

Disclosures of interest affecting impartiality

Name/Position	Cr John Chester.
Item No./Subject	CJ078-05/17 - Minutes of Special Meeting of Electors held on Monday 24 April 2017.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Chester's daughter owns a property in Housing Opportunity Area 1.

Name/Position	Cr Russ Fishwick, JP.
Item No./Subject	CJ078-05/17 – Minutes of Special Meeting of Electors held on Monday 24 April 2017.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Fishwick is the joint owner of property in Housing Opportunity Area 1 located west of Davallia Road.

CJ078-05/17 MINUTES OF SPECIAL MEETING OF ELECTORS HELD ON MONDAY 24 APRIL 2017

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	756029, 101515
ATTACHMENTS	Attachment 1 Minutes of Special Meeting of Electors held on Monday, 24 April 2017
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 note the Minutes of the Special Meeting of Electors held on Monday, 24 April 2017 and give consideration to the motion carried at the Special Meeting of Electors.

EXECUTIVE SUMMARY

As requested by electors of the City of Joondalup, a Special Meeting of Electors was held on Monday, 24 April 2017 in accordance with the provisions of the *Local Government Act 1995*.

The *Local Government Act 1995* requires all decisions made at an electors meeting to be referred to Council for consideration:

It is therefore recommended that Council:

- 1 *NOTES the minutes of the Special Meeting of Electors held on Monday, 24 April 2017 forming Attachment 1 to Report CJ078-05/17;*
- 2 *in relation to Motion No. 1 carried at the Special Meeting of Electors DOES NOT SUPPORT initiating an amendment to District Planning Scheme No. 2 to reduce the density coding of properties in Housing Opportunity Area 1, bounded by the Mitchell Freeway to the East, Davallia Road to the West, Beach Road to the South and Warwick Road to the North, from R20/R40 and R20/R60 to R20/R30;*
- 3 *in relation to Motion No. 1 carried at the Special Meeting of Electors DOES NOT SUPPORT the development of a new Local Planning Policy which restricts the development of multiple dwellings in Housing Opportunity Area 1;*
- 4 *REQUESTS the initiation of an amendment to District Planning Scheme No. 2 to include provisions which enable the City to better control the impact of multiple dwellings on existing residents and streetscapes and to require all higher density development in Housing Opportunity Areas to meet the requirements of the City of Joondalup Residential Development Local Planning Policy;*
- 5 *REQUESTS the Chief Executive Officer to continue liaison with the Department of Planning to explore and advocate for the ability to vary certain provisions of the R-Codes, via refinements to the City of Joondalup Residential Development Local Planning Policy, to further address matters such as:*
 - 5.1 *tree retention and verge trees;*
 - 5.2 *on-site landscaping;*
 - 5.3 *adequate visitor parking;*
 - 5.4 *streetscape appearance;*
 - 5.5 *built form of multiple dwellings.*

BACKGROUND

A Special Electors' Meeting was convened in accordance with the provisions of Section 5.28 of the *Local Government Act 1995*.

The purpose of the meeting was to discuss the following matter:

"To request the City of Joondalup to initiate a review of its Local Housing Strategy (LHS) and an associated amendment to District Planning Scheme No. 2 to change the density coding of lots within Housing Opportunity Area 1, that are currently coded R20/R60, to a density coding of no higher than R20/R30."

The meeting was attended by approximately 139 persons, 136 of whom were electors registered to vote during the meeting. The minutes of that meeting form Attachment 1 to Report CJ078-05/17.

DETAILS

Issues and options considered

Decisions made at an Electors' Meeting are the recommendations of those present, on the matters discussed and considered at the meeting and are not binding on Council. The *Local Government Act 1995* requires all decisions made at an Electors' Meeting be referred to Council for consideration.

