

CJ236-12/13 DRAFT AMENDMENT TO DISTRICT PLANNING SCHEME NO. 2 – LOCAL HOUSING STRATEGY IMPLEMENTATION

WARD	All	
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development	
FILE NUMBER	30622, 101515	
ATTACHMENT	Attachment 1	Scheme amendment wording
	Attachment 2	Proposed coding changes for Housing Opportunity Areas
	Attachment 3	Overall coding proposals
	Attachment 4	Proposed zoning changes
	Attachment 5	Scheme amendment process flowchart
AUTHORITY / DISCRETION	Legislative – includes the adoption of local laws, planning schemes and policies.	

PURPOSE

For Council to consider initiating an amendment to *District Planning Scheme No. 2 (DPS2)* as the basis for the implementation of the recommendations of the *Local Housing Strategy*, for the purpose of public advertising.

EXECUTIVE SUMMARY

At its meeting held on 16 April 2013 (CJ044-04/13 refers), Council resolved to adopt the draft revised *Local Housing Strategy (LHS)* and requested the preparation of a report for Council to consider the initiation of a scheme amendment to implement the recommendations of the LHS.

The draft LHS was subsequently forwarded to the Western Australian Planning Commission (WAPC) via the Department of Planning for endorsement. On 12 November 2013, the WAPC resolved to support the LHS as a basis for guiding future amendments to *District Planning Scheme No. 2 (DPS2)*.

The purpose of this amendment is to implement the majority of the recommendations of the draft LHS through DPS2 by:

- updating the Scheme Maps to reflect the recommendations of the LHS
- introducing development criteria for dual coded areas
- introducing a density bonus to encourage the amalgamation of lots for the development of Aged and Dependent Persons' dwellings
- increasing the density code applicable to 'Commercial', 'Mixed Use' and 'Business' zoned lots
- introducing minimum residential densities for development on large opportunity sites.

The remaining recommendations of the draft LHS are proposed to be implemented through policy provisions which are currently being developed.

It is recommended that Council adopts proposed Scheme Amendment No. 73 for the purposes of public advertising.

BACKGROUND

The City is undertaking a review of its current *District Planning Scheme No. 2* (DPS2) with a view to putting in place a new Local Planning Scheme. Before the new scheme can be finalised, a number of supporting documents need to be developed, including a *Local Planning Strategy*, supported by a *Local Housing Strategy* (LHS) and a *Local Commercial Strategy*.

The draft LHS was extensively advertised in 2010, with approximately 7,000 submissions received. Council considered these submissions and, at its meeting held on 15 February 2011 (CJ006-02/11 refers), resolved to adopt the strategy with the minor expansion of two Housing Opportunity Areas (HOAs). The document was then forwarded to the Western Australian Planning Commission (WAPC), via the Department of Planning, for endorsement.

The Department of Planning then requested the City to amend the draft LHS to respond more strongly to state planning documents and policies, specifically by reviewing the size and proposed densities of the HOAs. Council considered this feedback at its meeting held on 11 December 2012 (CJ289-12/12 refers), and resolved to adopt revised HOAs for the purposes of community consultation.

Following community consultation, Council, at its meeting held on 16 April 2013 (CJ044-04/13 refers), resolved to adopt the draft LHS as follows:

"That Council:

1 *ADOPTS the revised Local Housing Strategy forming Attachment 1 to Report CJ044-04/13 as final, subject to:*

1.1 *Recommendation 4 being amended to read:*

"Scheme and/or policy provisions to be developed to encourage amalgamation and development of between two and four residential lots for aged persons' housing in appropriate locations and to encourage the inclusion of universal access design elements and environmentally responsible design elements into the developments. This recommendation will apply across the whole City with the exception of lots located in Housing Opportunity Areas and the Joondalup City Centre."

1.2 *Recommendation 5 being amended to read:*

"a Replace the residential coding of R20 which currently applies to all commercial and mixed use land over 1000sqm with R80, and develop Scheme and/or policy provisions to encourage the incorporation of environmentally responsible design elements into the developments. This recommendation will apply across the whole City with the exception of the Joondalup City Centre."

