

minutes

Special Meeting of Council

MEETING HELD ON **TUESDAY 24 MARCH**

TABLE OF CONTENTS

Item No.	Title	Page No.
	DECLARATION OF OPENING AND ANNOUCEMENT OF VISITORS	1
	DECLARATIONS OF INTEREST	2
	PUBLIC QUESTION TIME	3
	PUBLIC STATEMENT TIME	6
	APOLOGIES / LEAVE OF ABSENCE	8
C16-03/20	REQUESTS FOR LEAVE OF ABSENCE – CRS KERRY HOLLYWOOD AND JOHN RAFTIS	8
	IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC	8
	ITEM OF BUSINESS	9
C17-03/20	MOTION TO ALLOW DISCLOSING MEMBERS TO PARTICIPATE	10
JSC02-03/20	DRAFT NEW DEVELOPMENT STANDARDS FOR HOUSING OPPORTUNITY AREAS	11
C18-03/20	EXTENSION OF TIME TO SPEAK	51
C19-03/20	EXTENSION OF TIME TO SPEAK	52
	CLOSURE	56

CITY OF JOONDALUP

SPECIAL COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON TUESDAY 24 MARCH 2020.

DECLARATION OF OPENING

The Mayor declared the meeting open at 7.00pm.

ANNOUNCEMENT OF VISITORS

Mayor:

HON. ALBERT JACOB, JP

Councillors:

CR TOM McLEAN, JP	North Ward	
CR PHILIPPA TAYLOR	North Central Ward	
CR NIGE JONES	North Central Ward	<i>absent from 8.02pm to 8.04pm</i>
CR CHRISTOPHER MAY	Central Ward	
CR RUSSELL POLIWKA	Central Ward	
CR CHRISTINE HAMILTON-PRIME	South-West Ward	
CR JOHN RAFTIS	South-West Ward	<i>absent from 7.22pm to 7.24pm</i>
CR JOHN LOGAN	South-East Ward	
CR RUSS FISHWICK, JP	South Ward – <i>Deputy Mayor</i>	<i>absent from 7.22pm to 7.24pm</i>
CR SUZANNE THOMPSON	South Ward	<i>absent from 7.22pm to 7.24pm</i>

Officers:

MR GARRY HUNT	Chief Executive Officer
MR JAMIE PARRY	Director Governance and Strategy
MS DALE PAGE	Director Planning and Community Development
MR NICO CLAASSEN	Director Infrastructure Services
MR BRAD SILLENCE	Manager Governance <i>absent from 7.49pm to 7.52pm</i>
MR CHRIS LEIGH	Manager Planning Services
MR STUART McLEA	Media and Communications Officer
MRS VIVIENNE STAMPALIJA	Governance Coordinator
MRS DEBORAH GOUGES	Governance Officer

There were 11 members of the public and no member of the press in attendance.

DECLARATIONS OF INTEREST**Disclosures of Financial / Proximity Interest**

A declaration under this section requires that the nature of the interest must be disclosed. Consequently, a member who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter the subject of the declaration. An employee is required to disclose their financial interest and if required to do so by the Council must disclose the extent of the interest. Employees are required to disclose their financial interests where they are required to present verbal or written reports to the Council. Employees are able to continue to provide advice to the Council in the decision making process if they have disclosed their interest.

Name/Position	Cr Russ Fishwick, JP.
Item No./Subject	JSC02-03/20 - Draft New Development Standards for Housing Opportunity Areas.
Nature of interest	Financial Interest.
Extent of Interest	Cr Fishwick is a joint owner of a property in Housing Opportunity Area No. 1.

Name/Position	Cr Suzanne Thompson.
Item No./Subject	JSC02-03/20 - Draft New Development Standards for Housing Opportunity Areas.
Nature of interest	Financial Interest.
Extent of Interest	Cr Thompson owns property in Housing Opportunity Area No. 1.

Name/Position	Cr John Raftis.
Item No./Subject	JSC02-03/20 - Draft New Development Standards for Housing Opportunity Areas.
Nature of interest	Financial Interest.
Extent of Interest	Cr Raftis owns property in Housing Opportunity Area No. 4.

Disclosures of interest affecting impartiality

Elected Members (in accordance with Regulation 11 of the *Local Government [Rules of Conduct] Regulations 2007*) and employees (in accordance with the Code of Conduct) are required to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making process. The Elected Member/employee is also encouraged to disclose the nature of the interest.

