

## ITEM NO: 11.6

### Town of Cambridge - Local Planning Scheme No. 1 Amendment 31 – for Final Approval

<b>WAPC OR COMMITTEE:</b>	<b>Statutory Planning Committee</b>
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Manager - Schemes and Amendments
AUTHORISING OFFICER:	Planning Director - Schemes and Amendments
AGENDA PART:	B
FILE NO:	TPS/1624
DATE:	29 September 2015
REPORT CATEGORY:	Statutory
RECOMMENDATION OUTCOME:	1. REF
ATTACHMENT(S):	1. Maps of affected areas in City Beach, Floreat and Mount Claremont. 2. Amendment 31 - as advertised. 3. Schedule of submissions and Council responses. 4. DOP Summary and Response to Submissions. 5. Amendment 31 - modified following advertising. 6. [REDACTED]
DETAILS:	Introduce Additional Use(s) into Schedule 2 of TPS No. 1 to provide for grouped or multiple dwellings within City Beach, Floreat and Mount Claremont, subject to compliance with specific development criteria.
ADVERTISING:	21 March 2015 - 8 May 2015 (49 days) in accordance with the <i>Town Planning Regulations 1967</i> (as amended)
SUBMISSIONS:	2518 submissions received, 2069 of objection, 338 of support/conditional support and 109 duplicates, no comment or service provider, petition raising various objections presented to Council containing 2031 signatures.
COUNCIL'S RESOLUTION:	Adopt with modifications
ENVIRONMENTAL CONDITIONS SET & INCORPORATED:	Nil.
MINISTERIALS RECEIVED:	33-28519, 33-28625, 33-29309, 33-29490, 33-29666, 33-29709, 33-29710, 33-29697, 33-29728, 33-29729, 33-29621, 33-29333, 33-29990, 33-30093, 5358, 33-30102-1, 33-29261-1, 33-30044, 33-29985, 33-29995, 33-30088, 33-28694, 33-28959, 33-28976, 33-28977, 33-28979, 33-28991, 33-29003, 33-29135, 33-29128, 33-29261, 33-29230, 33-29220, 33-29267,

33-29310, 33-28571, 33-28763, 33-28675, 33-28677, 33-28678, 33-28676, 33-29457, 33-29456, 33-29348, 33-29372-2, 33-29417, 33-29372, 33-29371, 33-30102, 33-29331, 33-29373, 33-29374, 33-29375, 33-29954, 33-29734, 33-28837, 33-20819.

**RECOMMENDATION:**

*That the Statutory Planning Committee resolves to recommend that the Minister:*

**1. upholds the submissions and refuses to grant final approval to the amendment for the following reasons:**

**a. the amendment is inconsistent with the WAPC's policies Directions 2031 and Beyond, the draft Perth and Peel@3.5 million and the Central Sub-regional Planning Framework which recommend infill development be located in urban consolidation areas such as activity centres, activity corridors and station precincts. The amendment proposes widespread intensification in the low density areas of City Beach, Floreat and Mount Claremont, which are not identified as consolidation areas in the above strategic documents.**

**b. the proposed rezoning is not reflected in the Town's draft Local Planning Strategy. Matters which are fundamental to achieving housing diversity in appropriate locations are yet to be investigated and finalised, including: development of a range of dwelling types to suit smaller families, related design and built form guidelines, and heritage protection.**

**c. the amendment does not address key objectives of the Town's 'Future Housing Choices' report, including housing affordability and creation of diverse dwelling types.**

**2. advise the Council that whilst there are issues with the proposed amendment, the Council is encouraged to continue investigating the matter of infill and consolidation opportunities in appropriate locations within the Town.**

**SUMMARY:**

- The Town of Cambridge (the Town) has identified the need for additional housing diversity to meet the future needs of its residents, particularly those wishing to downsize but remain in particular suburbs.
- The amendment as advertised would facilitate development potential on lots of 900m<sup>2</sup> and above with up to four dwellings, in some instances, in, City Beach, Floreat and Mount Claremont, and for additional development along Cambridge Street, between Floreat Forum and Selby Street (**Attachment 1 - Maps of affected areas in City Beach, Floreat and Mount Claremont**).
- Significant community opposition was raised in public submissions citing

inconsistency with state and local strategic planning documents, reduced amenity, adverse effect on heritage and streetscape and inability to create housing diversity.