The motion carried at the Special Meeting of Electors is set out below, together with officer's comments:

MOTION 1

MOVED Mr D Bessen, Duncraig, SECONDED Mrs N Mehra, Duncraig that Council:

- 1** urgently works with the Western Australian Planning Commission and the Department of Planning to amend the R Coding to R20/R30 in Housing Opportunity Area 1, bounded by Mitchell Freeway to the East, Davallia Road to the West, Beach Road to the South and Warwick Road to the North;
- 2** immediately puts together Local Planning Policies or Urban Design Policies in Housing Opportunity Area 1 and in doing so, restrict the building of inappropriate dwellings, in particular apartment blocks.

Officer's Comment

Background to the density increase in Housing Opportunity Area 1 (HOA1)

Accommodation needs and the way that housing is planned and provided for in the metropolitan area are changing. Not only is more accommodation needed for a growing population, but a diversity of housing is also needed to cater for a variety of household structures and changing housing needs and preferences.

The State Government has developed a strategy aimed at the development of dwellings and the creation of employment for the population of Perth and Peel out to 2031. This strategy sets dwelling targets for all local governments in the metropolitan area. For local governments which do not have many or any greenfield sites left, the dwellings need to be accommodated as infill development.

In order to demonstrate how the City was going to achieve its dwelling targets, the City was required by the State Government to prepare a *Local Housing Strategy* (LHS).

Early in the development of the LHS the City decided it did not want to take an ad hoc approach to densification and allow it to occur everywhere. Instead criteria were used to identify the most appropriate locations for densification, specifically areas within walkable catchments of train stations, key public transport corridors and centres. Ten areas were identified where increased residential densities are most appropriate at this time. These areas are called Housing Opportunity Areas (HOAs).

The City's initial intent for HOA1 was for the majority of land to be coded R20/30, with some higher coded lots at R20/R40 around the Warwick Train Station and Warwick Shopping Centre and a limited number of lots at R20/R60 along portions of Beach Road.

This intent was advertised to all 1,759 residents and owners of HOA1 via letters, brochures and surveys with reply paid envelopes. The City also invited all residents to two public information sessions where staff were on hand to answer any questions the residents had. The City also created a dedicated web page on the City's website and a dedicated telephone line to enable enquiries to be answered promptly. Numerous notices and newspaper articles also appeared in the local newspapers.

A total of 407 survey responses were received from residents and owners in HOA1.

In relation to the proposed boundaries of HOA1, 73% of respondents agreed to be included in the HOA, 24% did not want to be included and 3% did not state a preference.

In relation to the density proposed at that time, 62% of respondents felt the density was appropriate, 10% felt it was too low, 7% felt it was too high and 21% did not state a preference.

As part of the submissions received, the City received 45 'standard wording' submissions of objection to properties in the Carine Glades Estate being included in HOA1.

These objection letters received were not clustered in a way where it was readily possible to consider amending the HOA boundary to exclude those properties, even if it were appropriate from a planning point of view to do so.

As a result of the generally high level of community support for the draft LHS, Council adopted the LHS at its meeting held on 15 February 2011 (CJ006-02/11 refers) and it was forwarded to the Department of Planning and the Western Australian Planning Commission (WAPC) for endorsement.

The Department of Planning did not support the draft LHS as adopted by Council because it felt the LHS did not respond strongly enough to the State's strategic planning documents.

In relation to HOA1 the Department of Planning specifically requested that the City expand the area of HOA1 to include properties on the eastern side of the Mitchell Freeway that are within the 800 metres of the Warwick Train Station and to increase the density code generally to R20/40 and introduce more R20/60 adjacent to the Warwick Train Station and Warwick Shopping Centre.

The draft LHS was amended in line with the advice of the Department of Planning and the revised document was advertised in February 2013.

Letters were sent to 914 land owners across the whole of the City of Joondalup who were not initially included in a HOA, but were then proposed to be. Notices were also placed in the local newspapers and on the City's website. The City did not write to every owner already in a HOA seeking feedback on the increase in density within the HOA because this increase had been specified by the Department of Planning and the City did not have room to move on this issue.

