A submission was received from each of the following:

- The Trustee for the McFadden Family Trust trading as Hydroquip Pumps.
- EI Irrigation Pty Ltd (Think Water Perth).

The schedule of items listed in the tender is provided in Attachment 1 to Report CJ176-12/19.

A summary of the tender submissions including the location of each tenderer is provided in Attachment 2 to Report CJ176-12/19.

Evaluation Panel

The evaluation panel comprised three members:

- one with tender and contract preparation skills
- two with the appropriate operational expertise and involvement in supervising the contract.

The panel carried out the assessment of submissions in accordance with the City's evaluation process in a fair and equitable manner.

Evaluation Method and Weighting

The qualitative weighting method of tender evaluation was selected to evaluate the offers for this requirement. Prior to assessment of individual submissions, a determination was made, based on the selection criteria, of what would be an acceptable qualitative score that would indicate the ability of the tenderer to satisfactorily deliver the services.

The standard minimum acceptable qualitative score for tenders at the City is 50%, but the specific circumstances of tender requirements may, from time to time, require the minimum score to be set higher than 50%, where the specification has complex design or technical requirements. The predetermined minimum acceptable qualitative score for this tender was set at 50%.

The qualitative criteria and weighting used in evaluating the submissions received were as follows:

Qualitative Criteria		Weighting
1	Capacity	35%
2	Demonstrated experience in completing similar projects	35%
3	Demonstrated understanding of the required tasks	25%
4	Social and economic effects on the local community	5%

Compliance Assessment

All offers received were fully compliant and were considered for further evaluation.

Qualitative Assessment

Think Water Perth scored 49.3% and was ranked second in the qualitative assessment. The company has the capacity required to provide the services. It is part of a franchise that has over 55 stores with over 180 team members across Australia and New Zealand. It demonstrated experience completing bore installation works in WA. However, it only provided three examples of works and all these were undertaken for one client, Environmental Industries, which is its sister company. Period and dates or duration of these works and contracts were not provided. It demonstrated its understanding of the required tasks, though it is noted the company has no in-house diving team and proposed to obtain quotes for specific diving requirements.

Hydroquip Pumps scored 77.5% and was ranked first in the qualitative assessment. It demonstrated a thorough understanding and appreciation of the City's requirements. It has extensive experience completing similar contracts for many local governments including the Cities of Canning, South Perth, Swan and Wanneroo. It is the City's incumbent supplier for irrigation pump and bore maintenance services. Hydroquip Pumps is well established with significant industry experience and proven capacity to provide the services to the City.

Given the minimum acceptable qualitative score of 50%, Hydroquip Pumps qualified for stage two of the assessment.

Price Assessment

The panel carried out a comparison of the rates offered by each tenderer in order to assess value for money to the City.

The estimated expenditure over a 12-month period will vary based on demand and is subject to change in accordance with operational requirements. For the purposes of comparison of the financial value of the tenders, the tendered rates offered by each tenderer have been applied to actual historical usage data of all scheduled items. This provides a value of each tender for comparative evaluation purposes based on the assumption that the historical pattern of usage is maintained. There is no guarantee that this will occur and actual costs will be paid on the actual usage in future.

The rates are fixed for the first year of the contract but are subject to a price variation in years two and three of the contract to a maximum of the CPI for the preceding year. For estimation purposes, a 2% CPI increase was applied to the rates in years two and three.

Tenderer	Year 1	Year 2	Year 3	Total
Hydroquip Pumps	\$816,665	\$832,998	\$849,658	\$2,499,321
Think Water Perth	\$1,047,035	\$1,067,976	\$1,089,335	\$3,204,346

During 2018-19, the City incurred \$826,448 for the provision of irrigation pump and bore maintenance services.

Evaluation Summary

Tenderer	Price Ranking	Estimated Total Comparative Price	Qualitative Ranking	Weighted Percentage Score
Hydroquip Pumps	n/a	\$2,499,321	1	77.5%
Think Water Perth	n/a	\$3,204,346	2	49.3%

Based on the evaluation result the panel concluded that the tender from Hydroquip Pumps provides best value to the City and is therefore recommended.

Issues and options considered

The City has a requirement for the provision of pump and bore maintenance, irrigation and drainage pump services to the City's irrigated parks and streetscapes. The City does not have the internal resources to provide the required services and requires the appropriate external contractor to undertake the works.

Legislation / Strategic Community Plan / Policy implications

Legislation A statewide public tender was advertised, opened and evaluated in accordance with regulations 11(1) and 18(4) of Part 4 of the *Local Government (Functions and General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be more, or worth more, than \$150,000.

Strategic Community Plan

Key theme The Natural Environment.

Objective Environmental resilience.

Strategic initiative Demonstrate current best practice in environmental management for local water, waste, biodiversity and energy resources.

Policy Not applicable.

Risk management considerations

Should the contract not proceed, the risk to the City will be high as the City would not be able to duly maintain its irrigation systems.

It is considered that the contract will represent a low risk to the City as the recommended tenderer is well-established with significant industry experience and proven capacity to provide the services to the City.

Financial / budget implications

Account no.	Various capital and maintenance accounts.
Budget Item	Irrigation pump and bore maintenance services.
Budget amount	\$ 840,000
Amount spent to date	\$ 242,928
Proposed cost	\$ 476,388
Balance	\$ 120,684

The balance does not represent a saving at this time. The actual expenditure will depend on actual usage under the contract.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Irrigation pumps and associated bores are an integral component in the efficient management of the City's water resources. The City has approximately 211 irrigation pumps, eight drainage pumps, 14 aerators and 207 bores in its parks and streetscapes which may require repair work or modification over the contract period. The efficient supply of water from bores enhances the quality of these areas used by the community.

Consultation

Not applicable.

COMMENT

The evaluation panel carried out the evaluation of the submissions in accordance with the City's evaluation process and concluded that the offer submitted by Hydroquip Pumps represents best value to the City.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ACCEPTS the tender submitted by The Trustee for the McFadden Family Trust trading as Hydroquip Pumps for the provision of irrigation pump and bore maintenance services as specified in Tender 034/19 for a period of three years at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth CPI (All Groups).

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15brf191203.pdf](#)

CJ177-12/19 CRAIGIE LEISURE CENTRE REFURBISHMENT PROJECT

WARD	Central
RESPONSIBLE ACTING DIRECTOR	Mr Mike Smith Corporate Services
FILE NUMBER	103863, 101515
ATTACHMENTS	<p>Attachment 1 Craigie Leisure Centre aerial map</p> <p>Attachment 2 Craigie Leisure Centre floorplan (existing)</p> <p>Attachment 3 Craigie Leisure Centre original high level concept plan</p> <p>Attachment 4 Craigie Leisure Centre proposed floorplan option 1</p> <p>Attachment 5 Craigie Leisure Centre proposed floorplan option 1A</p> <p>Attachment 6 Southern car park proposed concept plan</p> <p>Attachment 7 Northern ring road proposed concept plan</p> <p>Attachment 8 Capital cost estimate option 1</p> <p>Attachment 9 Capital cost estimate option 1A</p> <p>Attachment 10 Social and economic return on investment report</p> <p>Attachment 11 Financial projections</p>
AUTHORITY / DISCRETION	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 detailed designs and estimated capital costs for the proposed refurbishment of Craigie Leisure Centre, Craigie.

EXECUTIVE SUMMARY

In 2015, the City engaged a consultant to conduct an operational review of Craigie Leisure Centre to identify opportunities for income growth, particularly in the health and fitness area. A recommendation from this review was that a needs and feasibility study be conducted to consider a masterplan of the leisure centre to ensure the facility meets future community requirements and maximises income growth potential. The study was completed in mid-2016.

Following the needs and feasibility study a consultant was engaged to develop high level concept plans and a cost estimate. The original high level concept plans were presented to Council at its meeting held on 20 March 2018 (CJ051-03/18 refers) which proposed a redevelopment of the facility and recommended phasing the works to spread the capital costs and reduce the impact on the City's resources.