- b Replace the residential coding of R20 which currently applies to all commercial and mixed use zoned land under 1000sqm with R40, and develop Scheme and/or policy provisions to encourage the incorporation of environmentally responsible design into the developments. This recommendation will apply across the whole City with the exception of the Joondalup City Centre.”;*

1.3 Recommendation 6 being amended to read:

“Scheme provisions should be considered and/or Council’s height policies should be reviewed to allow additional height on:

- (i) large parcels of land being developed for aged persons’ accommodation such as retirement villages;*
- (ii) large parcels of land with a density code of R60 and higher.”;*

- 2 SUBMITS the revised Local Housing Strategy forming Attachment 1 to Report CJ044-04/13 as amended to the Western Australian Planning Commission for its endorsement;*
- 3 NOTES that a copy of the 30 submissions received will be forwarded to the Western Australian Planning Commission;*
- 4 ADVISES submitters of Council’s decision;*
- 5 REQUESTS the preparation of a report in order for Council to consider the initiation of an amendment to District Planning Scheme No. 2 to enable implementation of the recommendations of the draft Local Housing Strategy ahead of the finalisation of the City’s new planning scheme.”*

On 12 November 2013, the WAPC resolved to support the LHS as a basis for guiding future amendments to DPS2.

DETAILS

The purpose of this draft scheme amendment is to progress the implementation of the majority of the recommendations of the LHS by way of new provisions within DPS2. The LHS recommendations and the manner in which they are to be addressed within DPS2 are provided below:

Recommendation 1

Accept the Housing Opportunity Areas shown on the Local Housing Strategy Plan Map in Section 10.4 as areas suitable for higher residential density codings in the new District Planning Scheme.

Scheme amendment proposal:

The Housing Opportunity Areas shown within the LHS are the basis for the proposed amendments to the DPS2 text and maps, included in Attachments 1, 3 and 4.

Recommendation 2

Use the proposed new residential densities and zonings in each of the Housing Opportunity Areas described in Section 10.5 as the basis for new density codings and rezonings in the new District Planning Scheme. The rest of the City is unchanged.

Scheme amendment proposal:

The new residential densities and zonings have been reflected in the proposed amendments to the Residential Density Code Map (Attachment 3 refers) and Scheme Map (Attachment 4 refers). The proposed residential density map for each housing opportunity area is illustrated in Attachment 2.

Recommendation 3

As part of the District Planning Scheme review process, develop design provisions to ensure development at the higher density of the dual density code will enhance/maintain streetscapes and incorporate environmentally responsible design.

Scheme amendment proposal:

Development criteria for dual coded areas are proposed to be included in both DPS2 as well as in policies. The provisions proposed for inclusion in DPS2 promote good design at the subdivision stage, including regulating lot shapes, requiring vehicular access from a laneway (where applicable) and restricting multiple dwellings to larger lots. As subdivision applications are determined by the WAPC, provisions relating to subdivision must be incorporated into DPS2 in order for them to be able to be implemented effectively - ahead and independently of the development application and / or building approval processes.

The consolidation of vehicular access has not been proposed as a scheme provision. Despite this being a desirable objective, it would restrict the ability of landowners to create green title subdivisions, unless easements were entered into over the shared vehicular access, which would create a significant administrative burden for the City and landowners. The issue of the number of crossovers and separation distances between crossovers for lots created from the same parent lot will be addressed through policy provisions that will control the form of strata developments proposed.

Other provisions which aim to enhance / maintain streetscape and promote environmentally responsible design at the development application stage of the process are also proposed to be implemented through policy provisions. The WAPC is not responsible for determining residential development applications and therefore provisions relating to this stage of the process are most appropriately provided through the City's own local planning policies as well as through other Council policies.

Recommendation 4

Scheme and / or policy provisions to be developed to encourage amalgamation and development of between two and four residential lots for aged persons' housing in appropriate locations and to encourage the inclusion of universal access design elements and environmentally responsible design elements into the developments. This recommendation will apply across the whole City with the exception of lots located in Housing Opportunity Areas and the Joondalup City Centre.

Scheme amendment proposal:

Currently, in accordance with the Residential Design Codes, a one-third reduction to the applicable lot size is granted to developments of five or more aged or dependent persons' dwellings. At a density coding of R20, a minimum development site of 1,500m² is required in order to develop five aged or dependent persons' dwellings, considering the minimum average lot size (with the one-third reduction) is 300m².