A total of 30 submissions were received from across the City of Joondalup. Of these, 19 submissions supported the amended LHS, nine did not support the changes, one submission was neutral, and one requested that the boundary of one HOA be further expanded. As a result of the submissions received, Council adopted the revised draft LHS at its meeting held on 16 April 2013 (CJ044-04/13 refers).

The revised LHS was again forwarded to the WAPC and was subsequently endorsed in November 2013.

Implementation of the LHS

Following endorsement of the final LHS by the Department of Planning and the WAPC, the City needed to implement the recommendations of the LHS via the *District Planning Scheme* and a *Local Planning Policy*.

To this end, Scheme Amendment No. 73 was initiated and the City's *Residential Development Local Planning Policy* was developed.

The City does not have the legal ability to prevent the development of multiple dwellings (apartments) under an R40 or R60 density coding as this would contradict the provisions of State Planning Policy 3.1 – *Residential Design Codes of Western Australia* (R-Codes). This State Planning Policy controls all residential development in Western Australia.

Scheme Amendment No. 73

The City always recognised the need to try and control, as best it could, the potential impact that the increased density would have on existing residents. Therefore, the City attempted to include a provision in Scheme Amendment No. 73 to restrict multiple dwellings to sites larger than 2,000m². Effectively this would mean that normal residential lots would need to be amalgamated to enable multiple dwellings to be developed and the City believes that the quality of multiple dwelling developments on larger sites would be better and the impacts would be easier to manage.

In addition, to give more weight to the provisions of the City's *Residential Development Local Planning Policy*, the City also included a provision in Scheme Amendment No. 73 to require all higher density development in the HOAs to meet the requirements of the City's policy.

The WAPC did not support these provisions and resolved that they be removed from Scheme Amendment No. 73. Instead the final Scheme Amendment No. 73 only included a provision relating to minimum lot frontages. This provision requires a minimum frontage of 10 metres for single and grouped dwellings, and 20 metres for multiple dwellings in order to develop at the higher density code.

Residential Development Local Planning Policy

Development at the higher density allocated to properties in HOAs is not an automatic right. Property owners are restricted to developing at the basic R20 coding if they intend only to adhere to the basic provisions of the State Government's R-Codes in the design of developments. If property owners want to develop at the higher density code, they need to adhere to the additional provisions contained in the *Residential Development Local Planning Policy*.

Unfortunately there is limited ability for any local planning policy to go beyond the scope of the R-Codes, without the approval of the WAPC. Therefore, the provisions of the City's *Residential Development Local Planning Policy* deal with matters that could impact on the amenity of existing residents like building design, car parking and streetscape appearance, to the greatest extent possible.

This may seem like an inadequate response to the existing residents in HOA1 as it is clear that the residents are hoping the City can introduce new policy provisions that can prevent the development of multiple dwellings and/or set in place stringent controls for all new development in the HOAs.

Given the number of conversations already had with the Department of Planning about the content of both Scheme Amendment No. 73 and the City's *Residential Development Local Planning Policy*, it is clear to the City that stricter policy provisions that would satisfy the residents of HOA1 will simply not be possible.

Requests as per the Motion passed by residents of HOA1

From emails received from residents; from a meeting held with residents on Tuesday 18 April 2017; and from the motion presented and information provided by electors at the Special Electors Meeting, it is clear that the changes the community would like to make are to reduce the density of HOA1 to R20/R30 and to develop a local planning policy that would prevent the development of multiple dwellings in HOA1.

As mentioned in the above section dealing with the City's *Residential Development Local Planning Policy*, the City does not have the ability to develop a local planning policy that can prevent the development of multiple dwellings and/or set in place stringent controls for all new development in the HOAs.