Name/Position	Mayor Hon. Albert Jacob, JP.
Item No./Subject	JSC02-03/20 - Draft New Development Standards for Housing Opportunity Areas.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Mayor Jacob has a relative who owns a property in Housing Opportunity Area No. 10.

Name/Position	Cr John Logan.
Item No./Subject	JSC02-03/20 - Draft New Development Standards for Housing Opportunity Areas.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Logan's stepdaughter owns property in a Housing Opportunity Area.

PUBLIC QUESTION TIME

The following questions were submitted prior to the Special Council meeting on 24 March 2020:

Mr E Downsborough, Duncraig:

Re: Item JSC02-03/20 – Draft New Development Standards for Housing Opportunity Areas.

Q1 How are the landscaping areas and tree sizes/numbers to be calculated?

A1 Landscaping areas are to be calculated in accordance with Clause 13 of the draft new development standards.

Tree sizes and numbers are to be calculated in accordance with Clauses 14 and 15 of the draft new development standards.

Q2 Has the Council had anyone design a small development (Triplex/Quadriplex) to see how the new regulations work in practice?

A2 No.

Q3 Do paved areas count as 'landscaping', does the 500mm 'landscaping strip' down the side of a battle-axe block drive count, would walls have to set 2metres of the boundary as opposed to the current 1metre/1.5metres?

A3 Non-permeable paved areas, a 500mm 'landscaping strip' and setbacks with a dimension of 1.5 metres would not count toward the required 'landscape area'. These areas can still be used for planting / vegetation, however other areas on-site that are in accordance with the 'landscape area' definition and requirements would need to be factored in.

Dr T Green, Padbury:

Re: Item JSC02-03/20 – Draft New Development Standards for Housing Opportunity Areas.

Q1 Please can you list the top 10 City-wide consultations based on the number of respondents for the date range 1 January 2016 to 31 December 2018, and present the results in the format of the following table:

<i>Date consultation closed</i>	<i>Subject of Consultation</i>	<i>Number of responses</i>
---------------------------------	--------------------------------	----------------------------

Q2 Can you please provide a similar table, separately, but for City-wide Consultations performed over the 2019 calendar year?

A1-2 The City of Joondalup conducts numerous consultations used to inform Council and City decision-making.

Taking into account the scope of the request, it is considered that in accordance with section 5.95 of the *Local Government Act 1995* investigation of this request would divert a substantial portion of the local government's resources away from other functions, and as such the information will not be provided.

The City has, however, placed closed consultations since August 2018 on its website for the community to view. Visit the following website link.

<https://www.ioondalup.wa.gov.au/kb/resident/community-consultation>

Mr M Dickie, Duncraig:

Re: Item JSC02-03/20 – Draft New Development Standards for Housing Opportunity Areas.

Q1 As no minimum area or percentage of planting is specified in the Policy, is Council satisfied that the term “landscape area” is clearly defined?

A1 Council will make this decision when it considers the definition of ‘landscape area’ as part of the draft new development standards for Housing Opportunity Areas.

Q2 Since SPP7.3 includes in its definition of ‘landscape’ both swimming pools and barbecue areas, can a ‘Landscaped Area’ include spaces that are roofed and solid paved as well as retaining structures?

A2 Whilst the definition of ‘landscape area’ is based on a definition contained in SPP7.3, it has been tailored to suit the intent and objectives of the draft new development standards for Housing Opportunity Areas.

The definition and corresponding development standards set out what can and cannot be included as ‘landscaped area’, which excludes things like barbecue areas and solid paved areas.

Q3 Noting that SPP7.3 refers to the NCC which has no definition of floor area for ‘dwellings’, could Council explain if the minimum floor areas for dwellings should be measured to include external and/or internal wall thicknesses?

A3 Minimum floor areas will be measured from the inner surface of a wall.

Q4 Is a dwelling that has two bedrooms and a study assessed as a three bedroom unit?

A4 No.

Mrs J and Mr R McWilliams, Kallaroo:

Re: Item JSC02-03/20 – Draft New Development Standards for Housing Opportunity Areas.

Q1 Do your planning departments take any notice of the impact to adjoining properties when approving new developments. In particular the impact of raised land levels and the impact on fences?

A1 Raising land levels and the potential impact on adjoining properties is taken into account as part of a planning assessment. Fill brought in to raise the level of the land needs to be supported by an appropriately engineered retaining wall and cannot be supported by an existing dividing fence.

