



18th July 2011

Standing Committee on Environment
and Public Affairs

Parliament House

Perth

WA 6000

Attention: Hon Brian Ellis MLC

**Re: Petition No. 121 - East Greenwood Primary School Re-Development
847 Signatures**

Dear Mr. Ellis

Thank you for your letter dated the 1st inst., and the opportunity to make a submission in support of this Petition.

Our submission is in 2 parts:

1. City of Joondalup's Planning Laws & Decisions re this matter

Why and how the wording of the Petition was designed to match the City of Joondalup's Planning Laws (DPS2) and Council decisions in February and July 2010

2. Residents' Concerns

Residents feel that these concerns can best be addressed by early consultation and community involvement.

If you have any queries, or require any clarification, please contact me on 0417-979-989 or at brian@corr.net.au.

Yours sincerely

Brian Corr

Brian Corr

LEAD PETITIONER

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City of Joondalup's Planning Laws and Decisions

The Petitioners acknowledge the part played by the City of Joondalup Council in this matter and, in particular, how its decisions, when re-zoning the site, looked after the interests of the residents. At Council meetings in February & July 2010, Council resolved to amend District Planning Scheme No. 2 (DPS2) to re-zone the East Greenwood Primary School site from 'Public Use' to 'Urban Development'.

The February and July 2010 Council decisions (copies attached with highlights), both contain the following:

Clause 3.12.2 of DPS2 requires that no subdivision or development can occur in the 'Urban Development' zone until a Structure Plan has been prepared and adopted in accordance with Part 9 of DPS2.

Part 9 of DPS2 contains the following:

9.4 SUBMISSION OF STRUCTURE PLAN TO COUNCIL

9.4.1 A Structure Plan shall be prepared by the proponent and, to the extent that it is practicable, should be prepared after discussion and consultation with the Council, the Commission, other relevant government agencies and the community.

To strengthen this, the following was added to the Council resolution (see Minutes attached):
ADVISES the applicant that the City would anticipate a high level of community and other stakeholder interest in the subdivision and development of the site, and therefore requests a community involvement and consultation plan be submitted to the City prior to the preparation of the Structure Plan, undertaken at the applicant's cost, to supplement the formal consultation process required under District Planning Scheme No 2.

Clearly, Council has acted in the best interests of the residents. And the expectation of the residents is that the Department of Housing will comply with the City's planning laws (DPS2) that the Structure Plan *'should be prepared after discussion and consultation with the Council, ... and the community'* and that a *'community involvement and consultation plan be submitted to the City prior to the preparation of the Structure Plan'*.

The wording of the Petition was carefully designed to work with the City's Planning Laws (DPS2) and the Council decisions. Mayor Pickard has claimed that the wording of the Petition does not match the Council's decisions. I disagree and, in any case, the intention of the Petition is clear.

Residents have been impressed with how Landcorp handled the consultation and community involvement at sites such as Carine TAFE and Craigie High School, and expected that the Department of Housing would operate in a very similar way. Events over the past few months (see below) suggest otherwise; hence the Petition.

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Residents' Concerns

Our local Member, Andrea Mitchell MLA, at the Residents' meeting on the 13th April 2011, **confirmed that Community Consultation will take place before release of the Local Structure Plan** [see extract from the Minutes attached] - that's after it's prepared and before it's released. Residents feel that this is not in line with the City of Joondalup's Planning Laws (DPS2) and Council resolutions in 2010.

At the Residents' Meeting on the 11th May 2011, with an attendance of over 200, Mr. David McLoughlin (Dept. of Housing), said:

- ... we will engage a development partner through a tendering process – Expressions of Interest will be gathered and selection will take place based on the merits of their proposals.

- Planning process will happen AFTER the partner is selected – we currently have no designs, structure plans or similar. [see extract from the Minutes attached]

Residents feel that a lot of the decisions could be made **before** consultation takes place.

It was the residents' fear of late and ineffectual consultation that prompted the Petition, and the wording of the petition was designed to be in line with the DPS2 Planning Laws and the Council decisions.

The concerns of the residents include the following:

Many residents moved to Greenwood for the space, the trees, the parks, the walkways, the flora and fauna. They see newer suburbs with much higher density, less space, fewer trees, parks, walkways etc.. They are concerned that Greenwood will lose this amenity, bit by bit.