- The amendment is not consistent with WAPC policies or the Town's draft local planning strategy and is unlikely to result in housing diversity as detailed in the Town's *'Housing Options Study'*.
- It is recommended that the Minister refuses the amendment.

#### **BACKGROUND:**

As part of the review of TPS No. 1, the Town has undertaken studies into its future housing needs, and estimates that the proportion of residents aged 65 plus will increase to more than 20% by 2026. Additionally, the studies have identified an increasing number of families seeking to downsize to smaller dwellings close to public transport and facilities.

The Town has determined that there is a need to increase housing options and diversity for residents in City Beach, Floreat and Mount Claremont to facilitate downsizing and remain in the area. At present most of the amendment areas are zoned Residential R12.5, with some pockets of R15 and R20 and development is characterised by a mix of new and older, single houses on large lots ranging from 730m<sup>2</sup> to over 1000m<sup>2</sup>.

The *Housing Options Study* undertaken in 2013, proposed a range of housing types that would offer housing diversity whilst being consistent with the streetscape. The housing types included "manor house" apartments, corner lot redevelopment, and 'Cambridge street apartments', all of which are included in the amendment. The Town carried out public consultation and further work to develop the housing types and development standards which are in the amendment.

In August 2014 the Town endorsed the housing concepts and design standards as the basis for Amendment 31, which was initiated on 24 February 2015.

#### **LEGISLATION / STRATEGIC PLAN / POLICY:**

<b>Legislation</b>	Planning and Development Act 2005
Section:	Part 5 Local Planning Schemes
<b>Legislation</b>	Town Planning Regulations 1967
Section:	Regulation 25 Town Planning Scheme Amendment

<b>Strategic Plan</b>	
Strategic Goal:	Plan for growth
Outcomes:	Increased Diversity of Housing Stock
Strategies:	Increase Housing Densities, Diversity and Affordability.

<b>Policy</b>	
Number and / or Name:	Directions 2031 and Beyond Central Metropolitan Perth Sub-Regional Strategy State Planning Policy 3 - Urban Growth and Settlement State Planning Policy 3.1 - Residential Design Codes

**DETAILS:**

The amendment as advertised proposes 'Additional Uses' (designated in the amendment as A9, A10 & A11), for different housing types, with conditions to be applied to development and subdivision (**Attachment 2** - Amendment 31 - as advertised). The Town advises that the 'Additional Use' approach, with development controls, is to *"ensure that the developments meet specific development criteria and to ensure that the developments fit into existing streetscapes and character of suburbs. Where a proposal does not satisfy the development criteria the grouped or multiple dwelling, whichever is applicable, will not be permitted."* The Town also seeks to have greater input into subdivision design, particularly to minimise battle-axe configuration subdivision.

The amendment as advertised comprises the following:

Additional Use 9 (A9)

- Corner lot development proposing two grouped dwellings (up to two storeys) on corner lots of 900m<sup>2</sup> minimum in City Beach and Floreat. Development conditions to cover general standards, site planning, building design, parking and access and subdivision will only be supported once construction achieves plate height.
- Corner lot development - three grouped dwellings (single storey) on corner lots 950m<sup>2</sup> minimum in City Beach and Floreat. Development conditions to cover general standards, site planning, building design, parking and access. Subdivision only supported once construction achieves plate height.
- Reduced setbacks of 4 metres (to all boundaries) in lieu of current street setbacks of 7.5 metres in City Beach, and 9 metres in Floreat.

Additional Use 10 (A10)

- "Manor House" apartment -multiple dwellings in a two storey building with basement parking on lots zoned Residential R12.5, R15 and R20 in City Beach, Mount Claremont and Floreat Precincts. Number of dwellings permitted:
  - minimum lot area 900m<sup>2</sup> – 2 dwellings;
  - minimum lot area 1000m<sup>2</sup> – 2 dwellings and a one bedroom apartment (maximum area of 70m<sup>2</sup>);
  - minimum area 1100m<sup>2</sup> – 3 dwellings; and
  - minimum area 1200m<sup>2</sup> – 4 dwellings.

Development conditions will cover general standards, site planning, building design, parking and access. Land tenure will comprise built form strata titles.

Additional Use 11 (A11)

- 'Cambridge Street Apartments'- Comprise maximum of four multiple dwellings on lots with a minimum area of 750m<sup>2</sup> on Cambridge Street between Floreat

Forum and Selby Street. Development conditions will cover general standards, site planning, building design, parking and access. Land tenure will be via built form strata titles.