In relation to the request to rezone properties to reduce the density coding, the boundaries of the HOAs and the density within them were based on agreed criteria with a solid urban planning basis. The identification of the HOAs was part of a carefully considered strategic planning process across the whole City and informed both the City's LHS and the City's *Local Planning Strategy* (LPS), which is the overarching strategic planning framework for the City of Joondalup.

At this stage it is not considered appropriate, in the interests of orderly and proper planning, to change boundaries of HOAs or the density within them without undertaking a thorough review of the LHS and going through the process of having a new strategy approved.

Making ad hoc planning decisions outside of carefully considered and endorsed planning frameworks could set an undesirable precedent for similar requests and planning decisions elsewhere in the City of Joondalup and is unlikely to be supported by the Department of Planning and the WAPC.

Even if Council considered it appropriate to initiate a scheme amendment to reduce the density coding of HOA1 in the absence of changes to the LHS, such a scheme amendment would be a lengthy and complex process as follows:

- Council would need to formally initiate the new scheme amendment.
- The scheme amendment would need to be referred to the Environmental Protection Authority for consideration.
- Public consultation would need to be undertaken.
- All submissions would need to be considered by Council and Council would need to make a decision whether or not to proceed with the scheme amendment.
- The scheme amendment would then need to be submitted to the WAPC for consideration and the Minister for Planning's determination.

The above process is unlikely to take less than 12 months and during this time, the City would not be able to prevent development from occurring.

Given the earlier advice from the Department of Planning to increase densities in HOA1 as part of the LHS process, it is considered that there would be little or no support at the State planning level to reduce density.

In relation to preventing the development of multiple dwellings, the State Government's position on multiple dwellings within the vicinity of railway stations and higher order activity centres is further highlighted in *Planning Bulletin 113/2015*, released in July 2015.

This bulletin outlines that in some R40 coded areas a scheme amendment may be proposed restricting the number of multiple dwellings that can be constructed on a site to be the same as the number of grouped dwellings. However, this requirement could only be considered in areas that are located outside 800 metres of a higher order activity centres, or railway stations on a high frequency rail route.

HOA1 is located within 800 metres of Warwick Transit Station, a high frequency rail and bus route and therefore does not meet the bulletin's criteria needed to support a restriction on the development of multiple dwellings.

Given the previous lack of support for controls the City initially tried to impose via Scheme Amendment No. 73 to restrict the development of multiple dwellings and the advice set out in *Planning Bulletin 113/2015*, it is considered that there would be little or no support at the State Government level to prevent the development of multiple dwellings in any of the HOAs.

It is important to also note that reducing the density code to R30 will not prohibit the development of multiple dwellings. Although the development requirements at R30 would result in multiple dwelling developments at a reduced scale and intensity, this will not necessarily resolve matters relating to design, potential impact on neighbouring properties and delivering quality streetscapes.

Other solutions suggested by residents

There were two other comments made by electors at the Special Electors Meeting, namely:

- 1 Development of an urban design policy or design guidelines to control development in HOA1.
- 2 Establishment of a Design Advisory Committee to assess proposals.

Development of an urban design policy / design guidelines

In relation to the development of an urban design policy or design guidelines, it should be noted that design guidelines have no statutory effect unless they are adopted by Council as a *Local Planning Policy*. If they are formally adopted as policy, then such a policy would again have limited ability go beyond the scope of the R-Codes, without the approval of the WAPC and would essentially only be able to go as far as the City's existing *Residential Development Local Planning Policy* can in controlling new development in HOAs.

It has been suggested that there are other local governments who have policies that apply to specific areas or nodes and have what appear to be stringent design controls that apply to these areas of the City of Joondalup only. A query has been raised whether such an approach could be taken to designate Carine Glades as a Special Control Area under the City's planning scheme and to have special provisions that aim to protect the existing character of this area.

Special Control Areas designated within a local planning scheme are intended to control particular aspects or characteristics of an area that are not covered within a zone or reserve. Typically this would cover areas such as heritage, landscape protection, bushfire protection or water catchments. The WAPC and the Minister would be required to determine whether the special control area requirements are appropriate.