Residents were first told that the most likely use of the site would be as a retirement village with Landcorp controlling the redevelopment. They watched with interest the Landcorp / St Ives Carine TAFE redevelopment, noting that "*Two years of community consultation identified Community Objectives that were used to inform and influence the design and planning of the Local Structure Plan*". [www.carinevision.com.au dot point 3] Regardless of future use, they were comforted by the type and scope of consultation done at Carine.

Residents say they were led to believe that there would be some smaller blocks available giving them the option to downsize and remain in the same area close to friends, and also enjoy the amenity that they are so familiar with.

A further concern is how traffic will be managed, given that there will be new roads, additional traffic, and an increase in population. Where are the new roads going to be placed? Will there be a Traffic Study to inform the development of the Structure Plan?

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Car bays at the former school, used heavily on weekends by the disk-golf players, and others, when visiting the adjoining park, are now gone. Residents are concerned about how these will be replaced. Will there be on-street bays? Will a large section of the park be used for new bays?

Some residents – those whose properties back directly onto the school site – have special concerns, given that some have already reported damage to their properties. One concern is how the new development will interface with their boundaries.

Residents feel that a survey should be undertaken to identify the presence of any rare or endangered flora or fauna, with the results made public. Residents ask that this pay particular attention to the Carnaby Black Cockatoo, the Forest Red-Tailed Cockatoo, and the Short-Billed Black Cockatoo. These cockatoos use the large trees and vegetation on the corner of Dargin Place.

A north-south ecological link exists, coming down through Neerabup National Park, through Yellagonga Regional Park to the southern end of Lake Goollelal at Hepburn Avenue. There is then a broken linkage through East Greenwood to Warwick Open Space and further south. Residents feel that the loss of trees/vegetation at the school site could cause problems with this linkage and ask that this be investigated.

Residents feel that the demolition of the old school was done without a Hazardous Materials Survey, a Dust & Air Quality Management Plan, or a Contaminated Soils Report being undertaken. As the school was built some 40 years ago, asbestos would, most likely, have been used in the eaves, the roof, fire doors, etc. De-watering during the demolition was ‘a man with a garden hose’. Is the whole site now contaminated with asbestos dust?

Children were on holidays during the demolition period. Fencing was erected after a resident had contacted WorkSafe by phone and email.

Residents reported damage to their properties during the demolition process, to the Department of Housing.

Residents feel that, as the school shed and storage areas would have contained various chemicals, there is a possibility of contamination that should be investigated.

A Department of Housing-initiated meeting with residents on the 7th May 2010 only included a few adjoining residents; not the wider community, the Residents’ Association, nor local Councillors.

Early and effective consultation with the residents will help to restore the residents’ trust in the Authorities, which has suffered as a result of how the process has been handled to date.

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**Extract from the Kingsley & Greenwood Residents' Association (KAGRA)
Meeting 13th April 2011**

Development of (Old) East Greenwood Primary School Site, Lot 9867 (63) Mulligan Drive, Greenwood: As motioned at our March meeting, on behalf of KAGRA, Robyn forwarded an email to the Department of Housing on 29 March 2011 (attaching their previous correspondence dated 23 July 2010), requesting that representatives be involved in the "Community Consultation" workshop so we may keep our Community informed with regard this redevelopment.

On 29 March 2011, Mr David McLoughlin, Manager of Town Planning and Urban Design at the Department of Housing (DoH), responded via email and "*....confirmed the previous commitment that a Community Workshop will be held early in this process to inform the Department's plans....*"

On 30 March 2011, further correspondence was received from our Local Member, Andrea Mitchell MLA, conveying an extract of information from the Minister for Housing, Hon. Troy Buswell MLA. This read:

The rezoning of the site to Urban Development was gazette on 3 December 2010.

The Contract for Sale is scheduled for April 2011 and settlement is scheduled for August 2011 subsequent to demolition and remediation.

I can confirm that a new approach will be adopted at the East Greenwood Primary School site for the development of the land, built form and end user outcomes.

The Department of Housing is seeking to deliver an innovative solution with a private sector partner and intends to engage the market through an EOI process lat April / early May, with a preferred partner to be selected in August 2011. The partner will ensure the development comprises social housing, affordable rental and home ownership options".

Out Local Member, Andrea Mitchell MLA, subsequently addressed our meeting and advised that a Contract has been awarded for demolition of the old school buildings (*we believe demolition commenced circa early April*).