- No discretion for the Town to vary proposed development standards.
- Six metre front setback for “Manor House” development and “Cambridge Street Apartments”.
- Four metre setback for two and three dwelling corner lot grouped dwelling developments.
- Various text amendments to facilitate additional uses.

#### Maximum development potential

The Town advises that within the amendment areas there are 4476 lots. 2591 lots are ineligible for further development as they are less than 900m<sup>2</sup>. 1885 lots may accommodate an 3089 dwellings although it is acknowledged that redevelopment usually occurs over an extended period of time.

#### **GOVERNMENT AND CORPORATE IMPLICATIONS:**

Support for the amendment could be interpreted by other local governments as support for proposals involving broad scale upcoding/development intensification in locations that are not identified for urban consolidation in WAPC policies.

Support in the absence of a local housing strategy or local planning strategy could undermine the requirements for similar amendments to be supported by comprehensive strategic planning.

#### **CONSULTATION:**

The amendment was advertised for 49 days exceeding the 42 day requirement under the *Town Planning Regulation 1967*. 2518 submissions were received (including 53 late). 128 of these were duplicate submissions.

2069 objections, 338 of support/conditional support, and 109 providing neutral comment. (**Attachment 3** - Schedule of submissions and Council responses).

#### Heritage Council advice

Two properties in the amendment area are included on the WA State Register of Heritage Places (houses at 6 & 12 The Boulevard, Floreat) and the amendment area includes other “places of interest” for the State Heritage Council, including the Commonwealth Games Village and areas associated with the 'garden suburbs' movement. The two listed places have redevelopment potential which would necessitate demolition of the existing buildings (which are the subject of the heritage listing).

Prior to advertising, the Town did not refer the amendment to the State Heritage Office (SHO), as required by the *Planning and Development Act 2005* (P&D Act). The amendment has since been referred by DoP to SHO for advice.

In relation to this omission, it is considered that provided the SHO advice is provided to the Minister in the WAPC assessment report, there is no strict legal impediment to the WAPC making a recommendation to the Minister.

In response to submissions raising objections relating to heritage protection, the Town resolved to request that the Minister support a modification to the amendment excluding the two heritage listed properties. It is not known whether the affected landowners were contacted prior to the meeting, [REDACTED]

[REDACTED] contacted DOP objecting to the proposed exclusion.

The Heritage Council does not support the amendment, recommending further heritage studies, a review of the Town's heritage documents and a modification to proposed setbacks.

### Legal issues

Two submissions from [REDACTED] raised concerns about inconsistencies between the amendment and the strategic and statutory planning framework. [REDACTED] raised issues relating to the initiation, content and advertising of the amendment, technical issues, and compliance with state and local government planning framework.

[REDACTED] obtained advice [REDACTED]  
[REDACTED]

### The main issues raised in opposing submissions

- *Inconsistent with strategic planning framework* - draft Central Metropolitan Perth sub-Regional Strategy (2010), Directions 2031 and Beyond, draft Perth and Peel @3.5million and draft Central Sub-regional Planning Framework
  - The documents require infill in identified urban consolidation areas (activity centres, transport corridors, and station precincts). Intensification in built up areas should minimise impacts and respect existing character.
  - Broad-brush intensification in low density residential areas is not supported.
  - Amendment proposes blanket redevelopment of an established suburb, which is discouraged by State planning policies;
  - Draft Central framework, draft Perth & Peel @3.5M and other strategic policies do not require the Town to increase densities in the suburban areas of City Beach or Floreat.
  - Amendment inconsistent with the Town's draft Local Planning Strategy, Local Housing Strategy and a Local Centre Strategy, which would examine both density and diversity across the Town and establish a clear and justifiable strategic direction for future scheme amendments.

