

Date: 14 May 2018

Your Ref:

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Enquiries:

Our Ref: 30622

INWE18/19523



Hon Matthew Swinbourn MLC
Chair
Standing Committee on Environment
and Public Affairs
Legislative Council Committee Office
Parliament House, 4 Harvest Terrace
WEST PERTH WA 6005

Dear Mr Swinbourn

PETITION NO. 040 - MULTI-UNIT DEVELOPMENTS IN CITY OF JOONDALUP

I refer to your letters dated 19 March and 9 May 2018 in regard to the above.

As noted in your letter of 9 May, there has been ongoing consultation and discussion between the Committee's Advisory Officer, Alex Hickman, and Manager Planning Services, Chris Leigh, of the City of Joondalup (City). This issue is complex and involves considerable liaison between the City and the Western Australian Planning Commission (WAPC). Delays in providing the response result from the desire to provide a detailed response to the issues which you have raised.

Petition

The petitioners request that a halt be placed on all multi-unit and grouped dwelling development above the R30 density code in all City Housing Opportunity Areas (HOA).

Council considered a similar request, although confined to a portion of one of the HOAs (HOA1), in a petition tabled at Council's meeting held on 19 September 2017.

Council was subsequently advised in a report of 21 November 2017 that in the case of subdivision proposals, the Western Australian Planning Commission (the WAPC) is the decision-making authority. The City is provided an opportunity to review and provide a recommendation on subdivision proposals, as are other agencies such as Water Corporation and Western Power, however the City has no ability to pause or stop a subdivision proposal from being determined.

Furthermore, the City has sought advice on the ability, legally, to make a decision on a development application received, based on a proposed scheme amendment. The City has been advised that it would only be appropriate to give weight to the provisions of an impending scheme amendment when there is a high degree of

certainty that the amendment would have final approval within an imminent timeframe.

Therefore, the City is not in a legal position to halt the assessment and determination of development applications in line with the current zoning and density coding of a site.

Any ability to pause or prevent development that would ordinarily be permissible at a density coding of higher than R30 in all HOAs would ultimately rest with the Minister for Transport; Planning; Lands through the determination of Amendments No. 88 and 90, and any similar subsequent amendments to the planning scheme.

Broader response to Housing Opportunity Area issues

The City always recognised the need to try and control, as best it could, the potential impact that increased density would have on existing residents. A number of strategies were explored with the (then) Department of Planning during preparation of the Local Housing Strategy (LHS) and implementation documents, but was able to include only some of those strategies at that time given the limited ability for any local planning policy to go beyond the scope of the Residential Design Codes.

The initial iteration of the LHS proposed lower density increases, however the (then) Department of Planning was not prepared to support the draft LHS until the document responded more strongly to State planning documents and policies, specifically by increasing the number and size of HOAs and by increasing the densities within the HOAs. Following the (then) Department of Planning's advice, the draft LHS was revised to expand the boundaries of some HOAs and to also increase densities from R20/30 to R20/40 and R20/60.

It was never the City's intention to allow larger multiple dwelling developments to be developed in the HOAs, except on a small number of lots coded R20/R60 close to railway stations, on small sections of Beach Road and next to larger shopping centres. However, the City did not have the ability to exclude or prevent multiple dwellings through scheme or policy provisions and did not have the ability to include whatever scheme provisions it saw fit to try and manage the impacts of density. The City did however attempt to include a provision in Scheme Amendment No. 73 (which gave effect to the higher densities) to restrict the development of multiple dwellings to sites 2,000m² or larger. This was however not supported by the WAPC and the provision was removed from the amendment.

The Joondalup Council and the City's administration have been working to address concerns raised by members of the community about the potential impact that higher density development may have on existing neighbourhoods. The Council agreed to progress a number of key actions at its meeting held on 21 November 2017, and these are attached for your information.

Amendments 88 and 90 to District Planning Scheme No. 2

Scheme Amendments No. 88 and 90 commenced advertising on 22 February 2018 and concluded on 23 April 2018. A large number of submissions have been received and following analysis of the responses the matter will be referred to Council for consideration in June 2018. Council's decision whether or not to proceed with the

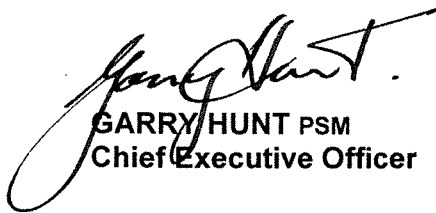
amendments will then be forwarded to the WAPC for consideration. The Commission will then forward its recommendation on the amendments to the Minister, who has final approval authority for scheme amendments.