At the meeting, Council approved phase one of the project including a gym extension, new group fitness and cycle studios to proceed to the detailed design and tender stage. It was also noted that the remaining proposed redevelopment phases would be considered as part of the next *20 Year Strategic Financial Plan* annual review.

Following the March 2018 Council meeting, an architect was engaged to undertake detailed design and construction contract administration. As part of the detailed design stage, the City took the opportunity to review the proposed facility layout and future project phases to determine if improvements could be made. This review resulted in the recommendation for the creche to be relocated next to the new group fitness studio and for the overflow carpark to be formalised as part of phase one works rather than phase two.

The new proposed floorplan (option 1) is estimated at \$8,630,000 and includes the following works:

- Extension of the gym from approximately 500m² to 1,200m² (main gym floor area) with new toilet / change room area.
- Relocation and extension of the group fitness studio (from approximately 340m² to 400m²), wellness studio (from approximately 210m² to 225m²) and cycle studio (from approximately 25m² to 75m²).
- Relocation and extension of the creche.
- Relocation of the staff room to allow for the cycle studio extension.
- Formalisation of the existing western overflow car park area, new additional car parking on the northern ring road, modifications to the southern car park and modification to the staff car park to allow for the extension works.
- Minor modifications to the facility entrance and new path to allow for the gym extension.

Included in the City's *Five Year Capital Works Program* for phase one of the project is \$2,935,000. There is also a further \$4,858,000 listed in the *20 Year Strategic Financial Plan* (SFP) in 2023-24 and 2024-25 for the remaining phases of the project, giving a total project budget of \$7,793,000.

As the cost estimate exceeded the existing project budget for phase one, a review of the proposed works was undertaken to determine if additional phasing could be considered to reduce capital costs further. This option (option 1A) is estimated at \$5,832,000 and includes the following reduced scope of works:

- Extension of the gym from approximately 500m² to 1,200m² (main gym floor area) with new toilet / change room area (same as option 1).
- Relocation of existing creche entrance door from outside near the car park to inside the facility to improve safety for children.
- Relocation of the group fitness studio to allow for the gym extension (existing size of 340m² would remain the same).
- Modification of southern car park to allow for the gym extension.
- Minor modifications to the facility entrance and new path to allow for the gym extension.

Member numbers at Craigie Leisure Centre have increased by 40% in last 2.5 years and are currently at capacity at approximately 4,000 members. In both options, the gym facility is proposed to increase in size from approximately 500m² to 1,200m² (main gym floor area) resulting in an estimated increase of 1,000 members within the first year of opening and a further increase of 2,000 members in the following five years. It is estimated that membership will grow by 87% (7,000 members) by 2028-29 for option 1, and by 75% (6,550 members) for option 1A.

A social and economic return on investment report was undertaken on the proposed refurbishment project by a consultant to quantify the likely overall benefit to the community. The review determined that the overall benefits-cost ratio of the proposed project was estimated at 3.47 which indicates that for every one dollar invested there would be over three dollar's value of benefits generated for the community.

As part of the project, a financial evaluation report has been undertaken for the refurbishment options. The refurbishment works included in option 1 are anticipated to increase the leisure centre's operating income due to additional casual gym and group fitness attendance, creche attendance and membership sales. The additional membership sales are expected to increase income by over \$1 million two years after construction and by 2028 by over \$3.8 million per year. Option 1 is estimated to have the ability to pay back the additional investment costs required within eight years. Of the two options, financially option 1 is better because it provides a higher net present value and operating surplus. These financial benefits outweigh the increased operating expenses, depreciation and interest on borrowings.

Given the financial analysis and the compromises 1A would result in, it is recommended that option 1 is undertaken at an estimate of \$8,630,000. This would require additional funds for phase one of the project, however would provide opportunities for greater participation and income growth. It is recommended that the \$4,858,000 currently listed in 2023-24 and 2024-25 of the SFP for phase two of the project, be brought forward to 2021-22 for phase one of the refurbishment project. In addition, a further \$837,000 would also be required.

It is therefore recommended that Council:

- 1 *NOTES that \$2,935,000 is currently listed within the City's Five Year Capital Works Program for phase one of the Craigie Leisure Centre refurbishment project;*
- 2 *NOTES that \$4,858,000 is currently listed in 2023-24 and 2024-25 of the City's 20 Year Strategic Financial Plan for phase two of the Craigie Leisure Centre refurbishment project;*
- 3 *APPROVES the proposed phase one refurbishment works at Craigie Leisure Centre as detailed as option 1 in this Report at a project cost estimate of \$8,630,000 to proceed to the construction tender stage;*
- 4 *subject to approval of Part 3 above, APPROVES the \$4,858,000 currently listed in 2023-24 and 2024-25 for phase two of the refurbishment of Craigie Leisure Centre be brought forward to 2021-22 of the City's Five Year Capital Works Program for phase one of the refurbishment of Craigie Leisure Centre;*
- 5 *subject to approval of Part 3 above, APPROVES an additional \$837,000 for phase one of the refurbishment of Craigie Leisure Centre be listed for consideration in 2021-22 of the City's Five Year Capital Works Program;*
- 6 *subject to approval of Part 3 above, NOTES that the remaining proposed refurbishment phases will be re-estimated and considered as part of a future review of the 20 Year Strategic Financial Plan.*

BACKGROUND

Suburb/Location	Craigie Leisure Centre, 751 Whitfords Avenue, Craigie, WA, 6025.
Applicant	City of Joondalup.
Owner	Crown Land – City of Joondalup Management Order.
Zoning	LPS3 Not applicable. MRS Parks and Recreation. Bush Forever.
Site area	50,941m ² .
Structure plan	Not applicable.

Craigie Leisure Centre is located on Whitfords Avenue, Craigie (Attachment 1 refers) and was constructed in 1988. The indoor stadium facilities and fitness components were added to the aquatic areas in 1992. Additional improvements and extensions to the health and fitness areas were undertaken in 1995-96. In 2006, the facility was redeveloped including the below:

- an indoor 25 metre lap pool
- indoor leisure pool
- spa
- sauna and steam room
- gym
- group fitness studio
- creche
- cycle studio
- function room
- offices
- toilets and change rooms
- café
- merchandise shop
- four sports courts.

In February 2010, a second phase of the redevelopment was opened which included an outdoor 50 metre lap pool, zero depth water playground and meeting room (Attachment 2 refers).

The centre currently has approximately 4,000 members and had approximately 1.5 million visitors in 2018-19. According to the leisure centre membership database and annual customer survey, the average member is female, aged 35 to 44 years old and resides in Duncraig. They attend the facility two to three times per week to participate in lap swimming, fitness classes or the gym.

In the past, there was an allocation of funds listed every few years in the City's *Five Year Capital Works Program* to undertake refurbishment works at each of the leisure centres. Refurbishment works for Craigie Leisure Centre have been listed in the capital works program for approximately seven years, originally listed for \$2,250,000. This was an amalgamation of funds listed for some separate works at the facility and formalisation of the overflow car park. This original budget was set some time ago and the figures were not based on any project scoping, concept design or cost estimate.

In February 2015, the City engaged a consultant to undertake a review of the health and fitness operations at the City's leisure centres (at that time Craigie, Heathridge and Duncraig) in response to a shortfall of projected income during the 2014-15 budget review process. One of the outcomes of the review included considering a facility redevelopment to capitalise on industry trends and maximise income opportunities as the existing facility does not meet the growing needs of the local community and the changes within the health and fitness industry.

Following the operational review, an action plan was developed and a number of the recommendations were agreed to be implemented, one of which was to undertake a needs and feasibility study including consideration of a long-term masterplan for Craigie Leisure Centre.