The characteristics of the Carine Glades Estate generally coincide with the Residential zone in both the current and proposed new schemes and therefore support for the designation of Carine Glades as a Special Control Area is highly unlikely.

Establishment of a Design Advisory Committee

In relation to the establishment of a Design Advisory Committee, the City already has a Design Reference Panel in place to provide advice to developers and the City's officers on design quality of buildings. This panel does not assess proposals against the requirements of the City's planning scheme or policies and it does not have any decision-making ability. It provides independent architectural and landscape design advice only. Accordingly a number of the concerns relating to privacy, parking and building setbacks could not be addressed through the Design Reference Panel as these are prescribed development standards as opposed to design considerations.

The City could consider expanding the Terms of Reference for this panel to include consideration of all multiple dwelling developments in HOAs; however this is likely to come at a cost to the City and its ratepayers as the panel members are paid to attend panel meetings. It would also significantly slow the planning approval process and given the State Government's consideration of an initiative for certification of planning proposals by private practitioners, any additional level of assessment that slows down the current planning approval processes should be avoided.

Possible alternate solutions

As mentioned previously, it is unlikely the Department of Planning and WAPC would agree to a reduction of density or any scheme or local planning policy provision that seeks to prevent the development of multiple dwellings in HOA1.

Therefore, the most appropriate way forward would be to try and better manage the potential impact of multiple dwellings.

A number of options are available to pursue as possible solutions as set out below:

Scheme amendment to introduce multiple dwelling provisions

Council could initiate an amendment to the Scheme to include the provisions the City initially proposed in Scheme Amendment 73 or other provisions that would enable the City to better control the impact of multiple dwellings on existing residents and streetscapes.

The previous provisions included a proposal to restrict multiple dwellings to sites of a minimum area of 2,000m², although the proposed minimum land area could be increased if considered appropriate to assist in addressing the issue. It is considered that restricting the development of multiple dwellings to larger sites would allow their potential impact to be better managed.

In addition, the current scheme provision requiring a minimum lot frontage of 20 metres for multiple dwellings could potentially be increased to encourage lot amalgamation which in turn would result in development of multiple dwellings on larger lots and have a similar effect to setting a minimum lot size.

The provision allowing developments to only achieve the higher density code in HOAs if the requirements of the City's *Residential Development Local Planning Policy* are met could also be revisited which would provide greater statutory weight to the policy provisions.

Although these provisions were not initially supported by the WAPC and the Minister, there may be a different view on the inclusion of these provisions if the community advocated and indicated strong support for these directly with the WAPC and the new Minister for Planning.

Notwithstanding the above, the likelihood of State support to reverse their position on this matter so soon after the gazettal of Scheme Amendment No. 73 is considered to be low.

Amendments to the Residential Development Local Planning Policy

The *Residential Development Local Planning Policy*, in conjunction with the R-Codes, provides the basis for control of the design and built form of developments. The requirements contained within the *Residential Development Local Planning Policy* are limited insofar as they are required to be consistent with the objectives and provisions of the R-Codes.

A report on the implementation of the *Residential Development Local Planning Policy* was presented to Council at its meeting held on 13 December 2016 (CJ205-12/16 refers). This report outlined that while the implementation of the policy has been largely successful in delivering the necessary outcomes, there is need to further review the policy in conjunction with amendments to the R-Codes that were advertised in mid 2016. A review of the policy is currently being undertaken and is exploring the implementation and refinement of requirements to further address matters such as:

- tree retention and verge trees
- on-site landscaping
- adequate visitor parking
- streetscape appearance.

These provisions would be subject to support from the WAPC, and further discussions are currently scheduled with the Department of Planning as part of the policy review.

Further modifications, in addition to the above, could be investigated to manage the built form of multiple dwellings. Currently, the policy includes provisions relating to height, street setbacks, appearance, visitor parking, boundary walls and street fencing. Any further modifications to other provisions would be subject to WAPC approval.