The Minister, in recent correspondence to the City, expressed a view that consideration of individual amendments relating to residential infill could be ad hoc without a review of the planning framework for infill development. In her letter, the Minister suggests that the City undertakes more consultation with residents on their expectations and aspirations around infill development and conducts a strategic review of the City's infill planning, culminating in presentation of proposals for State Government consideration.

The City is currently doing exactly that, as stipulated in Council's resolution of 21 November 2017. A tender has recently been released calling for submissions from consultants to prepare a new strategy for the HOAs, including a new scheme amendment and design-led planning policy for all HOAs. The tender document stipulates that one of the key functions of the consultant team will be early engagement and extensive consultation with the community to hear the community's concerns and issues and gather the community's ideas and suggestions for the new strategy. This coordinated, cohesive and strategic approach to addressing the issue across the whole of the City and throughout all the HOAs is the most appropriate way to address the concerns currently being raised by some of the community, rather than ad hoc planning scheme amendments, which in themselves will not actually resolve the impacts of higher density development.

If you require any further information in relation to this matter, please do not hesitate to contact me.

Yours sincerely



GARRY HUNT PSM
Chief Executive Officer

LOCAL HOUSING STRATEGY INFORMATION SHEET

At its meeting held on 21 November 2017, Council considered a comprehensive report on the issues associated with multiple dwelling development in Housing Opportunity Areas (HOAs). Council has acknowledged the concerns raised, and has resolved that a range of measures be undertaken to address these concerns. Council's resolutions are outlined below, as well information on the actions to be undertaken.

- 1 REQUESTS a review of the City's consultation procedures be undertaken and that a new consultation process be adopted to increase the amount of consultation and notification undertaken on multiple dwelling development applications lodged in the City's Housing Opportunity Areas;**
- 2 REQUESTS the preparation of a Planning Consultation Policy to provide greater certainty and transparency regarding consultation undertaken for planning proposals;**

A Planning Consultation Policy will now be developed to apply to all planning consultation, including individual planning applications as well as for more strategic proposals like activity centre plans or local development plans. The intent for the Planning Consultation Policy is to provide certainty and transparency for the community and Council on what and how proposals will be consulted on. In addition to the statutory consultation requirements, the policy will set out additional platforms and consultation strategies that can be implemented.

The Planning Consultation Policy will be drafted and presented to the Policy Committee and then Council for consent to advertise the draft policy.

- 3 REQUESTS the Terms of Reference of the Joondalup Design Reference Panel be amended to subject a greater number of multiple dwelling proposals to independent design review as part of the City's assessment of the proposals;**

The Joondalup Design Reference Panel (JDRP) is a Council-appointed panel of industry representatives from the Australian Institute of Architects, the Planning Institute of Australia and the Australian Institute of Landscape Architects. The JDRP provides external, independent design advice on development proposals in the City of Joondalup (the City).

Council, at its meeting held on 17 April 2018, resolved to expand the terms of reference of the JDRP to ensure all applications for multiple dwellings and grouped dwelling developments of five or more dwellings are reviewed by this independent panel of experts. This expansion of the role of the panel will assist in adding greater integrity to the approval process and will achieve higher quality design outcomes for multiple and larger grouped dwelling developments.

- 4 REQUESTS the preparation of a design-led local planning policy for multiple dwellings in the City's Housing Opportunity Areas that requires a higher quality of design and better manages the impact of multiple dwellings on existing residents and streetscapes by focusing on the context and character of the Housing Opportunity Areas as well as the scale, functionality and build quality of new development;**

5 NOTES that the Chief Executive Officer will need to engage a consultant to prepare the local planning policy outlined in part 4 above;

The importance of design quality in planning assessment is being recognised by the State Government through the development of *Design WA* – a suite of design-led policies and guides.