In August 2015, the City engaged a consultant to undertake a needs and feasibility study that would then be used to develop concept plans and capital cost estimates for the project. Due to the operational review recommending the City consider a long-term masterplan for Craigie Leisure Centre, it was determined that the needs and feasibility study should consider both refurbishment and redevelopment works that could be undertaken and determine staging options for the project. The study was completed in mid-2016 and the findings in summary were as follows:

- An assessment of benchmarked facilities indicated that the majority which have been redeveloped ad-hoc since they were initially constructed have experienced problems associated with merging new infrastructure within and / or as an extension to the existing infrastructure.
- The focus of any redevelopment should be the group fitness areas, gym and enhanced member services areas as they are the main income generators. Such facilities need to be located in areas which provide good natural lighting, social opportunities, effective programming and have good levels of supervision and security.
- Craigie Leisure Centre performs at an extremely high level with customer throughput and cost recovery being well above the industry average.
- The cost of labour against total expenditure indicates that the centre is run extremely efficiently.
- A number of the main income generators or potential income generators are operating at or near capacity. In particular, health and fitness membership has the potential to grow, but is limited by current available space in the gym and limited membership services.
- While competitors exist in the five kilometre catchment of the facility, the centre offers a unique service to the local community. To ensure the centre continues to keep pace with competition and maintain performance standards, additional investment will be required to address current selected performance inconsistencies.

Following the needs and feasibility study a consultant was engaged to develop high level concept plans (Attachment 3 refers) and a cost estimate. The plans were estimated at \$7,584,000 and proposed the following works:

- Larger gym, creche, group fitness and cycle studios and provision of a toilet / change room area with a small building extension and reallocation of areas within the existing building footprint.
- New dedicated outdoor fitness training area.
- Realignment of the entrance area including cafe and reception desk to provide outdoor eating area and resolve noise / acoustic issues.
- Refurbishment of existing change rooms (dry side only).
- Conversion of the second level (mezzanine) area to office space.

- Explore opportunities to include area for complimentary health commercial services (for example physiotherapy, massage, chiropractic and nutrition).
- Formalisation of the existing overflow car parking area.
- New outdoor rectangle playing surface with floodlighting for night use.

The original high level concept plans were presented to Council at its meeting held on 20 March 2018 (CJ051-03/18 refers), which proposed phasing the works to spread the capital costs and reduce the impact on the City's resources. At the meeting, Council approved phase one of the project including the gym extension, new group fitness and cycle studios to proceed to the detailed design and tender stage. It was also noted that the remaining proposed redevelopment phases would be considered as part of the next *20 Year Strategic Financial Plan* (SFP) annual review.

Currently included in the City's *Capital Works Program* for phase one of the project is \$2,935,000. There is also a further \$4,858,000 listed in the *Strategic Financial Plan* (SFP) in 2023-24 and 2024-25 for phase two of the project.

DETAILS

Option 1

Following Council's meeting held on 20 March 2018 (CJ051-03/18 refers), an architect was engaged to undertake detailed design and construction contract administration. As part of the detailed design stage, the City took the opportunity to review the proposed facility layout and future project phases to determine if improvements could be made. The City also engaged a consultant with experience in the management and planning of recreation and aquatic centres to provide feedback on the layout of the original high level concept plans. This review resulted in the recommendation for the creche to be relocated next to the proposed new group fitness studio and for the overflow carpark to be formalised as part of phase one works rather than phase two (Attachment 4 refers).

It is proposed to relocate the creche from the existing location at the front of the facility to adjacent to the proposed new group fitness studio for the following reasons:

- There is a safety risk for children with the current entry point of the creche being external to the main building entrance and adjacent to the car park area.
- Currently, customers who visit the creche must enter the main facility to the reception area to pick up a creche pass, walk back outside to the creche and then back inside to attend the fitness program. Moving the creche will improve customer flow through the facility as they will enter the main facility to the reception area, continuing on to the creche and then the fitness program. With approximately 79% of creche attendances being from parents who are attending group fitness classes, the proposed location of the creche adjacent to the new group fitness studio will improve this customer flow through the facility.
- The current location of the creche next to the main entrance of the facility presents an opportunity for the leisure centre to showcase fitness programs and activities in this space to increase the opportunity of profit generation and on selling.
- The current creche has a capacity of 54 children. By relocating the creche the capacity can be increased to 70 children, which would assist in accommodating the additional demand resulting from the anticipated increase in memberships.

The existing car park currently has 401 standard parking bays and eight ACROD bays. As part of the project, traffic flow into and around the car park is proposed to be improved (Attachment 6 refers). It is proposed to include three trailer parking bays as part of the project to address the issue with patrons with trailers taking up multiple bays. A one way entrance directing traffic towards the back of the car park to reduce congestion at the entrance is also proposed.

At the front of the facility there is proposed to be additional ACROD parking, a bus bay and kiss and drive area to improve flow out of the car park. Pedestrian safety is proposed to be improved with additional ground markings, bollards and signage at the two designated crossing sections of the car park. The proposed new car park layout will result in 356 standard bays, 10 ACROD bays, six kiss and drive bays and three trailer bays.

The existing car park sufficiently serves the general day-to-day operations but is not sufficient during peak periods. Currently during peak times, patrons park on kerbs and informally in the existing overflow car park area (accommodates approximately 80 cars). There is anticipated membership growth expected from the gym and group fitness areas increasing in size. This increase in members and facility attendances will put pressure on the current car park provisions. Therefore, it is proposed to include the formalisation of the existing overflow car parking area with the phase one works which will create approximately 148 parking bays. It is also proposed to create additional parking bays with associated drainage and lighting along the northern ring road that circles around the back of the leisure centre with approximately 45 bays (Attachment 7 refers). Both parking areas will include the planting of one tree per four parking bays as per the City's standard (except where there are existing trees).

The new proposed floorplan (option 1) includes the following works:

- Extension of the gym from approximately 500m² to 1,200m² (main gym floor area) with new toilet / change room area.
- Relocation and extension of the group fitness studio (from approximately 340m² to 400m²), wellness studio (from approximately 210m² to 225m²) and cycle studio (from approximately 25m² to 75m²).
- Relocation and extension of the creche.
- Relocation of the staff room to allow for the cycle studio extension.
- Formalisation of the existing western overflow car park area, new additional car parking on the northern ring road, modifications to the southern car park and modification to the staff car park to allow for the extension works.
- Minor modifications to the facility entrance and new path to allow for the gym extension.

The proposed building extension works and modifications to the southern car park will require the removal of some trees on the site. There will be approximately five trees required to be removed at the northern side of the building and two trees to be removed at the south eastern side of the building for the extension works in those areas. The traffic and parking improvement work proposed for the southern car park will require approximately seven trees to be removed. All the identified trees were planted in the early 1990's as site landscaping and a clearing permit is not required to remove them. To compensate for the loss of these trees, the refurbishment plans will consider additional tree planting within the overall site plan.

An external quantity surveyor (QS) has provided a capital cost estimate based on the option 1 proposed works (Attachment 8 refers). A summary of the total project cost has been provided in the following table for each component.

Component	Estimated capital cost
Creche	\$ 1,056,420
Staff room	\$ 288,070
Group fitness studio	\$ 921,010
Wellness studio	\$ 830,500
Cycle studio	\$ 295,830
Toilets / change rooms	\$ 920,420
Gym	\$ 3,479,830
Car park works	\$ 678,110
Main entry works and path	\$ 48,310
Artwork	\$ 71,000
Approvals, insurance and administration	\$ 40,500
TOTAL	\$ 8,630,000

The cost estimate includes design contingencies, building contingencies, cost escalation, professional fees, approval fees and furniture and fittings. GST is not included.