- Potentially eight alternative sites, (some in government ownership) in City Beach are suitable for higher density development. Also, West Leederville is currently being rezoned under Amendment 27.
  - Adequate housing choice is available in surrounding suburbs whilst amendment area is characterised by single residential development, and should remain as such.
  - Amendment will result in housing that is essentially similar to that existing, only on smaller lots.
  - Suburbs with large lots and setbacks should remain available for those who wish to live in these areas.
- *Residential amenity*
    - Adverse impacts on amenity of additional population and increased dwelling density,
    - Increased traffic and parking,
    - disruption to existing streetscape,
    - Loss of views and vegetation, noise, privacy and social issues.
- *Garden suburbs*
    - Negative impact on cultural heritage significance (Garden City/Garden Suburbs) of City Beach and Floreat,
    - Principles behind the establishment of the 'garden suburbs' and their importance in the development history of the Perth metropolitan region is not acknowledged and will not be conserved.
    - The effect of the amendment, through additional development, population, vehicles and traffic, will be to diminish the 'garden suburb' setting, and suburbs of this type will be lost. These suburbs should be preserved for posterity.
- *Planning requirements*
    - Amendment will not provide diversity of accommodation for people wishing to downsize.
    - No requirement to incorporate 'universal design' standards. No caveats limiting occupants to over 55's.
    - street setbacks of 4 metres, compared to current primary street setback of 7.5 metres (Floreat), and 9 metres (Floreat) will result in adverse impact on streetscape.
    - Strata titled duplexes, triplexes, and apartments are incompatible with the historic pattern of subdivision of City Beach and Floreat.
    - 'Future Housing Choices' brochure states that the overriding principle is that new dwellings must look like a single house and must have less physical impact than a typical large new house. However, the built footprint of the proposed housing options can be 10% greater than that permitted under the R-Codes.

- Grouped dwellings and “manor houses” - in Floreat, the proposed maximum wall height is 6.5m compared to 6.0m under the Town's local planning policy 3.3 'Building Height'. Development is therefore likely to be larger than a 'typical large house' that would be possible under the R-Codes.
  - Development controls in the amendment do not address requirement for new development to have less physical impact than a typical large new house. All housing options under amendment have potential to significantly alter existing streetscapes. Developers will seek to maximise the permissible bulk & scale of new developments to capitalise on development potential.
  - No provisions to prevent amalgamation of lots, which could result in additional development and increased amenity impacts.
  - It should not be necessary to construct buildings to plate height prior to applying for strata titles. Subdivision before development should be permitted. This approach is a more affordable option.
- *Capacity of existing infrastructure.*
    - Some areas not serviced by reticulated sewer infrastructure.
    - Capability of existing schools to accommodate additional development questioned.
    - Inadequate public transport in amendment area to cater for elderly, for whom the housing options are intended.
    - Housing options should be located in areas better serviced by public transport.
    - Impact of increased traffic on local roads, parking shortfalls at community facilities, inadequate traffic and parking assessment to determine impact of amendment.
    - Inadequate recreational, community, retail and other commercial facilities to support increased population.
- *Lack of community consultation*
    - Community unaware of the proposed amendment and was not consulted prior to initiation of amendment.
    - Amendment was advertised over school holiday period & Easter public holidays. Public comment timeframe inadequate.
    - Future Housing Choices document misleading in that it only discussed the positive consequences of amendment, but not the negative consequences, or impacts of infill development.
    - Majority of responses did not support plans based simply on lot size.
    - Despite significant opposition being raised in the 2013 consultation to multiple dwellings per lot and the Manor House concept, this feedback has not been taken into account.
    - Greater consultation by Councillors with ratepayers should be an integral part of process.



- *Financial and property implications*
  - Perceived devaluation of properties due to increased population, traffic, parking issues, loss of privacy and general ambience.
  - Only developer's and Council will benefit from the amendment.
- *Legal and Governance*
  - Planning provisions proposed in the amendment are not legally able to be implemented. The broad brush approach to density, in poorly serviced locations does not represent proper and orderly planning.
  - Understood that the 'Town of Cambridge Endowment Lands Act 1920' prohibited development other than single dwellings - amendment is inconsistent with that Act.
  - A number of Councillors who live within amendment area were excluded from voting, though Mayor did not abstain from vote. Not appropriate if local ward Councillors cannot represent the wishes of the ratepayers.
  - Councillors responses to residents' concerns have been adversarial.
  - Integrity of the Mayor and Councillors is questioned given that the majority of ratepayers indicated that did not support housing options proposed.

Following public advertising, and given the large number of submissions and substantial community opposition, the Town commissioned detailed analyses of the various issues raised by consultants. The consultant's advice was then incorporated into the Town's report and recommendation to the Council.

A detailed summary of the issues raised in the submissions along with the Department of Planning's (DOP) comments and recommendations is included at (**Attachment 4 - DOP Summary and Response to Submissions**).