Development of a Form-Based Code Local Planning Policy

Form-Based Codes (FBCs) are a development regulation tool that focus more on the overall built form outcome of a neighbourhood rather than traditional regulation tools that typically prescribe development standards for specific land uses (like a single house, grouped dwelling or multiple dwelling).

FBCs concentrate on visual/diagrammatic representation of policy requirements rather than detailing a prescriptive list of standards and a series of diagrammatic representations usually culminate in establishing an overall development envelope. In doing so, FBCs are viewed as providing a more predictable built form outcome, irrespective of the land use contained within that envelope.

FBCs generally have more impact and benefit when applied at a broader scale, to a more diversely zoned area or in mixed use neighbourhoods. Given the scale of HOA1 and the relatively similar development characteristics of single houses, grouped dwellings and multiple dwellings, a FBC for this area may only be marginally more beneficial than the provisions of the City's *Residential Development Local Planning Policy*.

As is the case with design guidelines, any form-based code would need to be implemented as a local planning policy in order to give the code any level of statutory affect. Therefore any form based code would require the approval from the WAPC as it would be varying a number of R-Code provisions.

It is also noted that such an approach is likely to come at possibly a significant cost and would take a significant amount of time to prepare, by which time the State Government's Design WA suite of documents, as outlined in more detail below, may be in place and will become the guiding framework for multiple dwellings.

Implementation of Design WA

Design WA is a State Government initiative intended to elevate the importance of design in all developments from concept through to delivery. On 19 October 2016 the State Government released four documents for public comment, including a new *Apartment Design Policy* that is intended to replace the current multiple dwellings provisions within the R-Codes.

This policy significantly increases the number of development provisions that would apply to multiple dwellings developments and seeks to address a number of gaps with the current approach of the R-Codes which apply blanket requirements to multiple dwellings without acknowledging the importance of built form and the local context in which a development may be proposed.

Once introduced, the State Government's *Apartment Design Policy* will replace existing development standards for multiple dwellings currently set out in the R-Codes and local government policies.

At its meeting held on 21 February 2017 (CJ005-02/17 refers), Council endorsed the City's submission on Design WA. This submission raised a number of significant concerns with the proposed *Apartment Design Policy*, including:

- increases to building height for multiple dwellings in R40 areas
- permitting the ground floor to have nil side setbacks
- no limit to the amount of overshadowing that could occur to an adjoining lot
- reduction in minimum resident car parking requirements.

In view of the issues identified in the submission, the City is not currently applying the provisions of the *Apartment Design Policy* and is continuing to undertake assessment of multiple dwelling applications against the R-Codes and the City's *Residential Development Local Planning Policy*.

Other issues raised by electors

LHS versus the Leafy City initiative

There was an opinion expressed by electors that the LHS contradicts the aims of the City's Leafy City initiative due to the loss of trees as a result of increased density in HOAs. This is not entirely correct.

Trees on private property and occasionally on the verge are unavoidably being lost as a result of new development in HOAs. This is not ideal; however there is no way to enable the increased density that is required to meet the City's dwelling targets without the loss of some trees.

Even if the density code was reduced to R30, this would change the form and scale of development occurring on lots but it would not necessarily mean an increase in open space on the lots. The 'deemed to comply' requirements of the R-Codes for the provision of open space in a single/grouped housing development on an R30 coded lot and a multiple dwelling development on an R60 coded lot are the same at 45%.

The City always works with developers to try and get them to retain trees on site where reasonably possible. The City has also attempted to address the issue of canopy cover in HOAs by including a requirement in the *Residential Development Local Planning Policy* for new development in HOAs to have one new tree planted on the verge for every 10 metres of frontage. This requirement is reinforced via conditions of development approval.

This aligns well with the City's Leafy City initiative which aims to reduce the heat island effect by the planting of trees on the verge.