The cost estimate for option 1 is higher than the existing project budget due to the following factors:

- The project budget was based on high level concept plans from which a cost estimate was determined in 2017 using a square metre cost rate. Detailed design drawings include details on level of finishes and fixtures so a more accurate cost is then estimated.
- Some components originally planned for phase two have been brought forward such as the creche and formalisation of the overflow car park.
- Some works were not proposed as part of the original high level concept plan such as the traffic / parking improvement to the existing car park and new parking on the northern ring road.
- The opportunity to relocate and expand the creche was not in the original high level concept plans.
- The cost of relocating the staff room was factored into the phase two budget however would be a cost associated with phase one as it needs to be undertaken for the cycle studio component.
- The original cost estimate assumed reuse of some infrastructure however, once detailed designs were undertaken it was determined this would not be possible (for example heating / cooling system).
- There were a number of exclusions listed in the original cost estimate such as fixtures and fittings, audio visual and computer equipment, and escalation.
- The cost estimate includes the assumption that construction works will be staged (group fitness areas in stage one and gym in stage two) to allow for temporary facilities to be set up on a sports court and ensure the facility remains operational. This will increase construction costs in comparison to closing down the facility and completing all construction works at once.

Option 1A

As the cost estimate exceeded the existing project budget, a review of the proposed works was undertaken to determine if additional phasing could be considered to reduce capital costs further. This option includes the following reduced scope of works (Attachment 5 refers):

- Extension of the gym from approximately 500m² to 1,200m² (main gym floor area) with new toilet / change room area (same as option 1).
- Relocation of existing creche entrance door from outside near the car park to inside the facility to improve safety for children.
- Relocation of the group fitness studio to allow for the gym extension (existing size of 340m² would remain the same).
- Modification of the southern car park to allow for the gym extension.
- Minor modifications to the facility entrance and new path to allow for the gym extension.

In option 1A the proposed gym extension with new toilet / change room area is the same as option 1. This option does not include the relocation and extension of the creche, wellness studio, cycle studio or extension of the group fitness studio. However, the opportunity to move the creche entrance door to inside the facility has been included. Option 1A does not include the formalisation of the existing overflow car park area, additional traffic / parking improvements to the existing car park or new parking on the northern ring road.

Option 1A will restrict the leisure centre's ability to increase the capacity of group fitness and cycle classes and also will not allow the creche to cater for the expected increase in members as a result of the gym extension. Currently, cycle classes and the creche regularly operate at capacity in peak times. The extension of the group fitness studio, cycle studio and creche will still be required to be undertaken in the future (phase 2) and likely at an increased cost.

An external QS has provided a capital cost estimate based on the option 1A proposed works (Attachment 9 refers). A summary of the total project cost has been provided in the following table for each component.

Component	Estimated capital cost
Creche	\$ 105,660
Group fitness studio	\$ 656,360
Toilets / change rooms	\$ 992,910
Gym	\$ 3,833,230
Car park works	\$ 92,510
Main entry works and path	\$ 57,830
Artwork	\$ 50,000
Approvals, insurance and administration	\$ 43,500
TOTAL	\$ 5,832,000

The cost estimate includes design contingencies, building contingencies, cost escalation, professional fees, approval fees and furniture and fittings. GST is not included.

Traffic flow into the site

In September 2019, a traffic survey was undertaken from Whitfords Avenue to track all vehicle movements in and out of the Craigie Leisure Centre site. The survey found that the peak period queue numbers were within acceptable levels and that there are not sufficient queuing / delays occurring to justify an intersection upgrade at this time. A further study can be undertaken following the refurbishment works to assess if there is a change to the vehicle movements.

Expected membership growth

Member numbers at Craigie Leisure Centre have increased by 40% in the last 2.5 years and is currently at capacity at approximately 4,000 members. In both options, the gym facility is proposed to increase in size from approximately 500m² to 1,200m² (main gym floor area) resulting in an estimated increase of 1,000 members within the first year of opening and a further increase of 2,000 members in the following five years.

In option 1, the expected membership capacity is estimated at 7,000 and this would be reached within approximately seven years of opening. Due to the compromised size of the group fitness, wellness and cycle studios, the expected membership capacity of option 1A is estimated at 6,550 and this would be reached within approximately six years of opening.

In addition, while the proposed works are related to the 'dry' side of the facility, it is likely that attendance to the aquatics area will also increase following the refurbishment.

It is important to note that during construction, for both options it is anticipated that memberships will decline by up to 20%. Within the first year of operation after construction, it is expected that the 20% loss will be recovered plus a further 30% increase in memberships is predicted. In year two, a 10% increase is expected and a further 7.5% increase in year three. The following three to four years is expected to bring an increase of 5% per year until the capacity of 6,550 - 7,000 members (depending on the option) has been achieved in 2028 which is a growth of 87% for option 1 and 75% for option 1A.

The membership projections are considered conservative based on other facilities that have previously undertaken similar refurbishment works such as the Mandurah Aquatic and Recreation Centre experienced a 27% membership decline during refurbishment and a 275% increase one year following the reopening. Beatty Park Leisure Centre experienced a 23% membership decline during refurbishment and a 162% increase one year following the reopening.

Social and economic return on investment

In 2018, a consultant undertook a social and economic return on investment report on the proposed refurbishment project (Attachment 10 refers). The review aimed to quantify the overall benefit of the project to the community. While the report was based on the original high level concept plans and cost estimate, the findings of the report are still relevant.

The review determined that the overall benefits-cost ratio of the proposed project was estimated at 3.47 which indicates that for every one dollar invested there would be over three dollar's value of benefits generated for the community. This ratio exceeds the threshold of at least 2.00 that would be required for a project of this nature.

The review concluded that the project has the potential to bring economic and social benefits to the community such as:

- continuous health benefits
- one-off health benefits for new participants that are currently inactive
- productivity benefits for new participants that are currently inactive
- human capital uplift (education) benefits to children and junior participants (five to 20 years old)

- personal satisfaction from being part of sporting organisation (for team sport participants)
- the project is expected to generate nine direct full time positions and 28 indirect full time positions over the construction period of both phases.

Financial evaluation

As part of the project, a financial evaluation report has been undertaken for the refurbishment options (Attachment 11 refers). For the financial evaluation model, the following assumptions were determined:

- Capital costs for the refurbishment options are \$8,630,000 for option 1 and \$5,832,000 for option 1A.
- The model assumed the additional funds required would be from loan over a 10 year fixed interest rate period of 2.5% and a government guarantee of 0.7%.
- The proposed refurbishment works involve disposal of some existing assets before they have reached the end of their economic life and this would result in a one-off impact to the operating results (an impairment). This has been calculated as \$68,000 for option 1.
- Operating cash expenses have been increased to allow for the anticipated additional staff required (group fitness, sales and creche), additional utilities, cleaning, building maintenance and gym equipment.
- An estimate of 2% for both depreciation and capital replacement is assumed.
- Operating income will increase due to additional casual gym and group fitness attendance, creche attendance and membership sales.
- While the centre currently has approximately 4,000 members, given the fluid nature of the health and fitness industry and the fluctuations around member numbers, the financial model member baseline was set at 3,750 members which is the number used to set the 2019-20 budget.

It is estimated that membership will grow by 87% by 2028-29 for option 1, and by 75% for option 1A. The increase of 87% would result in just over 7,000 members. The additional membership sales are expected to increase income by over \$1 million two years after construction and by 2028-29 by over \$3.8 million per year.

The membership growth required to break even after 20 years is 28% (approximately 4,800 members). This provides confidence that the project can break even, because even if the membership growth was lower than the 87% predicted, it would have to be under 28% to result in a negative net present value.

The whole-of-life cash flows have been projected up to 2041-42 (total of 20 years). The following table summarises the overall cash flow impacts and includes capital, funding, income, expenses, capital replacement and escalation. The cashflow analysis indicates that option 1 has the better net present value but pays back the investment cost two years (year eight) after option 1A (year six) due to the higher investment costs.