Q2 *I look like ending up with three different types of fence between my property and the development next door. One of these is now unsafe and I have been told that I should get a engineers report. Does council take any responsibility for what has occurred and the subsequent devaluation of my property.*

A2 Dividing fences fall within the State Government's jurisdiction (such as the Building Commission) and are controlled by the *Dividing Fences Act 1961*.

Matters relating to dividing fences – such as constructing, replacing or repairing a dividing fence – is a civil matter between the two parties involved with no role for the City to play.

The Building Commission has published a booklet titled '*Dividing Fences: A Guide*' which details an owners' obligations and responsibilities.

The following summarised questions were submitted verbally at the Special Council meeting:

Ms M O'Byrne, Kinross:

Re: *JSC02-03/20 – Draft New Development Standards for Housing Opportunity Areas (HOAs).*

Q1 *Could the new Development Standards for HOAs have incorporated within them environmentally responsible design, which the community has been expecting since 2013?*

A1 The Director Planning and Community Development advised the City's planning policy and stated standards, are required to align with provisions of the National Construction Code or Building Code of Australia and the energy efficiency standards are captured in these codes. There will be a review of the City's broader environmentally sustainable design policy in the future.

Ms N Dangar, Beldon:

Re: *JSC02-03/20 – Draft New Development Standards for Housing Opportunity Areas (HOAs).*

Q1 *Should the motion be past tonight, would Council ensure to work quickly and effectively to take the "New Development Standards for HOAs" to the Western Australian Planning Commission (WAPC) as a matter of urgency?*

A1 Mayor Jacob advised yes based on the fact this matter has proceeded to a Special Council meeting format, and residents and the City are keen to progress the Development Standards for HOAs as soon as possible. The relevant documents will be forwarded to WAPC as a matter of urgency.

PUBLIC STATEMENT TIME

The following summarised statements were submitted verbally at the special Council meeting:

Ms M O’Byrne, Kinross:

Re: JSC02-03/20 – Draft New Development Standards for Housing Opportunity Areas (HOAs).

Ms O’Byrne applauded retired Councillor Norman’s initiative for an amended motion for the City to work towards a bold, creative and prosperous Joondalup future by implementing quality build outcomes with the strategic plan.

Ms O’Byrne added there should be consistency between HOAs and developments outside of HOA areas, and the City should work towards an overall policy that deals with, and incorporates, environmentally responsible design strategies.

Mr M Dickie, Duncraig:

Re: JSC02-03/20 – Draft New Development Standards for Housing Opportunity Areas (HOAs).

Mr Dickie spoke in favour of the new development standards for HOAs and encouraged the Council to endorse the officer’s recommendations. He went on to explain different types of developments that will be improved by the new development standards for HOAs.

Dr Timothy Green, Padbury:

Re: JSC02-03/20 – Draft New Development Standards for Housing Opportunity Areas (HOAs).

Dr Green thanked the City for the preparations taken to ensure that the special meeting of Council proceeded, he explained that many residents would have liked to attend, although were concerned of the current health situation.

Dr Green advised he has attended the Council meeting to represent the views of several resident associations including the suburbs of Beldon, Craigie, Duncraig, Edgewater, Kallaroo, Kingsley, Greenwood, Padbury, Marmion and Sorrento.

Dr Green spoke in favour of the new development standards for HOAs and encouraged the Council to endorse the officer’s recommendations. Dr Green emphasised the new standards will bring the City closer to quality development in the HOAs so that the City’s communities remain highly desirable liveable communities.

Mr M Moore, Edgewater:

Re: JSC02-03/20 – Draft New Development Standards for Housing Opportunity Areas (HOAs).

Mr Moore spoke in favour of the new development standards for HOAs and encouraged the Council to endorse the officer's recommendations.

Mr Moore thanked all those who participated in the process, and in particular the City who undertook the necessary consultation and listened to the community's concerns.

Mr R Repke, Kallaroo:

Re: JSC02-03/20 – Draft New Development Standards for Housing Opportunity Areas (HOAs).

Mr Repke spoke in favour of the new Local Planning Policy as it includes improvements to the standards for HOAs. Mr Repke went on to say that the Local Planning Policy should not be subject to officer's discretions.

Ms F Gilbert, Kallaroo:

Re: JSC02-03/20 – Draft New Development Standards for Housing Opportunity Areas (HOAs).

Ms Gilbert, representing the Kallaroo Residents Association thanked the City's administration for the extensive consultation undertaken and listening to the feedback provided by the community.