These design-led policies and guides establish guiding principles, such as context, character, functionality, build quality and scale, with a requirement to demonstrate how a development outcome will achieve these principles. This is a somewhat different approach to the current R-Codes where, although good outcomes are the desired goal, the R-Codes seek to achieve this through a set of prescriptive requirements.

The local planning policy will include typical provisions related to elements such as those included in the City's current *Residential Development Local Planning Policy* (building height, parking and the like), but it is anticipated the policy will also include greater consideration of landscaping, protection of existing vegetation (or inclusion of areas for mature vegetation to be planted) to both lessen impact on adjoining neighbours as well as providing more integrated and higher quality streetscape outcomes.

The City has commenced the process to appoint a consultant to undertake the design-led policy. Once the policy is drafted, it will be presented to the Policy Committee and then Council for consent to advertise the draft policy.

6 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, including the provisions of draft Amendment No. 73 that were previously deleted by the Western Australian Planning Commission that required a minimum site area of 2,000m² for multiple dwelling developments and that required all development at the higher density to comply with the City's *Residential Development Local Planning Policy* or equivalent, along with provisions which require regard be given to recommendations made by the Joondalup Design Reference Panel in the determination of planning proposals

Since the implementation of the HOAs, there appears to have been a shift in philosophy and now a greater appetite at the State level to accommodate the needs of individual local governments in responding to local issues.

An amendment will be initiated to City's planning scheme to introduce additional provisions to better manage and control multiple dwellings in HOAs, which could include priority development standards such as minimum lot frontages and sizes, setbacks, building height, parking and plot ratio, as well as a requirement for a developer to respond to the recommendations made by the JDRP by way of improvements to the proposed development.

The inclusion of such provisions in the City's planning scheme will add greater weight to key development criteria that have the most potential to impact surrounding residents and streetscapes.

The appointed consultants will consider the content of a proposed scheme amendment, and a report outlining an amendment to the City's planning scheme will be presented to Council for consideration. It is noted any amendment to a planning scheme will be determined by the Minister for Planning.

- 7 SUPPORTS the request to include the portion of Housing Opportunity Area 1, located west of Davallia Road into Amendment No. 88 to *District Planning Scheme No. 2*, to reduce the density coding from R20/R40 and R20/R60 to a density coding of no higher than R20/R30 and NOTES that a report dealing with the revocation of Council's earlier decision to initiate existing Amendment No. 88 and to initiate a replacement amendment will be presented to an upcoming Council meeting**

Council, at its meeting held on 27 June 2017, resolved it initiate Scheme Amendment No. 88 to District Planning Scheme No. 2 (DPS2), and at its meeting held on 12 December 2017 resolved to initiate Scheme Amendment No. 90. The effect of the amendments is a proposal to recode the area of Housing Opportunity Area 1 (HOA1) west of the Mitchell Freeway from R20/40 and R20/60 to R20/30.

The proposed amendments were advertised public comment for a period of 60 days from 22 February 2018 to 23 April 2018. The outcomes of the public consultation will be reported to Council at a forthcoming Council meeting.

- 8 AGREES that all other requests made in the petitions received from the residents in Housing Opportunity Area 1, located west of Davallia Road and the Edgewater Community Residents Association not be progressed at this time;**

The petition from the residents in HOA1, located west of Davallia Road, requests to *Place an immediate pause on planning approvals of subdivisions that exceed R30.*

In the case of subdivision, the Western Australian Planning Commission is the decision-making authority. The City is provided an opportunity to review and provide a recommendation on subdivision proposals, as are other agencies such as Water Corporation and Western Power; however, the City has no ability to pause or stop a subdivision proposal from being determined.

The City has sought advice on the ability, legally, not to determine development applications on the basis of an impending scheme amendment, and have been advised that it would only be appropriate to give weight to the provisions of the impending scheme amendment when there is high degree of certainty that the amendment would be approved within an imminent timeframe.

The petition from the Edgewater Community Residents Association requested that all development applications include traffic impact assessments, environmental impact assessments and noise management plans.

The City already requires the inclusion of additional reports such as traffic impact assessments, noise management plans, refuse management plans and construction management plans for developments that are of a scale where the detail contained within technical reports of this nature. It was considered inappropriate to require such technical studies to accompany a proposal to undertake additions to an existing dwelling (patio, carport or extensions) as it would place an unnecessary burden on the applicant and do little to inform the City in its decision-making.