Also, since receipt of the above correspondence, settlement for the "Contract for Sale" pertaining to this re-development has been re-scheduled to occur prior to the end of June 2011.

In addition, Andrea confirmed that Community Consultation will take place before release of the Local Structure Plan. [my emphasis]

(NB: Since our meeting held on 13 April 2011, KAGRA has received numerous enquiries from local Greenwood residents, in particular since demolition of the old school buildings commenced. Robyn has therefore written to the Hon. Troy Buswell MLA, Minister for Housing, requesting further information on the State Government's intentions with regard this re-development. On behalf of KAGRA, Robyn also invited Mr Buswell as our "Special Guest" to attend our next meeting scheduled for 11 May 2011. KAGRA will inform members prior to this meeting if Mr Buswell indicates he is able to attend our May meeting and perhaps members / ease concerns.

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**Extract from the Kingsley & Greenwood Residents' Association (KAGRA)
Meeting 11th May 2011**

Q: "What will be the decision making process, and when will the decision be made? Will the public be involved – or at the very least, informed?"

DAVID [McLoughlin, Department of Housing]:

- Currently, we do not own the site, and it is difficult to speculate the process from this point.
- Demolition has occurred on the behalf of the Department of Education. Once this process has been completed, the site will be ready to be sold to the Department of Housing (around June).
- **Once the lot has been purchased, we will engage a development partner through a tendering process – Expressions of Interest will be gathered and selection will take place based on the merits of their proposals.**
- **Planning process will happen AFTER the partner is selected – we currently have no designs, structure plans or similar.**

[my emphasis]

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Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf090210.pdf](#)

CJ004-02/10 PROPOSED AMENDMENT NO. 46 TO DISTRICT PLANNING SCHEME NO 2 TO REZONE LOT 9867 (63) MULLIGAN DRIVE, GREENWOOD FROM 'PUBLIC USE' TO 'URBAN DEVELOPMENT'

WARD:	South-East
RESPONSIBLE DIRECTOR:	Mrs Dale Page Planning and Development
FILE NUMBER:	100338
ATTACHMENTS:	Attachment 1 Location plan Attachment 2 Scheme amendment process flowchart

PURPOSE

The purpose of this report is for Council to consider initiating proposed Amendment No. 46 to the District Planning Scheme 2 (DPS2) to rezone the East Greenwood Primary School from 'Public Use' to 'Urban Development' for the purpose of public advertising.

EXECUTIVE SUMMARY

Lot 9867 (63) Mulligan Drive, Greenwood is currently designated as a Local Reserve – Public Use 'Primary School' (East Greenwood Primary School) under DPS2 and is currently developed and used as a primary school.

The Department of Education and Training (DET) has advised that the primary school is surplus to its requirements and is scheduled for closure at the end of the 2010 school year. The Department of Housing proposes to acquire the site from the DET and for residential development. In order to facilitate the redevelopment an application has been received to rezone the site to 'Urban Development'.

The proposed amendment to DPS2 is the initial step in allowing the land to be redeveloped for residential purposes. The development of a structure plan will occur in the following months as a separate process. The proposed use of the land for residential development is considered to be compatible with the surrounding residential land uses.

Council deferred consideration of the scheme amendment proposal at its meeting held on 15 December 2009, pending receipt of further information from DET regarding the potential for Greenwood Primary School to accommodate an increase in population in light of the proposed closure of East Greenwood Primary School. Information has been received as outlined in this report.

Should initiation of the proposed scheme amendment be supported, it will be formally advertised for public comment prior to further consideration by Council. It is recommended that Council consents to initiating the advertising of the proposed scheme amendment for 42 days.

PUBLIC

BACKGROUND

Suburb/Location: Lot 9867 (63) Mulligan Drive, Greenwood
Applicant: Department of Housing
Owner: Department of Education and Training
Zoning: **DPS:** Local Reserve – Public Use (Primary School)
MRS: Urban
Site Area: 3.86 ha
Structure Plan: Not Applicable.

Lot 9867 is located in the eastern part of Greenwood between Cockman Road and Wanneroo Road (location plans at Attachment 1 refers). The subject site is currently designated as a Local Reserve – Public Use 'Primary School' under DPS2 and was developed as a primary school (East Greenwood Primary School). Cockman Park abuts the southern side of the site. The remaining land surrounding the subject site is zoned Residential R20 and is developed with residential dwellings.