	Option 1	Option 1A
Capital costs	(\$ 8,630,000)	(\$ 5,832,000)
Net funding required	(\$ 8,630,000)	(\$ 5,832,000)
Cost of funding	(\$ 1,575,000)	(\$ 1,065,000)
Establishment costs	(\$ 10,205,000)	(\$ 6,897,000)
Capital replacement costs	(\$ 4,676,000)	(\$ 3,160,000)
Operating cash expenses	(\$ 18,068,000)	(\$ 17,728,000)
Operating income	\$ 84,208,000	\$ 75,923,000

	Option 1	Option 1A
Cashflow total	\$ 51,258,000	\$ 48,138,000
Net present value / (cost)	\$ 15,908,000	\$ 15,669,000
Payback (years)	8	6

The following table shows the payback (years) for each component. The group fitness / wellness studio, cycle studio and gym are the only components to provide a sufficient income to pay back the investment.

Component	SFP (2018)	Option 1	Option 1A
Group fitness and wellness studio		4	3
Cycle studio		4	
Gym	5	6	7
Overall project payback	10	8	6

The following table shows the existing asset values for Craigie Leisure Centre (including aquatics) and shows the potential values after implementation (for option 1). This indicates that the overall replacement cost would be just over \$60 million after the refurbishment project.

	Current replacement cost	Accumulated depreciation	Written down value
Asset value - existing	\$ 52,255,000	\$ 20,589,000	\$ 31,667,000
Write off (result of project)	(\$ 112,000)	(\$ 44,000)	(\$ 68,000)
Increase to value (due to project)	\$ 8,630,000		\$ 8,630,000
Asset value – after project	\$ 60,773,000	\$ 20,545,000	\$ 40,229,000

The City currently pays \$771,000 per year for the \$5.8 million loan taken out in 2010 for the outdoor aquatic facilities extension project. The loan was a 10 year fixed interest (5.8%) and will be repaid by June 2020. If the City uses loan funds for the whole project cost of option 1 (\$8,630,000), this would result in annual costs of \$1,021,000 per year (\$250,000 more than the existing loan). If the City uses loan funds for just the difference in cost of option 1 with what is already included in the SFP for phase one of the project (\$5,695,000) this would result in annual costs of \$676,000 per year (\$95,000 less than the existing loan). There would not be any overlap between the loans. The decision to fund the project from either loan or reserve funds will be made at the time based on the financial conditions and in the best long term financial interests of the City.

The following table summarises the potential impacts of the project on the City's operating results over a 20 year period. This shows both options would have an operating surplus, with option 1 providing the best outcome. The impacts per rateable property is calculated by dividing the operating surplus by 60,000 rateable properties.

	Option 1	Option 1A
Interest	(\$ 1,575,000)	(\$ 1,065,000)
Depreciation / capital replacement	(\$ 4,676,000)	(\$ 3,160,000)
Operating cash expenses	(\$ 18,068,000)	(\$ 17,728,000)
Operating income	\$ 84,208,000	\$ 75,923,000
Operating surplus / (deficit)	\$ 59,888,000	\$ 53,970,000
Impact per rateable property over 20 years	\$ 998	\$ 900

Of the two options, financially option 1 is better because the financial benefits outweigh the increased operating expenses, depreciation and interest on borrowings and it provides a higher net present value and operating surplus.

Issues and options considered

There are three main options for the Craigie Leisure Centre refurbishment project as follows:

- Not undertake any refurbishment works and retain the remainder of the existing project budget in reserve funds. This is not recommended as the 'dry side' of the facility is at least 12 years old (some areas are over 20 years old) and the patronage has grown significantly in that time such that the health and fitness areas are at capacity. There is limited potential for income growth (other than annual fee increases) if the facility is not expanded to accommodate increased demand.
- Undertake the works recommended in option 1 including extension of the gym, new toilet / change room area, relocation and extension of the group fitness studio, wellness studio and cycle studio, relocation and extension of the creche, relocation of the staff room, formalisation of the existing western overflow car park area, additional parking on the northern ring road, modifications to the southern car park and staff car park and minor modifications to the facility entrance and new path.
- Undertake the works recommended in option 1A including extension of the gym, new toilet / change room area, relocation of the group fitness studio, new creche entrance, modification to the southern car park and minor modifications to the facility entrance and new path.

Each option and the advantages and disadvantages are explored in more detail in the following table.

Option	Advantages	Disadvantages
Do nothing	<ul style="list-style-type: none"> • No construction work impact on programs or customers. • Existing function room remains operational with approximately \$50,000 per year of income. • Allocated budget for phase 1 would be retained in reserve funds. 	<ul style="list-style-type: none"> • Existing gym size and fit out would remain below current industry standards. • The existing gym is currently over capacity and no further membership or income growth would be possible. • Maintaining the existing membership numbers would be difficult with the existing size of the gym and staffing resources. • Existing customer complaints about crowding in the gym and group fitness classes would not be addressed. • Existing issue with gym users not being able to access change room facilities would not be addressed. • Member dissatisfaction may result due to the failure to meet the expectation of facility improvements.

Option	Advantages	Disadvantages
Option 1	<ul style="list-style-type: none"> • Includes a gym over twice the size of the existing gym with new toilet change room facilities to cater for membership growth of an estimated 87%. • Includes larger group fitness, wellness and cycle studios to cater for additional class sizes. • Includes the relocation and extension of the creche which will allow for additional attendance and safer and more efficient entry / exit. • New location for the wellness studio will allow for programs and activities to be showcased. • New and larger facilities with up to date fit out will ensure the facility remains competitive in the market and improve membership sales and satisfaction levels. • Includes additional parking for the site. • Expected membership growth will increase operational income by over \$3.8 million per year by 2028. • Estimated payback period for the loan on the additional funds required is eight years which is two years longer than option 1A. • The proposed works can be constructed in stages which will reduce the impact on customers and ensure the facility remains operational. • Social and economic return on investment report indicated that the project has good benefits-cost ratio with the potential to bring economic and social benefits to the community. 	<ul style="list-style-type: none"> • Construction works, while staged, will impact programs and customers with a reduction in membership expected during this time. • Facility would no longer have a function room resulting in approximately \$50,000 per year of lost income. • Would require additional capital budget funds which if from loan funds would be subject to financing costs. • Includes the early disposal of some existing assets resulting in a one off impairment cost to the City's operating deficit. • Will result in additional operating costs such as staffing, utilities, cleaning and maintenance.

Option	Advantages	Disadvantages
Option 1A	<ul style="list-style-type: none"> • Lower capital cost than option 1. • Includes a gym over twice the size of the existing gym with new toilet change room facilities to cater for membership growth of an estimated 75%. • Includes the relocation of the creche entrance door to improve safety. • New and larger gym facilities with up to date fit out will ensure the facility remains competitive in the market and improve membership sales and satisfaction levels. • Expected membership growth will increase operational income by over \$3.2 million per year by 2028. • Estimated payback period for the loan on the additional funds required is six years which is two years sooner than option 1. • The proposed works can be constructed in stages which will reduce the impact on customers and ensure the facility remains operational. • Likely shorter construction period and impact on customers than option 1. • Social and economic return on investment report indicated that the project has good benefits-cost ratio with the potential to bring economic and social benefits to the community. 	<ul style="list-style-type: none"> • Does not include larger group fitness, wellness and cycle studios which would impact ability for further membership or income growth for this area. • Does not include the relocation and extension of the creche which would impact ability to increase attendance. • The existing creche will require major maintenance to the outdoor area in the near future such as flooring and shade structures. • Does not include relocation of the wellness studio to allow for programs and activities to be showcased. • Does not include additional parking for the site. • Existing customer complaints about crowding in the group fitness classes would not be addressed. • Member dissatisfaction may result due to the failure to meet the expectation of facility improvements. • Construction works, while staged, will impact programs and customers with a reduction in membership expected during this time. • Facility would no longer have a function room resulting in approximately \$50,000 per year of lost income. • Would require additional capital budget funds which if from loan funds would be subject to financing costs. • Includes the early disposal of some existing assets resulting in a one-off impairment cost to the City's operating deficit. • Will result in additional operating costs such as staffing, utilities, cleaning and maintenance. • While a lower capital cost than option 1, it does not have as high an income generating ability in the long-term.