The amendment was referred to the Environmental Protection Authority (EPA) which advised that the proposed scheme amendment should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986*, and it was not necessary to provide advice or recommendations.

#### Council Recommendation

Council considered the amendment on 1 July 2015 and resolved to adopt the amendment subject to modifications as follows:

- Delete proposed corner lot three grouped dwelling option (Delete option for manor house (multiple dwelling) on corner lots.
- Delete option for three and four dwelling manor house (multiple dwelling)
- Introduce plot ratio restrictions for manor house option - maximum 0.6:1.
- Increase open space requirement for two lot grouped dwelling and two dwelling manor house options, to 60%, which exceeds R-Codes 55% in order to increase landscaping provision.
- Increase minimum lot size of Cambridge Street apartments (multiple dwelling)

from 750m<sup>2</sup> to 900m<sup>2</sup> (maximum four dwellings subject to compliance with development standards and conditions).

- Introduce requirement for manor house to be of a scale and form similar to single residential development in the area.
- Neighbour consultation for any proposed manor house development.

The modifications seek to address concerns in submissions regarding the built form impact of development on streetscapes. The amendment documents have been modified in accordance with the Council resolution (**Attachment 5** - Amendment 31 - modified following advertising).

Council also made the following resolutions:

- 'In the event that WAPC supports the proposed corner lot three grouped dwelling option, the Town requests that conditions be imposed that minimum lot size be increased to 1000m<sup>2</sup>, minimum of six on site car bays, bedrooms be limited to two and bathrooms one and a three grouped dwelling option not be permitted on a lot that is adjoined on both sides by a corner lot.'
- A report be prepared for Council in relation to the requirement for all manor house developments to be advertised to neighbours, and be determined by Council.'
- A report be prepared for Council for consideration of design guidelines for each 'Additional Use', and the formation of a Design Advisory Committee' (DAC).
- a review be prepared of the impact of changes under the amendment three years from gazettal of the amendment.'

#### **OFFICER'S COMMENTS:**

##### *Draft Perth and Peel @3.5 million and Draft Central Metropolitan Perth Sub-regional Strategy*

The *Draft Perth and Peel @3.5 million* policy includes four sub-regional frameworks/structure plans where it is proposed that opportunities for higher residential density be provided around 'urban consolidation areas', being activity centres, station precincts and along high-frequency public transport routes. Housing diversity and affordability are recognised as major factors in responding to changing demographics of communities.

Under the *draft Central sub-regional framework (Central framework)*, the Town's infill housing target is 6900 by 2031, with 1170 dwellings to be delivered between 2011 and 2015. The modified amendment could ultimately yield an additional 2416 dwellings (across three suburbs), compared to the potential yield of 3089 under the amendment as advertised.

*Draft Perth and Peel @ 3.5 Million* includes an objective to 'minimise the impact of infill development on existing suburbs and retain existing built up residential character and amenity'. *The Draft Central Framework* addresses this further by:

- identifying where urban consolidation needs to occur in activity centres, public transport corridors and station precincts, and where targeted increases in the density and diversity of mixed-use development, housing and employment have the most potential to occur;
- ensuring urban consolidation areas have access to existing and future public transport; and
- protecting the green network of high quality natural areas such as parks, rivers, beaches and wetlands.

The principles of urban consolidation is integral to achieving appropriately located infill development, and comprises five elements:

- Activity centres - hubs for variety of activities, including shopping, working, studying and living;
- Corridors - key public transport corridors provide significant opportunities to accommodate increased medium-rise higher density living;
- Station precincts - precincts surrounding train stations and major bus interchanges with the potential to accommodate transit oriented development.
- Industrial centres - need to protect existing industrial centres in Central sub-region;
- Green network - new population growth needs to be supported by green network of public and private open spaces.'

The *Draft Central framework* only identifies Floreat Forum shopping centre and adjoining sporting grounds, as being a activity centre. The broader suburban areas of City Beach, Floreat and Mount Claremont are not identified for urban consolidation. Thus, the amendments as advertised and as modified are not consistent with the above-mentioned key elements of urban consolidation as:

- the amendment proposes increased density over widespread suburban areas which are not within activity centres or along activity corridors.
- no design or built form guidelines have been developed yet and thus it is unclear what impact future development will have on existing suburbs and their residential heritage, character and amenity,
- the amendment area is not serviced by high frequency public transport.