To encourage the amalgamation and development of lots for aged or dependent persons' dwellings, it is proposed that the minimum size of a development site required to develop five aged or dependent persons' dwellings be reduced further to 1,100m². This would allow a minimum average lot size of 220m² in accordance with the R40 standard under the codes.

This is proposed to be achieved by allowing a density increase from R20 to R40 to be awarded to developments of five or more aged and dependent persons' dwellings on lots of 1,100m² and above. A table comparing the required average lot sizes at the different densities is provided below:

	Average lot size (m ²)	Minimum required lot size (m ²) (5 dwellings)
R20	450	2,250
R20 – Aged and Dependent Persons (including one-third size reduction)	300	1,500
R40	220	1,100

The DPS2 amendment also proposes a provision stating that the bonus will not apply where the development takes the form of multiple dwellings. Universal access design and environmentally responsible design are proposed to be specifically encouraged through local planning policies and other Council policy provisions.

Recommendation 5

- (a) *Replace the residential coding of R20 which currently applies to all commercial and mixed use land over 1,000sqm with R80, and develop Scheme and / or policy provisions to encourage the incorporation of environmentally responsible design elements into the developments. This recommendation will apply across the whole City with the exception of the Joondalup City Centre.*
- (b) *Replace the residential coding of R20 which currently applies to all commercial and mixed use zoned land under 1,000sqm with R40, and develop Scheme and/or policy provisions to encourage the incorporation of environmentally responsible design into the developments. This recommendation will apply across the whole City with the exception of the Joondalup City Centre.*

Scheme amendment proposal:

In order to implement this recommendation, the existing density coding for 'Commercial', 'Business' and 'Mixed Use' zoned lots is proposed to be removed from the scheme maps, and wording is proposed to be included in DPS2 to outlined the applicable density code depending on the size of the lot.

The incorporation of environmentally responsible design elements is proposed to be encouraged through local planning policies and other Council policies.

Recommendation 6

Scheme provisions should be considered and/or Council's height policies should be reviewed to allow additional height on:

- (i) *large parcels of land being developed for aged persons' accommodation such as retirement villages*
- (ii) *large parcels of land with a density code of R60 and higher.*

Height is currently controlled through existing policies, including the *Height and Scale of Buildings within Residential Areas* policy and the *Height of Buildings within the Coastal area (Non-Residential Zones)* policy. As such, this recommendation is proposed to be implemented through the subsequent review of these policies.

Recommendation 7

As part of the District Planning Scheme review process, develop provisions for large opportunity sites which sets a minimum 'target' density in line with government policy. The requirements will apply to large opportunity sites across the whole City with the exception of the City Centre.

Scheme amendment proposal:

The State Government's *Directions 2031 and Beyond* document sets a density target of 15 dwellings per gross urban zoned hectare for greenfield developments. This equates to just under 25 dwellings per site hectare, or an average lot size of 400m², which is a much easier target to regulate and track through the subdivision process.

Considering the above, it is proposed that a minimum residential density of 25 dwellings per site hectare be required for the development of lots one hectare or greater within the 'Residential' zone, as well as for development within the 'Urban Development' zone where a structure plan is required to be prepared. Site hectare is the total site area of a subdivision proposal less deductions for non-residential uses including streets, laneways, open space and community facilities and is the simplest way to implement density requirements.

Definitions for the terms 'battleaxe site' and 'site hectare' are proposed to be included in DPS2.

The wording of the above scheme amendment proposals is shown as Attachment 1 with the scheme amendment maps included as Attachments 3 and 4.

Issues and options considered

The issue to be considered by Council is the suitability of the proposed amendment to implement the recommendations of the LHS.

Residential Design Codes of Western Australia (R-Codes)

The R-Codes stipulate development standards for residential development which includes aged and dependent persons' dwellings.

The R-Codes define 'aged person' as: '*a person who is aged 55 years or over*', while a 'dependent person' is defined as: '*a person with a recognised form of disability requiring special accommodation for independent living or special care.*'

Risk management considerations

Without the provisions contained within the proposed scheme amendment the City will be unable to implement the recommendations of the LHS. Furthermore, without controls in place development would occur in an ad hoc manner, which has the potential to have greater impact on surrounding landowners.