Ms Gilbert spoke in favour of the new development standards for HOAs and encouraged the Council to endorse the officer's recommendations and forward the new standards to WAPC for endorsement.

Ms Gilbert emphasised it is possible to have both profitable developments and liveable communities and the City of Joondalup should always prioritise quality and liveability over profitability.

Ms B Hewitt, Edgewater:

Re: JSC02-03/20 – Draft New Development Standards for Housing Opportunity Areas (HOAs).

Ms Hewitt representing the Edgewater Residents Association and representing views from various other resident associations within the district.

Ms Hewitt expressed that the proposed new Local Planning Policy is an improvement on the current standards being applied for HOAs, although does not resolve all the issues in the current policy.

Ms Hewitt encouraged Council to endorse the new development standards for HOAs and forward the new standards to WAPC immediately for their endorsement.

APOLOGIES / LEAVE OF ABSENCE**Apology**

Cr Kerry Hollywood.

Leave of Absence previously approved

Cr John Chester	18 March to 22 April 2020 inclusive;
Cr Christopher May	19 March to 5 April 2020 inclusive;
Cr John Logan	26 April to 3 May 2020 inclusive;
Cr Suzanne Thompson	16 April to 21 April 2020 inclusive;
Cr Christine Hamilton-Prime	1 May to 8 June 2020 inclusive.

C16-03/20 REQUESTS FOR LEAVE OF ABSENCE – CRS KERRY HOLLYWOOD AND JOHN RAFTIS - [107864]

Cr Kerry Hollywood has requested Leave of Absence from Council duties covering the period 25 March to 30 April 2020 inclusive.

Cr John Raftis has requested Leave of Absence from Council duties covering the period 25 March to 22 April 2020.

MOVED Cr Thompson, SECONDED Cr Fishwick that Council APPROVES the following requests for Leave of Absence from Council duties:

- 1 Cr Kerry Hollywood covering the period 25 March to 30 April 2020 inclusive**
- 2 Cr John Raftis covering the period 25 March to 22 April 2020 inclusive.**

The Motion was Put and

CARRIED (11/0)

In favour of the Motion: Mayor Jacob, Crs Fishwick, Hamilton-Prime, Jones, Logan, May, McLean, Poliwka, Raftis, Taylor and Thompson.

IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC

Nil.

ITEM OF BUSINESS**Disclosures of Financial / Proximity Interest**

Name/Position	Cr Russ Fishwick, JP.
Item No./Subject	JSC02-03/20 - Draft New Development Standards for Housing Opportunity Areas.
Nature of interest	Financial Interest.
Extent of Interest	Cr Fishwick is a joint owner of a property in Housing Opportunity Area No. 1.

Name/Position	Cr Suzanne Thompson.
Item No./Subject	JSC02-03/20 - Draft New Development Standards for Housing Opportunity Areas.
Nature of interest	Financial Interest.
Extent of Interest	Cr Thompson owns property in Housing Opportunity Area No. 1.

Name/Position	Cr John Raftis.
Item No./Subject	JSC02-03/20 - Draft New Development Standards for Housing Opportunity Areas.
Nature of interest	Financial Interest.
Extent of Interest	Cr Raftis owns property in Housing Opportunity Area No. 4.

Disclosures of interest affecting impartiality

Name/Position	Mayor Hon. Albert Jacob, JP.
Item No./Subject	JSC02-03/20 - Draft New Development Standards for Housing Opportunity Areas.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Mayor Jacob has a relative who owns a property in Housing Opportunity Area No. 10.

Name/Position	Cr John Logan.
Item No./Subject	JSC02-03/20 - Draft New Development Standards for Housing Opportunity Areas.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Logan's stepdaughter owns property in a Housing Opportunity Area.

Crs Fishwick, Raftis and Thompson left the Chamber at 7.22pm.

C17-03/20 MOTION TO ALLOW DISCLOSING MEMBERS TO PARTICIPATE – [02154, 08122]

MOVED Mayor Jacob, SECONDED Cr Hamilton-Prime that Council:

- 1 acting in accordance with section 5.68 of the *Local Government Act 1995*;**
- 2 having considered the extent of the interest of Cr Russ Fishwick, Cr John Raftis and Cr Suzanne Thompson who have made disclosures under section 5.65 of the *Local Government Act 1995* in relation to Item JSC02-03/20;**
- 3 being satisfied that the interest so declared by Cr Russ Fishwick, Cr John Raftis and Cr Suzanne Thompson is common to a significant number of electors or ratepayers in relation to the matters being considered for Item JSC02-03/20,**

RESOLVES to allow Cr Russ Fishwick, Cr John Raftis and Cr Suzanne Thompson to be present and to participate fully in the discussion and decision-making procedures relating to Item JSC02-03/20.