If it is agreed to progress the refurbishment project, because the project scope has expanded, the City will seek new quotes / tenders for the remaining architectural services (contract documentation and construction contract administration). Following this, tender documentation will be completed and the City would tender for construction (works likely to commence early 2021-22).

Legislation / Strategic Community Plan / Policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Community Wellbeing.

Objective Quality facilities.

Strategic initiative

- Support a long-term approach to significant facility upgrades and improvements.
- Understand the demographic context of local communities to support effective facility planning.
- Employ facility design principles that will provide for longevity, diversity, inclusiveness and where appropriate support the decentralising of City Services.

Key theme Financial Sustainability.

Objective To conduct business in a financially sustainable manner.

Strategic initiative Manage liabilities and assets through a planned, long-term approach.

Policy *Requests for New or Capital Upgrades to Existing Buildings Policy.*

Strategic position statements

At its meeting held 17 April 2018 (CJ061-04/08 refers), Council endorsed the following strategic position statements relevant to the Craigie Leisure Centre refurbishment project:

- Leisure centre operations: Leisure centre operations overall should aim to be self-sufficient and meet all operating costs.
- Sustainable borrowing: The City supports borrowing as an appropriate form of financing capital expenditure in the achievement of objectives contained within the *Strategic Community Plan 2012-2022* and the SFP. Sustainable borrowing parameters should be determined as follows:
 - Long-term borrowing requirements will be identified as part of the SFP and specific borrowings will be approved as part of the annual budget process.
 - Borrowings should only be considered where the impacts are within the range of the key ratio targets contained within the SFP – guiding principles, in particular, the debt service coverage ratio.

The proposed refurbishment work meets the aims of these strategic position statements.

Risk management considerations

There is a risk that the anticipated increase in operating income does not fully materialise due to any number of factors (economic, social and trends) and therefore the project payback period may be longer.

The risk with not undertaking any refurbishment works is that the existing gym and group fitness areas are at capacity in peak periods. There is limited potential for income growth (other than annual fee increases) if the facility is not expanded to accommodate increased demand. In addition, the existing high member number creates issues with overcrowding and classes being booked out which can negatively impact the customer experience and may lead to a loss of members.

In July 2019, the City had a Bushfire Attack Level (BAL) assessment undertaken. The assessment determined that the assigned BAL rating for the proposed extension works is BAL-FZ, which is the applicable rating for buildings between 0 – 15 metres of classified vegetation. As per AS 3959-2018, a BAL-FZ is described as direct flame exposure from fire in addition to heat flux and ember attack. The construction requirements for buildings within this BAL rating will be taken into consideration during development of the tender documentation.

Financial / budget implications

Establishment costs and funding The total capital cost for option 1 is \$8,630,000 which is \$5,695,000 more than the \$2,935,000 budget for phase one of the project. The overall establishment cost (including borrowings) is estimated at \$10,205,000. The financial evaluation has assumed borrowings but it may be possible to consider using reserves, although the City would then forego earnings on cash reserves.

Depreciation / capital replacement The proposed works would result in additional depreciation of approximately \$172,600 per year (2% of capital costs). The City would need to ensure that it had sufficient cash in future years to fund capital replacement. A total cash flow of \$4,676,000 has been included in the financial evaluation, comprising of 20 years' worth of costs. The asset may not require \$4,676,000 capital replacement in the first 20 years, but the City needs to ensure it generates sufficient operating surplus and has a plan in place to meet this future cash outlay.

Operating impacts Option 1 would result in additional operating expenses of \$571,000 which includes \$305,000 additional staff expenses and \$266,000 increase in materials / contracts. The total cash impacts over 20 years, including escalation is \$18,068,000.

The operating income is projected to cover all of the increases in expenses, including depreciation, interest and operating expenses. The membership growth is projected to grow from 3,750 to approximately 7,000 by 2028-29. The overall increase in operating income including escalation is estimated to be \$84,208,000.

20 Year Strategic Financial Plan impact In the first two years, the proposal would have a detrimental impact on the operating results and impact the City's operating deficit. However, after three years the project would begin to deliver an operating surplus. Over a 20 year period it would provide an operating benefit of \$59,888,000 which is \$41,313,000 more than currently included in the SFP.

Impact on key ratios The City uses three key ratios to evaluate and prepare the SFP. This project will have the following impacts:

- Operating surplus ratio - from year three (2023-24) the project will provide a positive impact on the operating surplus ratio for the City by 0.4% and this will steadily improve as membership volumes increase. By 2028-29 when membership volumes may have reached the peak, the project will improve the overall operating surplus ratio by 1.2%. This would be a contribution to the City's most important financial indicator.
- Debt service coverage ratio - this would reduce if the project is fully funded by borrowings. However, the overall ratio would be at least ten while the borrowings are repaid which is higher than the lowest threshold of five.
- Asset sustainability ratio - the City is projecting to be below the desired 90% threshold for at least the next 20 years as it will not spend as much on renewal expenditure as it consumes (depreciation). The asset sustainability ratio will be further depressed with this project because depreciation will increase but renewal expenditure will not be required for several years.

Project objectives and net present value The project should aim to deliver a positive net present value and pay back within 20 years. This is achieved with option 1 which has a payback of eight years and net present value of \$15,908,000. The project should provide a positive impact on operating results, which is also achieved.

A review of potential grant funding has been undertaken and there are no relevant opportunities currently available. As the project progresses, if new funding opportunities become available these will be explored.

The following funds are also listed for other unrelated capital works at Craigie Leisure Centre in the coming years:

- \$300,000 in 2020-21 for the 10 year maintenance of the outdoor pool and water play park.
- \$1,000,000 in 2024-25 for the geothermal bore major refurbishment project.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Environmental

The proposed works have been planned to reduce the impact of the carbon footprint and consider environmental sustainability design features where possible within the project budget for example LED lighting, waterless urinals and water saving taps and toilet cisterns.

Social

The project has included consultation with the existing customers, members and user groups of Craigie Leisure Centre to ensure that the proposed work addresses their needs. Furthermore, the proposed works has considered access and inclusion principles with the aim to enhance the amenity of the public space.

The social and economic return on investment report determined that the overall benefits-cost ratio of the proposed project was estimated at 3.47 which indicates that for every one dollar invested there would be over three dollar's value of benefits generated for the community.

Economic

The economic implications of the proposed works have been outlined in the financial sections of this report.

Consultation

Consultation for the project was conducted in accordance with the City's approved *Community Consultation and Engagement Policy and Protocol*. Results of the consultation were considered at its meeting held on 20 March 2018 (CJ051-03/18 refers) by Council.

COMMENT

The City, through its management of Craigie Leisure Centre, is recognised in Western Australia as an industry leader in the provision of community leisure and aquatic facilities and services. The operating position that the facility achieves each year is above the industry average. Member numbers have increased by 40% in last 2.5 years and are currently at capacity with approximately 4,000 members. There is limited potential for income growth (other than annual fee increases) if the facility is not expanded to accommodate increased demand. To remain competitive and continue to drive financial performance it is recommended that the City undertake refurbishment works that maximise opportunities for income growth.

The social and economic return on investment report indicated that for every one dollar invested as part of the project there would be over three dollar's value of benefits generated for the community.

In both options, the gym facility is proposed to increase in size from approximately 500m² to 1,200m² (main gym floor area) resulting in an estimated increase of 1,000 members within the first year of opening and a further increase of 2,000 members in the following five years. It is estimated that membership will grow by 87% (7,000 members) by 2028 for option 1, and by 75% (6,550 members) for option 1A.

The refurbishment works included in option 1 are anticipated to result in additional membership sales that are expected to increase income by over \$1 million two years after construction and by over \$3.8 million per year by 2028-29. Option 1 is estimated to have the ability to pay back the additional investment costs required within eight years. Financially, option 1 is better because it provides a higher net present value and operating surplus. These financial benefits outweigh the increased operating expenses, depreciation and interest on borrowings.