In 2007, the Minister for Education and Training announced that East Greenwood Primary School and Allenswood Primary School would be replaced by one new school on the Allenswood site (to be known as Greenwood Primary School). This would result in the East Greenwood Primary School site being surplus to the DET needs. The East Greenwood Primary school is scheduled to close at the end of the 2010 school year after completion of the construction of Greenwood Primary School in late 2010.

The development of Greenwood Primary School originally included a proposal for the primary school to share the use of the adjoining Penistone Reserve. However, Council at its meeting of 13 January 2009 refused the proposal to share Penistone Oval with the DET (report JSC2-01/09 refers). Amended plans for the school were received in March 2009 which incorporated its own school oval. In April 2009, the City recommended the Western Australian Planning Commission (WAPC) grant development approval.

On 13 May 2009, the WAPC issued development approval for Greenwood Primary School on the previous Allenswood Primary School site, incorporating a school oval.

The current scheme amendment application was considered by Council at its meeting held on 15 December 2009, where Council resolved as follows:

- 1 *DEFERS consideration of the requested Scheme amendment pending receipt of further information in writing from the Department of Education and Training in relation to:*
 - (a) *the justification for the closure of the East Greenwood Primary School facilities with particular reference to the source of the population data used by the Department and the interpretation of that data;*
 - (b) *the potential for expansion of the new school at Allenswood to accommodate any future growth needs demonstrating where that growth can be accommodated on the school site having regard to the future population requirements.*

- 2 *REQUESTS the CEO seek the information from the Department of Education and Training with a view to submitting that information with the report to the February Council meeting.*

The DET provided the following information in response to the City's request:

"The Australian Bureau of Statistics has stated that the total fertility rate has trended upward since about 2002. However, the average household size is projected by the Australian Bureau of Statistics to decline from 2.6 people per household in 2001 to less than 2.3 people per house in 2026.

Based on Australian Bureau of Statistics census data, the number of primary students per house in the locality of Greenwood has declined from 0.22 in 1996, to 0.16 in 2001, and to 0.13 in 2006. If in the future, the 2006 primary students per house ratio in the Greenwood area should increase by 50 per cent, it is anticipated that the new school could require about 5 transportable primary classrooms. There are sufficient spaces on site for more than double this number of transportable classrooms, and the Department of Education and Training considers that a comfortable margin of potential capacity for future enrolment growth exists at the school."

DETAILS

An application has been received to amend the DPS2 designation of Lot 9867 Mulligan Drive, Greenwood from 'Public Use – Primary School' to 'Urban Development'.

It is proposed that the Department of Housing will acquire the site from DET for residential development in due course.

The applicant has stated that the proposal promotes efficient land use through infill residential development and is in line with draft Directions 2031 (WAPC 2009) which states that 47% of new dwellings should be infill development. The site is proposed to be developed for low to medium density single and group housing residential uses.

It is proposed to rezone the subject site to the Urban Development Zone, which requires the preparation and adoption of a local structure plan over the site by Council, prior to application for subdivision approval.

The applicant has advised that a range of site specific issues will be explored through the development of the local structure plan and will be guided by WAPC Policy 'Liveable Neighbourhoods'. Such issues will include:

- analysis of walkability and spatial connectivity;
- access to commercial and employment centres, schools, and community facilities;
- existing natural features, topography, prevailing weather conditions and other similar opportunities and constraints;
- proposed land uses and block layout including lot orientation, and distribution of lot sizes/densities;
- proposed configuration of movement network including street types, provision for public transport, cycle and pedestrian movement;
- integration with existing parkland and provision of new public open space; and
- proposed urban water management measures.

Issues:

The issues associated with the proposed amendment include:

- The suitability of the proposed 'Urban Development' zoning; and
- The suitability of the future subdivision to integrate with the surrounding residential dwellings.

Options:

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

- Support the initiation of the proposed amendment for the purpose of public advertising;
- Support the initiation of the proposed amendment, with modification, for the purpose of public advertising; or
- Not support the initiation of the proposed amendment for the purpose of public advertising.

Legislation/Strategic Plan/Policy Implications**Legislation**

Part 5 of the *Planning and Development Act 2005* enables local governments to amend their local planning schemes and sets out the process to be followed (Attachment 2 refers).