The Motion was Put and

CARRIED (8/0)

In favour of the Motion: Mayor Jacob, Crs Hamilton-Prime, Jones, Logan, May, McLean, Poliwka, and Taylor.

Crs Fishwick, Raftis and Thompson entered the Chamber at 7.24pm.

JSC02-03/20 DRAFT NEW DEVELOPMENT STANDARDS FOR HOUSING OPPORTUNITY AREAS

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	107575, 10515
ATTACHMENTS	<p>Attachment 1 Draft <i>Development in Housing Opportunity Areas</i> Local Planning Policy (advertised version)</p> <p>Attachment 2 Schedule of Modifications - Draft <i>Development in Housing Opportunity Areas</i> Local Standards Planning Policy</p> <p>Attachment 3 Draft <i>Development in Housing Opportunity Areas</i> Local Planning Policy (modified version)</p> <p>Attachment 4 Draft Scheme Amendment No. 5 (advertised version)</p> <p>Attachment 5 Schedule of Modifications – Draft Scheme Amendment No. 5</p> <p>Attachment 6 Draft Scheme Amendment No. 5 (modified version)</p> <p>Attachment 7 Draft <i>Residential Development Local Planning Policy</i> (advertised version)</p> <p>Attachment 8 Community Engagement Outcomes Report</p> <p>Attachment 9 Community Engagement Outcomes Report (Appendices 1 – 19)</p> <p>Attachment 10 Community Engagement Outcomes Report (Appendices 20 – 94)</p> <p>Attachment 11 Community Engagement Outcomes Report (Appendices 95 – 110)</p> <p>Attachment 12 Community Engagement Outcomes Report (Appendices 111 – 125)</p>
AUTHORITY / DISCRETION	Executive – The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to:

- note the outcomes of community consultation on the draft new development standards for Housing Opportunity Areas
- consider endorsing the *Development in Housing Opportunity Areas Local Planning Policy* and draft *Scheme Amendment No. 5* (as modified)

- consider adopting the revised *Residential Development Local Planning Policy* (as advertised)
- agree to forward the *Development in Housing Opportunity Areas Local Planning Policy* and draft Scheme Amendment No. 5, and the Council decision to the Western Australian Planning Commission.

EXECUTIVE SUMMARY

At its meeting held on 20 August 2019 (CJ099-08/19 refers), Council endorsed the draft new development standards for Housing Opportunity Areas (HOAs) for the purposes of public consultation. The draft new standards are contained in both a draft *Development in Housing Opportunity Areas Local Planning Policy* and associated draft *Scheme Amendment No. 5*.

Consultation commenced on 28 November 2019 and concluded on 16 January 2020. Although a local planning policy is only required to be advertised for 21 days, it was decided to advertise the two documents together for the minimum statutory advertising period for scheme amendments (42 days). Given some of the consultation period was to occur over the Christmas holiday period, the consultation period was extended for a further seven days to account for this.

A total of 22,493 stakeholders were directly engaged by the City and, upon conclusion of the consultation period, 223 submissions was received, including 194 submissions from properties either in or next to a HOA. The outcomes of the community consultation are detailed in the Community Engagement Outcomes Report at Attachment 8.

Modifications have been proposed to the draft new development standards in response to issues raised during the consultation process. The proposed modifications will be discussed in some detail in the body of this report. The key modifications proposed include:

- inserting a 'character statement' for HOAs
- deleting the 'attached dwelling' (terrace) as a type of building, as well as all associated development standards
- deleting the six metre lot frontage option
- reducing the minimum lot frontage from ten metres to nine metres
- extending the provisions that restrict the number of multiple dwellings on a lot to cover all properties in HOAs, apart from properties located on Distributor Roads
- reducing the maximum building height in R20/R60 coded areas from three storeys to two storeys, consistent with other densities in the Housing Opportunity Areas
- changing street setback requirements to be consistent across the different densities in HOAs
- changing side setbacks requirements (including boundary walls) to provide more certainty and generally provide greater separation between buildings
- increasing the ground floor rear setback requirements in R20/R40 and R20/R60 areas
- including a more stringent visitor parking ratio
- increasing the minimum requirements for medium and large trees
- inserting new provisions for waste management.