Safety during construction

Concern has been expressed about the safety of pedestrians and motorists as a result of construction activity and it has been queried what the City's role is in managing site safety and whether construction management plans and traffic management plans should be required for all new development in HOAs.

All development applications approved by the City in HOAs have been assessed against the requirements of the R-Codes and have been considered to meet requirements relating to vehicle sightlines and pedestrian access.

The R-Codes do not however include provisions for the control of pedestrian access during construction of a development and the City is unable to place a condition on a development approval in regard to site construction safety.

To date, development approvals for the grouped and multiple dwelling developments in HOA1 have not included a planning condition requiring a construction management plan/traffic management plan as these are normally only required for very large (usually commercial) developments or for development on lots with constrained parking/access for delivery of materials, such as developments on higher order, busy roads or which are only accessible via a laneway.

In circumstances where the City determines a construction management plan is required, the purpose of the plan is to control overall impacts of construction on the road network and to ensure protection of amenity rather than safety during construction, which is not specifically provided for in planning legislation, but is provided within the *Occupational Safety and Health Act 1984* (the OSH Act).

The builder/developer must comply with the OSH Act, which requires that care be taken at work by employers, employees and self employed persons to ensure that members of the public are not exposed to hazards, including during construction work.

WorkSafe WA is the responsible government body for regulating safety in accordance with the OSH Act and if residents and/or City officers believe there are risks to members of the public as a result of construction activity complaints are able to be made to WorkSafe WA.

Conclusion

The residents' concerns about the impact of multiple dwellings in HOA1 are acknowledged. However, given the proximity of the HOA to a train station, two centres and public transport corridors, higher density in this HOA is appropriate.

It is not in the interests of orderly and proper planning to initiate an amendment to the City's planning scheme to reduce the density coding of the area or to try and prevent the development of multiple dwellings and the likelihood of successfully having such an amendment endorsed by the WAPC and the Minister for Planning is low.

Instead, it would be more appropriate to consider mechanisms to try and better control the impacts of multiple dwelling developments on existing residents. To this end, it is recommended that the Council initiates an amendment to the scheme to:

- include provisions which enable the City to better control the impact of multiple dwellings on existing residents and streetscapes; and
- allowing developments to only achieve the higher density code in HOAs if the requirements of the City's *Residential Development Local Planning Policy* are met.

In addition, as part of its review of the *Residential Development Local Planning Policy*, it is recommended that the City continues its liaison with the Department of Planning to explore and advocate for the ability to vary certain provisions of the R-Codes, via refinements to the policy, to further address matters such as:

- tree retention and verge trees
- on-site landscaping
- adequate visitor parking
- streetscape appearance
- built form of multiple dwellings.

These provisions would be subject to support from the WAPC.

Officer's Recommendation

That Council:

- 1 *DOES NOT SUPPORT initiating an amendment to District Planning Scheme No. 2 to reduce the density coding of properties in Housing Opportunity Area 1, bounded by the Mitchell Freeway to the East, Davallia Road to the West, Beach Road to the South and Warwick Road to the North, from R20/R40 and R20/R60 to R20/R30;*
- 2 *DOES NOT SUPPORT the development of a new Local Planning Policy which restricts the development of multiple dwellings in Housing Opportunity Area 1;*
- 3 *REQUESTS the initiation of an amendment to District Planning Scheme No. 2 to include provisions which enable the City to better control the impact of multiple dwellings on existing residents and streetscapes and to require all higher density development in Housing Opportunity Areas to meet the requirements of the City of Joondalup Residential Development Local Planning Policy;*
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 - 4.4 *streetscape appearance;*
 - 4.5 *built form of multiple dwellings.*

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

Section 5.33 of the *Local Government Act 1995* states:

Decisions made at Electors' Meetings

- 5.33 (1) All decisions made at an Electors' Meeting are to be considered by Council at the next ordinary Council meeting or, if this is not practicable:
- (a) at the first ordinary Council meeting after that meeting; or
 - (b) At a special meeting called for that purpose,
whichever happens first.
- (2) If at a meeting of Council a local government makes a decision in response to a decision made at an Electors' Meeting, the reasons for the decision are to be recorded in the minutes of that Council Meeting.