Should Council support the initiation of the proposed amendment for the purposes of public advertising, the proposed amendment is required to be referred to the Environmental Protection Authority (EPA) to decide whether or not a formal review is required. Should the EPA decide that an environmental review is not required, upon the City's receipt of written confirmation of this from the EPA, the City advertises the proposed amendment for 42 days.

Upon closure of the advertising period, Council is required to consider all submissions received during the advertising period and will resolve to either adopt the amendment, with or without modifications, or refuse the amendment. The decision is then forwarded to the Western Australian Planning Commission (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.

If Council resolves not to initiate the amendment, there is no right of review to the State Administrative Tribunal by the applicant.

It is important to note that the scheme amendment process is a separate process to the structure plan process. If the scheme amendment is ultimately approved by the Minister for Planning following the statutory advertising period, the applicant will be required to submit a structure plan for the site, which would be subject to a further public comment period.

Clause 3.12.2 of DPS2 requires that no subdivision or development can occur in the 'Urban Development' zone until a structure plan has been prepared and adopted in accordance with Part 9 of DPS2.

The proposal presently before Council is to consider the scheme amendment only.

Strategic Plan

Key Focus Area: The built environment.

Objective 4.1: To ensure high quality urban development within the City.

Policy

Not Applicable.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

The proposed amendment would enable the City to consider future residential subdivision and development on the site that will provide additional dwellings. Being an infill site, this will contribute to environmental, economic and social sustainability by providing dwellings near existing facilities and infrastructure in an established suburb.

Consultation:

Should Council initiate the proposed amendment, it is required to be advertised for public comment for a period of 42 days. All adjoining landowners will be notified in writing, a notice will be placed in the Joondalup Community newspaper and West Australian newspaper and a will be sign placed on the site. The proposed amendment will also be displayed on the notice board at the City's administration building and on the City's website.

COMMENTScheme Amendment

Given that the site will no longer be used for its current reservation of Local Reserve – Public Use 'Primary School', a rezoning of the site is necessary. Rezoning to 'Urban Development' is considered to be preferable to rezoning to 'Residential', as the Urban Development zone requires the preparation and adoption of a structure plan. The Urban Development zone will ensure that future subdivision and redevelopment of the site occurs in a co-ordinated and integrated manner.

Under DPS2, the subject site has a density code of R20. The density coding of land within the Urban Development zone is considered within the structure plan itself. Therefore, the proposed amendment includes the removal of the density code from the subject site.

The applicant has indicated that the site is intended to be developed for residential purposes. Given the surrounding development is residential, development of this surplus school site for this use is considered to be appropriate.

Structure Plan

Future subdivision and development of the site must conform to the requirements of a structure plan.

The redevelopment of a relatively large infill site is an opportunity for good design outcomes to be achieved. The development of the structure plan will enable the City to consider requirements such as solar orientation of lots, minimum lot frontage, maximum front setback paved area and energy efficient building design.

In addition, issues such as the amount of public open space and density will be considered during the development of the structure plan.

Community Consultation

In addition to the consultation required for the Scheme Amendment, community consultation is also required as part of the consideration of a structure plan, which will give the surrounding landowners further opportunity to comment on the proposed development of the site. However, due to the anticipated high level of community interest in the proposal, it is also recommended that the applicant submit a community involvement and consultation plan to supplement the formal consultation process.

Further information from Department of Education and Training

The information provided from the DET indicates they have taken into consideration the potential for an increase in the number of primary school children in the area to be accommodated on the Allenswood school site. It is considered that the information received has not raised any issues that would prevent the consideration of the scheme amendment application as proposed.

It is recommended that Council initiates the proposed amendment to DPS2 for the purposes of public advertising for a period of 42 days.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Corr, SECONDED Cr Norman that Council:

- 1 Pursuant to Part 5 of the Planning and Development Act 2005, **CONSENTS** to initiate Amendment No 46 to the City of Joondalup District Planning Scheme No. 2 to:
 - (a) Remove the 'Public Use' reservation from Lot 9867 (63) Mulligan Drive, Greenwood and zone to 'Urban Development';
 - (b) Change the density code for Lot 9867 (63) Mulligan Drive, Greenwood from R20 to uncoded;

for the purposes of public advertising for a period of 42 days;