Council is requested to consider the outcomes of the community consultation process, to note the proposed modifications to the draft new development standards that have been made in response to issues raised during consultation, and to endorse the modified local planning policy and scheme amendment documents so they can be forwarded to the Western Australian Planning Commission for consideration.

Council is also requested to consider the revised *Residential Development Local Planning Policy* that has been updated to reflect the draft new development standards.

BACKGROUND

The City commenced preparation of its *Local Housing Strategy* (LHS) in 2010. The final version of the LHS was endorsed by Council at its meeting held on 16 April 2013 (CJ044-04/13 refers) and approved by the Western Australian Planning Commission (WAPC) in November 2013.

The LHS identifies 10 areas within the City of Joondalup, outside the Joondalup City Centre, most suitable for higher density development. These areas are known as Housing Opportunity Areas (HOAs).

The LHS came into effect in early 2016. Since then, residents in HOAs have been able to redevelop their properties in line with the higher densities allocated to these areas.

As development within the HOAs commenced, some members of the community raised concerns with the impact that infill development was having in these areas.

At its meeting held on 21 November 2017 (CJ177-11/17 refers), Council resolved to prepare a design-led local planning policy for multiple dwellings (apartments) in the HOAs and a scheme amendment to better control the impact of multiple dwellings on existing residents and streetscapes.

Work done by the consultants

Due to the complexity of this work, an external consultant team was engaged in mid-2018 to review the existing planning framework and develop a comprehensive new planning framework for infill development in the City of Joondalup.

First round of consultation

As part of this work, throughout the latter half of 2018 and the beginning of 2019, the team of expert consultants undertook extensive community engagement, as follows:

- A dedicated HOA telephone line and email address were created.
- A dedicated HOA project webpage was created, which includes all relevant information for the project, including a detailed set of Frequently Asked Questions.
- A social media campaign was rolled out to generate interest in the project.
- Letters and flyers were sent to every ratepayer and resident in the City of Joondalup (circa 66,000 letters). These letters introduced the project, outlined the different participation opportunities, invited people to participate in an online survey and sought expressions of interest to be part of extended consultation and engagement.
- An online survey was conducted between 24 September 2018 and 29 October 2018 (residents also had opportunities to fill in hard copies).
A total of 1,505 valid surveys was received (response rate of around 2.2%).
- Letters were sent to numerous stakeholders (including local Members of Parliament, State Government stakeholders and all the resident and ratepayer associations).
17 one-on-one meetings were held with 35 interviewees between 25 September 2018 and 25 October 2018.
- Five Listening Posts were held between 17 September 2018 and 24 September 2018 at various times and locations throughout the City of Joondalup to ensure ease of access for the community. A total of 380 participants registered their attendance at the Listening Posts.

- An industry forum was held on 9 October 2018 with 20 key industry stakeholders and property developers and builders.
- Five Community Design Workshops were held between 19 November 2018 and 5 December 2018 at different times and locations throughout the City of Joondalup to ensure ease of access for the community.

A total of 193 people participated in the workshops. Presentations were made by members of the consultant team and workshop participants were involved in an interactive three-dimensional (3D) modelling activity. Following completion of the activity, further feedback was sought from participants in relation to a range of alternative housing typologies (typologies being a reference to different types of housing designs) that are possible at different densities. Workshop participants also provided feedback on ideas for design and planning controls.

Following conclusion of this first round of community engagement, the consultant team combined all the outcomes of these processes into a Consultation Report. This report was received by the City on 26 February 2019 and was uploaded onto the HOA webpage on 8 March 2019. On the same day letters/emails were sent to local Members of Parliament and:

- everyone who attended a Listening Post session and/or Community Design Workshop and who provided an email address
- everyone who registered for updates
- people who made direct contact with the City regarding the project
- members of the City's Community Engagement Network.

The full Consultation Report and Executive Summary can be found on the HOA webpage at <https://www.joondalup.wa.gov.au/kb/resident/hoa>.

Preparation of a comprehensive new planning framework

The consultation outcomes were then analysed by the consultants and formed a key input in their preparation of a comprehensive new planning framework for infill development. The comprehensive new planning framework for infill development comprised a draft amendment (*Scheme Amendment No. 3*) to the City's *Local Planning Scheme No. 3* (LPS3) and a draft new local planning policy (*Joondalup Place Neighbourhoods Local Planning Policy*) for the City's HOAs.