In July 2015 the WAPC/DoP released the *'Towards Perth and Peel @ 3.5 million - Diverse City by Design fact sheets'* (*Diverse City*), which is a toolkit to assist implementation of the urban infill objectives under *draft Perth and Peel*.

*Diverse City* notes that almost half of the required future housing development of the Perth region will be provided "through infill development in strategic locations in existing suburbs and consequently, there will be greater residential density, particularly around activity centres, station precincts and along public transport corridors. Appropriate location, scale and design will be crucial to integrate these additional dwellings within the existing urban framework."

The amendment is not consistent with the above criteria as the additional density is spread throughout low density residential areas that are not in proximity to high frequency public transport or activity centres. Further, as set out below, the amendment does not 'minimise the impact on existing suburbs or retain their character.'

#### Draft Local Planning Strategy (May 2010) (draft LPS)

The Town advises that Council has adopted a 'progressive' approach to the preparation of the draft LPS, to enable the timely implementation of strategic studies as they were completed, such as the West Leederville ACP, and the Wembley Centre Plan. The draft LPS makes the following preliminary recommendations relevant to the amendment:

- *Housing* - 'Focus increased residential development in and around commercial centres and along Cambridge Street and transport hubs; increase housing choice as part of new housing development; facilitate retention and rejuvenation of existing higher density housing; facilitate sympathetic infill development through introduction of built form codes; enhance City Beach and Floreat based on the existing open feel, green streetscapes, low density housing';
- *Transport and Parking* - 'Promote Transit Oriented Development with high activity generating land uses around train stations and along Cambridge Street'.

The 'key opportunities' map of the draft LPS identifies the following sites within the amendment area:

- Floreat Forum (district centre) - 'introduce greater mix of uses & consider opportunities for expansion';
- Two local centres in City Beach - 'expand for mixed use development';
- Former quarry site - 'potential future residential';
- 'Continue to implement Floreat & City Beach Development Plans.'

The amendment does not propose infill development around the abovementioned areas, and thus is not consistent with the preliminary recommendations of the draft LPS. Further, the amendment documentation has not made reference to any vacant or underutilised potential residential development sites throughout the Town which may be suitable for residential development. Accordingly, the amendment is not considered to be consistent with the Town's LPS.

#### Housing Diversity

The primary objective of Amendment 31 is to provide for housing diversity to respond to the changing demographics of residents. The modifications following advertising appear to seek to address community concerns by removing the corner lot three grouped dwelling option, the three and four dwelling 'manor house' options, modifying setbacks and increasing the minimum lot size for the Cambridge Street apartment option from 750m<sup>2</sup> to 900m<sup>2</sup>.

In the event the amendment was approved, it is likely that future redevelopment of residential lots within the amendment area would largely comprise either two grouped dwellings on corner lots (900m<sup>2</sup> minimum), two multiple dwellings on mid-block lots (900m<sup>2</sup> minimum) , or two multiple dwellings and a 70m<sup>2</sup> single bedroom dwelling on mid-block lots (1100m<sup>2</sup> minimum). The amendment also includes development conditions relating to setbacks, maximum building heights, private open space and landscaping, all of which seek to minimise the impact of future development. The setback and open space requirements exceed current requirements under the R-Codes.

Assuming that development take up occurs, future houses are likely to be substantial two storey family style dwellings. As such, the amendment in its current form is not considered to provide for smaller dwellings such as units, apartments or townhouses, located near activity centres or corridors and which would offer a range of housing options for singles, couples or families seeking smaller dwellings. Accordingly, it is considered that the amendment does not achieve its principal stated objective of housing options/diversity.

#### Other Amendment Issues

- The 'Additional Use' approach is not consistent with the usual practice of upcoding land to achieve increased density. Because the existing density coding for affected land is R12.5 (minimum lot size 700m<sup>2</sup>, average lot size 800m<sup>2</sup>), future development and subdivision will not comply with the lot size requirements under the applicable density coding. In this regard, the amendment provisions ensure that the lot size requirements of the R-Codes do not apply and the Town has advised that development and subdivision will be controlled by limiting maximum development to two dwellings.

The Town's approach is not supported as the more pragmatic way of increasing densities is by changing the R Code density. Under the amendment, there is no ability to control future lot sizes which could result in the creation of significantly different lot sizes. The criteria for additional development is based only on the size of the respective lot within the amendment area and is not dependent upon compliance with any locational criteria.