Strategic Community Plan**Key theme**

Governance and Leadership.

Objective

Corporate capacity.

Strategic initiative

Demonstrate accountability through robust reporting that is relevant and easily accessible by the community.

Policy

Not applicable.

Risk management considerations

Failure to consider the decision made at the Special Meeting of Electors will result in the City breaching Section 5.33 of the *Local Government Act 1995*.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

The minutes of the Special Meeting of Electors are submitted to Council for information with the motions passed needing to be considered by Council.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Dwyer, SECONDED Cr Gobbert that Council:

- 1 NOTES the minutes of the Special Meeting of Electors held on Monday, 24 April 2017 forming Attachment 1 to Report CJ078-05/17;
- 2 in relation to Motion No. 1 carried at the Special Meeting of Electors DOES NOT SUPPORT initiating an amendment to *District Planning Scheme No. 2* to reduce the density coding of properties in Housing Opportunity Area 1, bounded by the Mitchell Freeway to the East, Davallia Road to the West, Beach Road to the South and Warwick Road to the North, from R20/R40 and R20/R60 to R20/R30;
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 - 5.1 tree retention and verge trees;
 - 5.2 on-site landscaping;
 - 5.3 adequate visitor parking;
 - 5.4 streetscape appearance;
 - 5.5 built form of multiple dwellings.

The Motion was Put and

LOST (5/7)

In favour of the Motion: Mayor Pickard, Crs Dwyer, Gobbert, Jones and McLean.

Against the Motion: Crs Chester, Fishwick, Hamilton-Prime, Hollywood, Norman, Poliwka and Taylor.

MOVED Cr Fishwick, SECONDED Cr Poliwka that Council:

- 1 **NOTES the minutes of the Special Meeting of Electors held on Monday, 24 April 2017 forming Attachment 1 to Report CJ078-05/17;**

- 2 in relation to Motion No. 1 carried at the Special Meeting of Electors **SUPPORTS** initiating an amendment to *District Planning Scheme No. 2* to reduce the density coding of properties in Housing Opportunity Area 1, bounded by the Mitchell Freeway to the East, Davallia Road to the West, Beach Road to the South and Warwick Road to the North, from R20/R40 and R20/R60 to R20/R30;
- 3 in relation to Motion No. 1 carried at the Special Meeting of Electors **SUPPORTS** the development of a new Local Planning Policy which restricts the development of multiple dwellings in Housing Opportunity Area 1;
- 4 **REQUESTS** the Chief Executive Officer to continue liaison with the Department of Planning to explore and advocate for the ability to vary certain provisions of the R-Codes, via refinements to the *City of Joondalup Residential Development Local Planning Policy*, to further address matters such as:
 - 4.1 tree retention and verge trees;
 - 4.2 on-site landscaping;
 - 4.3 adequate visitor parking;
 - 4.4 streetscape appearance;
 - 4.5 built form of multiple dwellings.

The Motion was Put and

CARRIED (8/4)

In favour of the Motion: Crs Chester, Fishwick, Hamilton-Prime, Hollywood, Jones, Norman, Poliwka and Taylor.

Against the Motion: Mayor Pickard, Crs Dwyer, Gobbert and McLean.

REASON

In accordance with Regulation 11(da) of the *Local Government (Administration) Regulations 1996*, the reason Council made its decision which was significantly different to what the administration recommended is because the amendment to the residential coding for this area of Duncraig reinstates the original decision of Council made on 15 February 2011 which was recommended by the City's planning staff and the planning consultant engaged to undertake the Housing Opportunity Area review. The amendment to the coding will protect and retain the residential amenity of this area of Duncraig.

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf170509.pdf](#)