The proposed provisions outline the City's expectations / approach to development at higher density which provides certainty for landowners and developers as to the form of subdivision and development required.

Financial/budget implications

The City, as the applicant, will be required to cover the costs associated with the scheme amendment process. The costs incurred are for the advertising of the amendment which includes placing a notice in the relevant newspapers. It is estimated that the cost of advertising will be approximately \$1,000.

Regional significance

Implementation of the *Local Housing Strategy* will not have any direct regional impact, however will enable the expansion of the current residential population of the City and the north-west corridor in line with the requirements of *Directions 2031 and Beyond* and the associated sub-regional strategy.

Sustainability implications

The increase in the range of residential densities (up to R60) within the City of Joondalup will provide a greater choice of house and land sizes which can cater for a greater range of household types from single persons to large families. This provision of varied lot and dwelling sizes can also offer an increase in affordable housing choices. This will also improve social sustainability as it can assist residents to stay in their community, while changing housing choice to meet their needs throughout their life.

The increased density of the HOAs within appropriate walkable catchments will assist in reducing dependency on the private vehicle and encourage alternative modes of transport such as walking and cycling. This has potential health (social) and energy consumption (environmental) benefits.

Consultation

Should Council initiate the scheme amendment, it is required to be advertised for public comment for 42 days. It is proposed that advertising will be by way of:

- notices placed in the Joondalup Community newspaper and *The West Australian* newspapers
- a notice placed on the e-screen at the City's administration building
- a notice and documents placed on the City's website.

COMMENT

In accordance with Council's resolution at its meeting held on 16 April 2013 (CJ044-04/13 refers), this report has been prepared for Council to consider the initiation of an amendment to DPS2 to implement the recommendations of the *Local Housing Strategy*. The majority of the recommendations can be implemented through DPS2 as described in the 'Details' section above, however, where appropriate, other provisions are to be implemented through policy.

The draft scheme amendment is proposed to be supported by local planning policies and other Council policies, which will both set criteria, required to be met by residential development proposing to take advantage of the dual coding, and encourage the incorporation of environmentally responsible design into these developments.

Advice from the Department of Planning on the former draft *Dual Density Policy*, which was developed and advertised in 2010, indicated that a number of the provisions contained within that draft policy were not consistent with the State Government's *Residential Design Codes*. The Department advised that these provisions could only be included in a local planning policy if this policy was first endorsed by the WAPC. In addition, an amendment to the *Planning and Development Act 2005*, made in 2011, makes it clear that requirements covered by the *Building Act 2011*, such as universal access and green building standards, cannot be superseded by a planning scheme or local planning policies and that a local government must have regard to the regulations made under the *Building Act 2011* when implementing its scheme.

The draft *Dual Density Policy* is proposed to be reviewed in light of the above and a revised local planning policy and Council policy developed. As is discussed under the Recommendation 6 heading above, the Council's *Height and Scale of Buildings within Residential Areas Policy* and *Height of Buildings within the Coastal area (Non-Residential Zones) Policy* are also proposed to be reviewed. The result of this review, along with the revised local planning policies and Council policies, will be presented to Council in early 2014. It is anticipated that the policies will be in place prior to the finalisation of the proposed scheme amendment.

It is noted that, if initiated, the proposed scheme amendment will be referred to the servicing authorities to specially analyse the infrastructure capacity and requirements needed to implement the new residential densities in each of the HOAs.

It is recommended that Council initiate proposed Amendment No. 73 to DPS2, included in Attachments 1, 3 and 4 for the purposes of public advertising for a period of 42 days.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Gobbert, **SECONDED** Cr Amphlett that Council, pursuant to Part 5 of the *Planning and Development Act 2005* and regulations 13 and 25 of the *Town Planning Regulations 1967*, **PROCEEDS** with Amendment No. 73 to the *City of Joondalup District Planning Scheme No. 2* as outlined at Attachments 1, 3 and 4 to Report CJ236-12/13, for the purposes of public advertising for a period of 42 days.

The Motion was Put and

CARRIED (13/0)

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

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf031213.pdf](#)