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- 2 **NOTES** that, in the event that Amendment No 46 is approved, a Structure Plan is required to be prepared in accordance with Part 9 of the City of Joondalup District Planning Scheme No 2. The Structure Plan application and approvals process will require further extensive community consultation to be undertaken, prior to consideration by Council;
- 3 **ADVISES** the applicant that the City would anticipate a high level of community and other stakeholder interest in the subdivision and development of the site, and therefore requests a community involvement and consultation plan be submitted to the City prior to the preparation of the Structure Plan, undertaken at the applicant's cost, to supplement the formal consultation process required under District Planning Scheme No 2.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf090210.pdf](#)

**CJ005-02/10 DISTRICT PLANNING SCHEME AMENDMENT NO.49
TO REZONE LOT 500 (1) ARAWA PLACE, CRAIGIE
FROM 'CIVIC AND CULTURAL' TO 'URBAN
DEVELOPMENT'**

WARD: Central

**RESPONSIBLE
DIRECTOR:** Mrs Dale Page
Planning and Development

FILE NUMBER: 100589

ATTACHMENTS: Attachment 1 Location and Aerial site plans
Attachment 2 Proposed Amendment No 49 plans
Attachment 3 Scheme Amendment process flowchart

PURPOSE

The purpose of this report is for Council to consider initiating proposed Amendment No. 49 to the District Planning Scheme 2 (DPS2) to rezone Lot 500 (1) Arawa Place, Craigie from 'Civic and Cultural Zone' to 'Urban Development' for the purpose of public advertising.

EXECUTIVE SUMMARY

Lot 500 Arawa Place, Craigie was excised from the former Craigie Senior High School site (Lot 501) for the purpose of a community facility which would be managed by the Department of Child Protection (DCP). Accordingly Lot 500 was zoned 'Civic and Cultural' to reflect the intentions for the site.

PUBLIC

- 2 **PROVIDES** copies of the Strategic Waste Minimisation Plan 2010-2014 to the Mindarie Regional Council and the Department of Environment and Conservation.

was Put and

CARRIED (10/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Diaz, Gobbert, Hamilton-Prime, McLean, Norman, Taylor and Young

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf130710.pdf](#)

CJ112-07/10 PROPOSED AMENDMENT NO 46 TO DISTRICT PLANNING SCHEME NO 2 TO REZONE LOT 9867 (63) MULLIGAN DRIVE, GREENWOOD, FROM 'PUBLIC USE' TO 'URBAN DEVELOPMENT'

WARD: South-East

RESPONSIBLE DIRECTOR: Mrs Dale Page
Planning and Development

FILE NUMBER: 100338

ATTACHMENTS:

Attachment 1	Location plan
Attachment 2	Scheme amendment zoning
Attachment 3	Scheme amendment process flowchart
Attachment 4	Schedule of Submissions
Attachment 5	Map of Submissions

PURPOSE

The purpose of this report is for Council to consider submissions received during the public advertising of proposed Amendment No 46 to District Planning Scheme No 2 (DPS2), and to decide whether to adopt the amendment.

EXECUTIVE SUMMARY

Lot 9867 (63) Mulligan Drive, Greenwood is currently designated as a Local Reserve – Public Use 'Primary School' (East Greenwood Primary School) under DPS2 and is currently developed and used as a primary school.

Council, at its meeting held on 16 February 2010, resolved to initiate advertising of Amendment No. 46 for a period of 42 days. A total of 25 submissions were received, comprising seven objections, 13 neutral submissions that made comment on various aspects of the proposal and five no objections from service authorities. One of the submissions included a 16-signature petition requesting the car park and oval be excluded from the scheme amendment.

The main issues raised relate to the loss of vegetation from the site and the loss of the school oval which is perceived by the community as public open space.

PUBLIC

It is considered appropriate to request the applicant to fully consider these issues when preparing the Structure Plan. It is recommended that Council adopts Amendment No. 46 to DPS2 as final without modification, and forwards the proposal to the Western Australian Planning Commission (WAPC).