At its meeting held on 16 April 2019 Council considered the comprehensive new planning framework for infill development, for the purposes of initiating the scheme amendment and adopting the local planning policy, for community consultation.

However, some residents expressed concern about the comprehensive new planning framework prepared by the consultants. They were also concerned about the prescribed, statutory process that needs to be followed for advertisement of the draft scheme amendment, which sets the wheels in motion for consideration of the amendment by the State Government. The residents requested to have input into the comprehensive new planning framework prepared by the consultants, before the Council initiates any prescribed, statutory consultation process.

In response to the residents' concerns, Council resolved to defer the item to the Council meeting held on 21 May 2019 (C24-04/19 refers) to enable discussion with the Minister for Planning on the matter.

Additional consultation with the community ahead of initiating the prescribed, statutory consultation process for the comprehensive new planning framework prepared by the consultants would have added extra time to the process. Therefore, although some residents requested this additional consultation occurs, they were also concerned about the development that could occur in their neighbourhoods in the meantime.

The residents therefore requested development of a different, simpler framework to assist, in the interim, in managing the impacts of infill development.

At its meeting held on 21 May 2019 (C31-05/19 refers), Council again considered the comprehensive new planning framework for infill development and resolved:

“That Item CJ052-05/19 – Draft New Planning Framework for Infill Development, BE REFERRED BACK to the Chief Executive Officer to allow:

- 1 *relevant provisions of Section Three: General Development Provisions of the draft Joondalup Place Neighbourhoods Local Planning Policy to be extracted and compiled to form a separate, new local planning policy and scheme amendment for Council’s consideration at an upcoming Council meeting;*
- 2 *the City to engage and consult with the community on the draft Joondalup Place Neighbourhoods Local Planning Policy and Scheme Amendment No. 3 to the City of Joondalup Local Planning Scheme No. 3, ahead of any formal initiation of Scheme Amendment No. 3.”*

Draft new development standards for the Housing Opportunity Areas

This work was undertaken by the City’s administration and a report was presented to the Council at its meeting on 20 August 2019 (CJ099-08/19 refers), outlining two different options for Council’s consideration:

- 1 Draft new development standards that were almost entirely consistent with Section Three of the consultants’ work, with the only exceptions being modifications to terminology to allow the documents to function outside of the consultants’ report.
- 2 Draft new development standards that still retained the objectives and acceptable outcomes of Section Three of the consultants’ work but were structured to provide greater clarity and useability and so that the relationship with other planning instruments was better understood.

In addition to the two options presented, and although not specifically requested by Council, the City’s report also provided some other possible development standards for Council’s consideration, that were different to those set out in Section Three of the consultants’ work.

The Council opted for Option 2 above, with the inclusion of the additional/different development standards suggested by the City and agreed to progress community consultation on the modified documents.

Impact on the City’s existing *Residential Development Local Planning Policy (RDLPP)*

The City currently uses the State Government’s *Residential Design Codes* and the City of Joondalup *Residential Development Local Planning Policy (RDLPP)* to assess and make decisions on planning applications for residential development across the whole City, including in the HOAs.

The draft new development standards for HOAs will replace the parts of the RDLPP that currently apply to the HOAs. Therefore, the parts of the RDLPP that relate to HOAs need to be deleted and the City also needed to seek feedback from the community on this change being made to the RDLPP.

DETAILS

It is important to note that the draft new development standards are not the only standards that will apply to development, because the draft policy and scheme amendment will operate in conjunction with the State Government's *Residential Design Codes* (Volumes 1 and 2). The development standards contained in the draft policy and scheme amendment either amend, augment or replace certain clauses of the *Residential Design Codes*. The standards of the *Residential Design Codes* remain in place for any provisions not modified by the policy and scheme amendment.

The draft new development standards do not propose to change the boundaries of the HOAs, and they do not propose any changes to the density codes in HOAs.

How the consultation process was conducted

Consultation commenced on 28 November 2019 and concluded on 16 January 2020.

Although a local planning policy is only required to be advertised for 21 days, it was decided to advertise the two documents together for the minimum statutory advertising period for standard scheme amendments (being 42 days). Given some of the consultation period was to occur over the Christmas holiday period, the consultation period was extended for a further seven days to account for this.