The extension of the group fitness studio, cycle studio, creche works and additional parking that have been removed from option 1A, will still be required to be undertaken in the future (phase two) and likely at an increased cost. Undertaking all the group fitness works at once, will reduce the construction impact on members and patrons.

Given the financial analysis and the compromises 1A would result in, it is recommended that option 1 is undertaken at an estimate of \$8,630,000. This would require additional funds for phase one of the project, however would provide opportunities for greater participation and income growth. It is recommended that the \$4,858,000 currently listed in 2023-24 and 2024-25 of the SFP for phase two of the project, be brought forward to 2021-22 for phase one of the refurbishment project. In addition, a further \$837,000 would also be required. If the refurbishment works are progressed as recommended, the remaining proposed phase will be re-estimated and considered as part of a future review of the SFP.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 **NOTES** that \$2,935,000 is currently listed within the City's *Five Year Capital Works Program* for phase one of the Craigie Leisure Centre refurbishment project;
- 2 **NOTES** that \$4,858,000 is currently listed in 2023-24 and 2024-25 of the City's *20 Year Strategic Financial Plan* for phase two of the Craigie Leisure Centre refurbishment project;
- 3 **APPROVES** the proposed phase one refurbishment works at Craigie Leisure Centre as detailed as option 1 in this Report at a project cost estimate of \$8,630,000 to proceed to the construction tender stage;
- 4 **subject to approval of Part 3 above, APPROVES** the \$4,858,000 currently listed in 2023-24 and 2024-25 for phase two of the refurbishment of Craigie Leisure Centre be brought forward to 2021-22 of the City's *Five Year Capital Works Program* for phase one of the refurbishment of Craigie Leisure Centre;

- 5 subject to approval of Part 3 above, **APPROVES** an additional \$837,000 for phase one of the refurbishment of Craigie Leisure Centre be listed for consideration in 2021-22 of the City's *Five Year Capital Works Program*;
- 6 subject to approval of Part 3 above, **NOTES** that the remaining proposed refurbishment phases will be re-estimated and considered as part of a future review of the *20 Year Strategic Financial Plan*.

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16brf191203.pdf](#)

REPORT OF THE CHIEF EXECUTIVE OFFICER**CJ178-12/19 APPOINTMENT OF AN ALTERNATE MEMBER TO MINDARIE REGIONAL COUNCIL**

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	03149, 101515
ATTACHMENT	Nil
AUTHORITY / DISCRETION	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 appoint an alternate member to act on behalf of Cr Russ Fishwick, JP at any meetings of the Mindarie Regional Council to be held between 11 December and 19 December 2019.

EXECUTIVE SUMMARY

The Mindarie Regional Council (MRC) was established for the management of waste and comprises the following local governments:

- City of Joondalup
- City of Perth
- City of Stirling
- City of Wanneroo
- Town of Vincent
- Town of Victoria Park
- Town of Cambridge.

Each local government is represented on the MRC, with the City of Joondalup being represented by Cr Russ Fishwick, JP and Mayor Hon. Albert Jacob, JP.

Cr Russ Fishwick, JP has approved leave of absence for the period 4 November to 19 December 2019 inclusive; which includes Ordinary Council Meetings of the MRC on 21 November 2019 and 12 December 2019. Previous legal advice requires that where the City is required to be represented in the absence of a nominated member to the MRC it must do so by specific resolution for a specified period.

Following a self-nomination, Council at its meeting held on 19 November 2019 (Item CJ159-11/19 refers) appointed Cr Nige Jones to act as an alternate member for Cr Fishwick during his leave of absence. Cr Jones attended the Ordinary Meeting of the MRC held on 21 November 2019 however has now subsequently indicated he is unable to attend the Ordinary Council Meeting of the MRC to be held on 12 December 2019, at the City of Perth.

It is therefore recommended that Council:

- 1 *BY AN ABSOLUTE MAJORITY AMENDS part 1 of its decision of 19 November 2019 (CJ159-11/19 refers) to read as follows:*
 - “1 *In the absence of Cr Russ Fishwick, JP and in accordance with the provisions of section 52 of the Interpretation Act 1984, APPOINTS Cr Nige Jones as an alternate member to act on behalf of Cr Russ Fishwick, JP and represent the City at any meetings of the Mindarie Regional Council to be held between 4 November and 10 December 2019;”;*
- 2 *In the absence of Cr Russ Fishwick, JP and in accordance with the provisions of section 52 of the Interpretation Act 1984, APPOINTS an elected member as an alternate member to act on behalf of Cr Russ Fishwick, JP and represent the City at any meetings of the Mindarie Regional Council to be held between 11 December 2019 and 19 December 2019;*
- 3 *ADVISES the Mindarie Regional Council of its decision.*

BACKGROUND

The Mindarie Regional Council (MRC) was established for the management of waste and comprises the following local governments:

- City of Joondalup
- City of Perth
- City of Stirling
- City of Wanneroo
- Town of Vincent
- Town of Victoria Park
- Town of Cambridge.

Each local government is represented on the MRC, with the City of Joondalup being represented by Cr Russ Fishwick, JP and Mayor Hon. Albert Jacob, JP.

DETAILS

Cr Russ Fishwick, JP has approved leave of absence for the period 4 November to 19 December 2019 inclusive, which includes an Ordinary Council Meeting of the MRC to be held on 12 December 2019, at the City of Perth, Council Chambers, commencing at 6.30pm. Previous legal advice requires that where the City requires to be represented in the absence of a nominated member to the MRC it must do so by specific resolution for a specified period.

This advice indicated that there is no power for member Councils to appoint permanent deputies to the MRC. Consequently, if the City's appointed member to the MRC is unable to attend the meeting, a nominated deputy cannot just attend in his or her place. Instead, the City needs to appoint an alternate member to act in place of the member on each occasion when the member cannot attend.

Following a self-nomination, Council at its meeting held on 19 November 2019 (Item CJ159-11/19 refers) appointed Cr Nige Jones to act as an alternate member for Cr Fishwick during his leave of absence. Cr Jones attended the Ordinary Meeting of the MRC held on 21 November 2019 however has now subsequently indicated he is unable to attend the Ordinary Council Meeting of the MRC to be held on 12 December 2019, at the City of Perth.

Issues and options considered

The options available to the Council are to:

- agree to appoint an alternate member to act on behalf of Cr Russ Fishwick, JP during his remaining leave of absence
or
- not agree to appoint an alternate member.

Legislation / Strategic Community Plan / policy implications

Legislation

Interpretation Act 1984.

Section 52(1) and (2) of the *Interpretation Act 1984* states:

“Where a written law confers a power or imposes a duty upon a person to make an appointment to an office or position, including an acting appointment, the person having such a power or duty shall also have the power:

Where a person so appointed to an office or position is suspended or unable, or expected to become unable, for any other cause to perform the functions of such office or position, to appoint a person to act temporarily in place of the person so appointed during the period of suspension or other inability but a person shall not be appointed to so act temporarily unless he is eligible and qualified to be appointed to the office or position; and

To specify the period for which any person appointed in exercise of such a power or duty shall hold his appointment.

For the purposes of subsection (1)(b), “cause” includes:

- *Illness*
- *Temporary absence from the State*
- *Conflict of interest.*

The key provisions, which create problems for the appointment of deputies, are the word 'unable' in subsection 1(b) and the requirement to specify the period of appointment in subsection 1(c)".

Strategic Community Plan

Key theme	Governance and Leadership.
Objective	Strong leadership.
Strategic initiative	Seek out City representation on key external and strategic bodies.
Policy	Not applicable.

Risk management considerations

The risk to the City of Joondalup is that if an alternate member is not appointed to represent the City in the absence of Cr Russ Fishwick, JP, then the City will not be fully represented and therefore not have its allocated voting rights on matters before the MRC.

Financial / budget implications

Not applicable.