BACKGROUND

Suburb/Location: Lot 9867 (63) Mulligan Drive, Greenwood
Applicant: Department of Housing
Owner: Department of Education and Training (DET)
Zoning: **DPS:** Local Reserve – Public Use (Primary School)
MRS: Urban
Site Area: 3.86 ha
Structure Plan: Not Applicable

Lot 9867 is located in the eastern part of Greenwood between Cockman Road and Wanneroo Road (Attachment 1 refers). The subject site is currently designated as a Local Reserve – Public Use 'Primary School' under DPS2 and was developed as a primary school (East Greenwood Primary School). Cockman Park abuts the southern side of the site. The remaining land surrounding the subject site is zoned Residential R20 and is developed with residential dwellings.

In 2007, the Minister for Education and Training announced that East Greenwood Primary School and Allenswood Primary School would be replaced by one new school on the Allenswood site (to be known as Greenwood Primary School). This would result in the East Greenwood Primary School site being surplus to the Department of Education and Training needs. The East Greenwood Primary school is scheduled to close at the end of the 2010 school year after completion of the construction of Greenwood Primary School in late 2010.

This amendment was first presented to Council on 5 December 2009, where Council resolved to seek further information from the DET on the closure of the school and the capacity of Greenwood Primary School to cater for future growth needs.

After examining this further information Council, at its meeting held on 16 February 2010, resolved to initiate advertising of Amendment No. 46 for a period of 42 days (Report CJ004-02/10 refers).

DETAILS

An application has been received to amend the DPS2 designation of Lot 9867 Mulligan Drive, Greenwood from 'Public Use – Primary School' to 'Urban Development' (Attachment 2 refers).

It is proposed that the Department of Housing will acquire the site from DET for residential development in due course.

The applicant has stated that the proposal promotes efficient land use through infill residential development and is in line with draft Directions 2031 (WAPC 2009) which states that 47% of new dwellings should be infill development. The site is proposed to be developed for low to medium density single and group housing residential uses.

It is proposed to rezone the subject site to the Urban Development Zone, which requires the preparation and adoption of a local structure plan over the site by Council, prior to application for subdivision approval.

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Issues and options considered:

The options available to Council in considering the proposal are:

- Adopt the proposed amendment,
- Adopt the proposed amendment, with modification, or
- Not adopt the proposed amendment.

In all the above options, the proposal is forwarded to the WAPC for the Minister for Planning's determination.

Legislation/Strategic Plan/Policy Implications**Legislation**

Part 5 of the *Planning and Development Act 2005* enables local government to amend a Local Planning Scheme and sets out the process to be followed. Council supported the initiation of the proposed amendment for the purpose of public advertising at its meeting held on 16 February 2010. The proposed amendment was then referred to the Environmental Protection Authority (EPA) for its comment. The EPA decided that a formal review of the amendment was not required.

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

It is important to note that the scheme amendment process is a separate process to the Structure Plan process. If the scheme amendment is ultimately approved by the Minister for Planning following the statutory advertising period, the applicant will be required to submit a structure plan for the site, which would be subject to a further public comment period.

Clause 3.12.2 of DPS2 requires that no subdivision or development can occur in the 'Urban Development' zone until a structure plan has been prepared and adopted in accordance with Part 9 of DPS2.

The proposal presently before Council is to consider the scheme amendment only.

Strategic Plan

Key Focus Area: The built environment.

Objective 4.1: To ensure high quality urban development within the City.

Policy

Not Applicable.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

The proposed amendment would enable the City to consider future residential subdivision and development on the site that will provide additional dwellings. Being an infill site, this will contribute to environmental, economic and social sustainability by providing dwellings near existing facilities and infrastructure in an established suburb.

Consultation:

The proposed scheme amendment was advertised for public comment for a period of 42 days, closing on 2 June 2010.

Three signs were placed on the site and a notice placed in the local newspaper. Letters were sent to 191 nearby landowners and 6 government or service agencies advising of the proposed amendment. The proposal was also placed on the City's website.

A total of 25 submissions were received, comprising seven objections, five no objections from service authorities and 13 neutral submissions which made comment on various aspects of the proposal. One of the submissions included a 16-signature petition from the Perth Disc Golf Club requesting the car park and oval be excluded from the scheme amendment. The schedule of submissions is provided in Attachment 4.

Summary of Submissions:

The main issues raised in the submissions were:

- A desire for the retention of native vegetation on site, particularly on the corner of Dargin Place.
- The loss of the school oval and parking on Mulligan Drive, Greenwood.
- The amount of public housing proposed.
- Concerns with increased traffic in the area.
- The potential residential density on the site.
- The negative effect on property values.
- A desire that any housing be restricted to single storey only.
- A desire for site area coverage and brick paving to be restricted to reduce water run off.