This approach circumvents the R-Codes and does not address how minimum lot size requirements for subdivision proposals would be assessed.

- The Additional Use provision for mid-block multiple dwellings includes a condition which states

*"development shall generally be of a scale and form which is compatible with the prevailing scale and form of single house development in the surrounding area, to the satisfaction of the Town."*

The Town currently does not have detailed design guidelines, but has now resolved to prepare these and provide for formation a Development Assessment Committee

Given that a primary objective of the amendment is to ensure that the manor house option looks like a house and "*has less physical impact than a typical new large single residence*", design guidelines need to be prepared. Given the Town only resolved to prepare design guidelines and investigate formation of a DAC as part of its final resolution, it is unclear what these requirements will be and if they can be successfully implemented. It is also unclear how long it will take to prepare and finalise guidelines and form a committee given that extensive consultation with the public and other key stakeholders (SHO) will be required. Accordingly, the proposed condition lacks certainty and is not supported.

- Under the Cambridge Street apartment option in the modified amendment, lots of 900m<sup>2</sup> minimum can be developed with four dwellings. Cambridge Street, between Floreat Forum and Selby Street is identified in the draft LPS as an 'Activity Corridor Opportunity'. However, the *Draft Central Framework* does not identify this section as an Activity Corridor although it includes the section of Cambridge Street from Selby Street to West Leederville. Although development up to four dwellings is likely to offer greater housing diversity, Cambridge Street is already functioning as an activity corridor and the possibility of significantly higher density development should be investigated.
- A comprehensive study in the context of a local housing strategy into appropriate dwelling types , density and development controls is required to ensure an optimal outcome is achieved. Accordingly, the Cambridge Street option is premature, and unlikely to result in the best outcome for this location. Given the other outstanding concerns regarding the amendment it is not recommended that the Cambridge Street apartment option be supported.
- A major issue in submissions is the protection of heritage values associated with the *garden suburbs movement*. The Heritage Council has considered the amendment and advised the following:
  - The Town's heritage survey (1997) requires updating to ensure the heritage list accurately reflects 'conservation places', and 'conservation areas' within the locality.
  - An assessment of the area is required to identify 'conservation areas' in respect of the garden suburbs movement. Should any be identified then a local planning policy should be prepared to control development.
  - The corner lot two grouped dwelling option proposes four metre setbacks to the primary street (amendment actually proposes 4m setback to all lot boundaries which is not consistent with TPS No. 1, which requires primary street setback for City Beach at 7.5 metres, and Floreat 9.0 metres Heritage Council recommends at street setbacks be modified to either 6 metres, or consistent with R-Codes.
  - Council has recently resolved that the two listed properties in the amendment area be excluded from the amendment and Heritage Council is not supportive as:
    - heritage places should be subject to planning provisions in a local planning scheme that aim to retain and enhance the cultural significance of the place, but should otherwise enjoy the same opportunities as non-heritage sites;

- where a site's development potential cannot be realised due to heritage significance, the local planning scheme should include provisions/incentives to compensate; and
- For places included in the State Register, the Heritage Act allows for incentives that can help offset lost development potential.

An Application for Judicial Review by the Supreme Court of WA in relation to Council's administration of the amendment has been served on the Town (**Attachment 6** - Supreme Court - application for judicial review). The Department considers that this neither prevents the WAPC from continuing to progress the amendment nor the Minister from making a decision. However, this information is presented to the Minister in order that he can take it into account in his decision making on the amendment.

The use of an 'Additional Use' mechanism to achieve infill development for land that has a low density code may cause future difficulties whereby future subdivision cannot be approved as resultant lot sizes do not reflect the density coding of the land.

#### **CONCLUSION:**

The amendment proposes development intensification in areas of low density in City Beach, Floreat and Mount Claremont. These areas are not identified for urban consolidation under WAPC policy, or the Town's draft LPS.

It is considered that the amendment will most likely result in development of large family houses rather than the housing diversity promoted in the Town's 'Future Housing Choices' report, which intended to facilitate a range of housing options with appropriate development and design conditions, suitable for 'downsizers' or other forms of smaller households.

Further work is required by the Town to address the strategic context for infill development proposals to ensure that they are consistent with WAPC policy. Accordingly, the Town should undertake a local housing strategy and finalise its draft local planning strategy.

In conclusion, it is recommended that the Minister be advised to refuse the amendment.