Regional significance

The Mindarie Regional Council is the primary Waste Management Authority for a number of metropolitan local government authorities. The City's representation at MRC meetings is of critical importance to the regional management of waste.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

It is considered to be of regional and strategic importance that Council exercises its ability to be represented at each and every meeting of the MRC. It is recommended that an alternate member be appointed to represent the City at any meetings of the Mindarie Regional Council to be held during the period of Cr Fishwick's leave of absence.

At the Ordinary Council meeting of the MRC held on 21 November 2019, the MRC removed from its *Annual Fees, Allowances and Expenses for Councillors Policy*, the ability to pay meeting fees for alternate members so appointed to the MRC by its member Councils. Therefore any alternate member will not receive any meeting fees previously afforded under the MRC policy.

VOTING REQUIREMENTS

Absolute Majority.

RECOMMENDATION

That Council:

- 1 **BY AN ABSOLUTE MAJORITY AMENDS** part 1 of its decision of 19 November 2019 (CJ159-11/19 refers) to read as follows:

“1 *In the absence of Cr Russ Fishwick, JP and in accordance with the provisions of section 52 of the Interpretation Act 1984, APPOINTS Cr Nige Jones as an alternate member to act on behalf of Cr Russ Fishwick, JP and represent the City at any meetings of the Mindarie Regional Council to be held between 4 November and 10 December 2019;*”;
- 2 **In the absence of Cr Russ Fishwick, JP and in accordance with the provisions of section 52 of the *Interpretation Act 1984*, APPOINTS** an elected member as an alternate member to act on behalf of Cr Russ Fishwick, JP and represent the City at any meetings of the Mindarie Regional Council to be held between 11 December 2019 and 19 December 2019;
- 3 **ADVISES** the Mindarie Regional Council of its decision.

URGENT BUSINESS

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

CLOSURE



**DECLARATION OF
FINANCIAL INTEREST / PROXIMITY INTEREST / INTEREST THAT
MAY AFFECT IMPARTIALITY**

**To: CHIEF EXECUTIVE OFFICER
CITY OF JOONDALUP**

Name/ Position	
Meeting Date	
Item No/ Subject	
Nature of Interest	Financial Interest * Proximity Interest* Interest that may affect impartiality* <i>* Delete where not applicable</i>
Extent of Interest	
Signature	
Date	

Section 5.65(1) of the *Local Government Act 1995* states that:

“A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by that member must disclose the nature of the interest:

- (a) in a written notice given to the CEO before the meeting; or*
- (b) at the meeting immediately before the matter is discussed.”*



**QUESTION TO BE ASKED AT
BRIEFING SESSION/COUNCIL MEETING**

TITLE <i>(Mr/Mrs/Ms/Dr)</i>	FIRST NAME	SURNAME	ADDRESS

QUESTIONS

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Please submit this form at the meeting or:

- **post** to The Chief Executive Officer, City of Joondalup, P O Box 21, Joondalup WA 6919
- **email** to council.questions@joondalup.wa.gov.au

Please note that:

- Questions asked at a **Briefing Session** must relate to matters contained on the draft agenda.
- Questions asked at a **Council meeting** can relate to matters that affect the operations of the City of Joondalup.
- Questions asked at a **Special Meeting of the Council** must relate to the purpose for which the meeting has been called.



**STATEMENT TO BE MADE AT
BRIEFING SESSION/COUNCIL MEETING**

TITLE <i>(Mr/Mrs/Ms/Dr)</i>	FIRST NAME	SURNAME	ADDRESS

STATEMENT

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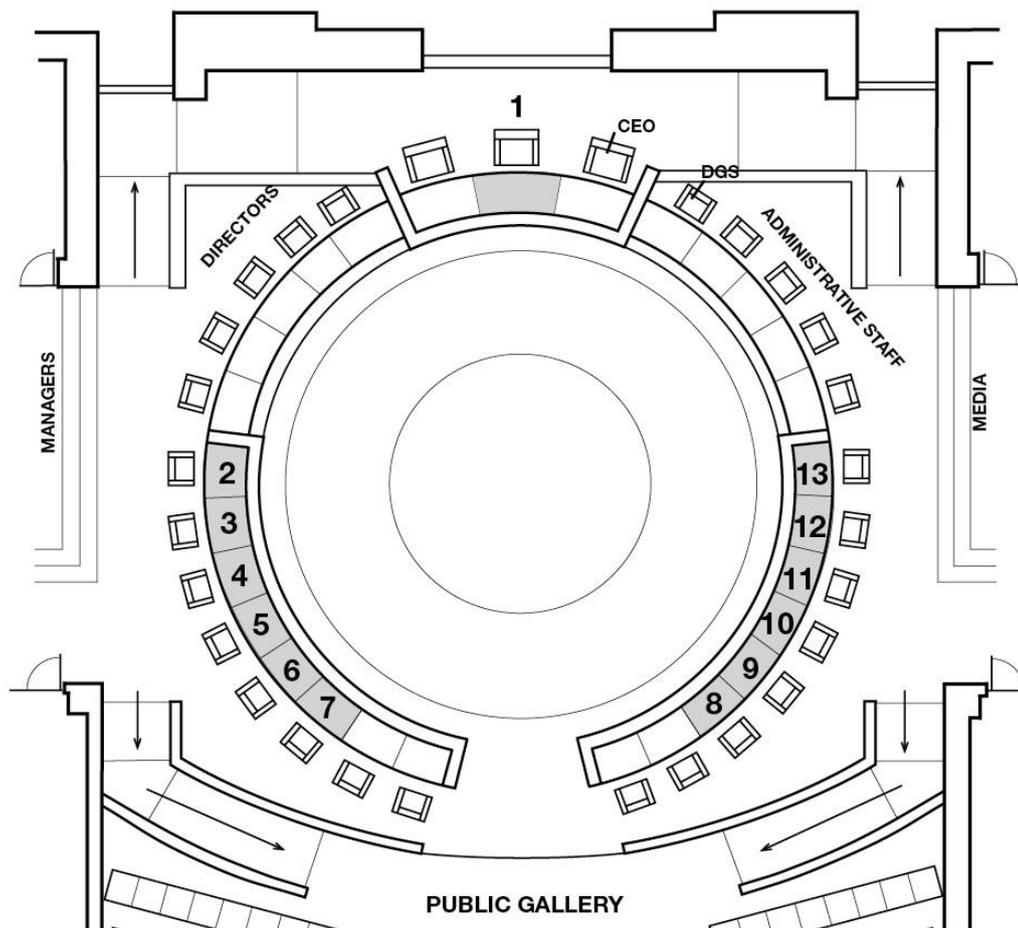
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Please submit this form at the meeting.

Please note that:

- Statements made at a **Briefing Session** must relate to matters contained on the draft agenda.
- Statements made at a **Council meeting** can relate to matters that affect the operations of the City of Joondalup.
- Statements made at a **Special Meeting of the Council** must relate to the purpose for which the meeting has been called.

Council Chamber – Seating Diagram



Mayor

1 His Worship the Mayor, Hon. Albert Jacob, JP (Term expires 10/21)

North Ward

- 2 Cr Kerry Hollywood (Term expires 10/21)
- 3 Cr Tom McLean, JP (Term expires 10/23)

North-Central Ward

- 4 Cr Philippa Taylor (Term expires 10/21)
- 5 Cr Nige Jones (Term expires 10/23)

Central Ward

- 6 Cr Christopher May (Term expires 10/21)
- 7 Cr Russell Poliwka (Term expires 10/23)

South-West Ward

- 8 Cr Christine Hamilton-Prime (Term expires 10/21)
- 9 Cr John Raftis (Term expires 10/23)

South-East Ward

- 10 Cr John Chester (Term expires 10/21)
- 11 Cr John Logan (Term expires 10/23)

South Ward

- 12 Cr Russ Fishwick, JP (Term expires 10/21)
- 13 Cr Suzanne Thompson (Term expires 10/23)