COMMENT

It is important to note that, in the event that the site is zoned "Urban Development", a structure plan will be required to be prepared to guide the future development of the site. As part of that process, residential density options will be investigated, native vegetation on the site will be assessed, as well as the need for public open space. Further public consultation will be undertaken in regard to the structure plan.

Many of the issues raised in the submissions relate to the development of the structure plan, rather than the proposed scheme amendment. Issues such as traffic and site area coverage are considerations for the development of the Structure Plan.

Retention of vegetation and public open space

Any future subdivision of the site must include a minimum of 10% of the area as public open space. If the physical provision of public open space is deemed not to be necessary (for example, due to the presence of an adjoining area of open space), the payment of cash in lieu of the provision of this open space may be considered. Any cash received must be spent on enhancing other public open space in the area.

A number of submissions are concerned with the retention of significant vegetation on the site. While it is not a matter that can be dealt with under the scheme amendment, it is recommended that the applicant consider how to incorporate some of the more significant vegetation on site into any future Structure Plan.

Loss of school oval

The subject site is currently a primary school and associated school oval. It appears, from a number of submissions received, that there is a perception that the school oval is public open space, and therefore the proposed scheme amendment will remove that public open space.

While the school oval is not designated public open space, it is understandable that there would be a desire to retain this area, whether it be for informal recreation or for a visual green space. The school oval does, however, adjoin an existing area of designated public open space (Cockman Park) which will be unaffected by the scheme amendment proposal.

Notwithstanding, it is considered appropriate to request the applicant to consider options for retaining a portion of the existing school oval and associated car park when developing the structure plan for the site.

Appropriateness of proposed zoning

Given that the site will no longer be used for its current reservation of Local Reserve – Public Use ‘Primary School’, a rezoning of the site is necessary. The Urban Development zone will ensure that future subdivision and redevelopment of the site occurs in a co-ordinated and integrated manner.

The applicant has indicated that the site is intended to be developed for residential purposes. Given the surrounding development is residential, development of this surplus school site for this use is considered to be appropriate.

Conclusion

The proposed scheme amendment will require the development of a structure plan for the site which will provide further opportunities for public consultation and input regarding the future development of the site. It is recommended that the proposed amendment be adopted without modification and the amending documents be endorsed and submitted to the WAPC for the Minister’s determination.

VOTING REQUIREMENTS

Simple Majority.

PUBLIC

MOVED Cr Young, SECONDED Cr McLean that Council:

- 1 Pursuant to Town Planning Regulations 17 (2), **ADOPTS Amendment No 46 to the City of Joondalup District Planning Scheme No. 2 as follows:**
 - (a) Remove the 'Public Use' reservation from Lot 9867 (63) Mulligan Drive, Greenwood and zone to 'Urban Development';
 - (b) Change the density code for Lot 9867 (63) Mulligan Drive, Greenwood from R20 to uncoded;
- 2 **AUTHORISES the affixation of the Common Seal and to endorse the signing of the amendment documents;**
- 3 **NOTES the submissions received and advises the submitters of Council's decision;**
- 4 **ADVISES the lead petitioner of Council's decision;**
- 5 **REFERS Scheme Amendment No 46 and Council's decision to the Western Australian Planning Commission for determination;**
- 6 **NOTES that, in the event that Amendment No 46 is approved, a Structure Plan is required to be prepared in accordance with Part 9 of the City of Joondalup District Planning Scheme No 2. The Structure Plan application and approvals process will require further extensive community consultation to be undertaken, prior to consideration by Council;**
- 7 **ADVISES the applicant that the City would anticipate a high level of community and other stakeholder interest in the subdivision and development of the site, and therefore requests a community involvement and consultation plan be submitted to the City prior to the preparation of the Structure Plan, undertaken at the applicant's cost, to supplement the formal consultation process required under District Planning Scheme No 2; and**
- 8 **ADVISES the applicant that consideration must be given to the options available to retain the existing mature trees on the site as well as a portion of the school oval and associated car park during the preparation of the Structure Plan.**

The Motion was Put and

CARRIED (9/1)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Diaz, Gobbert, Hamilton-Prime, McLean, Norman, Taylor and Young **Against the Motion:** Cr Chester

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf130710.pdf](#)

PUBLIC