Community consultation was undertaken in the following manner:

A dedicated consultation webpage was created, which included all relevant information for the project, including:

- a Glossary of Planning Terms
- background Information
- a set of Frequently Asked Questions
- a Key Development Standards document describing the key development standards of the previous framework that applied to Housing Opportunity Areas and how these development standards are proposed to change
- maps showing the boundaries of the existing HOAs and the density codes of the properties in them
- maps showing the areas/properties where it is proposed to place restrictions on the number of multiple dwellings that can be built
- the draft *Development in Housing Opportunity Areas Local Planning Policy*
- draft *Scheme Amendment No. 5*
- the revised *Residential Development Local Planning Policy*
- an interactive online tool to assist the community with identifying how the draft new development standards could impact the development outcomes in the Housing Opportunity areas, using different development examples:
 - Example 1: Two Grouped Dwellings on R20/R30 Lot (Duplex)
 - Example 2: Three Grouped Dwellings on R20/R40 Lot (Triplex)
 - Example 3: Four Grouped Dwellings on R20/R60 Lot (Quadruplex)
 - Example 4: Multiple Dwellings on a Single R20/R60 Lot (Normal Road)
 - Example 5: Multiple Dwellings on a Single R20/R60 Lot (Cul-de-Sac)
 - Example 6: Multiple Dwellings on Two Amalgamated R20/R40 Lots
- an online submission form to assist in providing feedback on the documents.

Other information and software linked through the “Community Consultation” section of the City’s website included:

- Intramaps (online maps software) and instructions on how to use this software
- *State Planning Policy 7.3 – Residential Design Codes.*

A total of 22,493 stakeholders were directly engaged by the City in the following manner:

- Letters and Frequently Asked Questions (FAQs) were sent directly to all landowners and residents in HOAs and those adjoining HOAs (17,771).
- Emails were sent to the participants of the previous consultation activities and those people had registered an interest in being kept informed on the matter (approximately 1,419). Links directly to the Consultation webpage were included in the emails.
- Emails were sent to all members of the City’s Community Engagement Network (3,233). Links directly to the Consultation webpage were included in the emails.
- Emails were sent to all Resident and Ratepayers Groups in the City (19). Links directly to the Consultation webpage were included in the emails.
- Letters were sent to relevant State Government Departments (15).
- Letters were sent to utility providers and agencies (6).
- Letters were sent to industry groups and peak bodies (20).
- Letters were sent to Parliamentarians and politicians (10).
- A public notice was published in the *Joondalup Weekender* community newspaper on 28 November 2019, made available online on 28 November 2019 and emailed to subscribers of the City’s Public Notices eNewsletter on 29 November 2019.
- A *Joondalup Voice* article was published in the *Joondalup Weekender* community newspaper on 12 December 2019 and made available online and emailed to subscribers of the *Joondalup Voice* eNewsletter on 12 December 2019.
- A further *Joondalup Voice* advertisement was published in the *Joondalup Weekender* community newspaper on 9 January 2020 and made available online and emailed to subscribers of the *Joondalup Voice* eNewsletter on 9 January 2020. A link directly to the Consultation webpage was included in the e-Newsletters.
- E-screen displays were visible on the e-screens located at the City’s customer services centres, libraries and Craigie Leisure Centre from 28 November 2019 to 16 January 2020.
- A City of Joondalup telephone on-hold message was live from 28 November 2019 to 16 January 2020.
- Facebook posts were published through the City’s Facebook account on 28 November 2019, 17 December 2019 and 10 January 2020. Links directly to the consultation webpage were included in the posts.
- Twitter posts were published through the City’s Twitter account on 28 November 2019, 17 December 2019 and 10 January 2020.
- A media release was distributed and published on the City’s website.
- For people going directly to the City’s website to access the consultation information, images were prominently displayed the main homepage to ensure users could easily find the required information.
- In all consultation material it was made clear that, in addition to the information on the City’s website, people could also ring the City’s planners to discuss matters directly and that the City’s planners welcomed the opportunity to meet with people to discuss queries in person.

In addition to the above, the City also held a community information day between 10.00am and 2.00pm on Saturday 7 December 2019 at the Joondalup Reception Centre (next to the Joondalup Library). The community information day was publicised in all letters and emails and on the City’s website.

Around 140 people attended the community information day where feedback was provided by attendees.

Key outcomes of the consultation process

The City received a total of 223 valid submissions throughout the 50-day consultation period. Submissions that were considered valid include all those which contained contact details enabling identification. Where multiple submissions were received from the same person, these were combined into one response.

Respondents fall into one or more of the groups below – noting that the numbers do not add up to the total of 223 submissions, as respondents can represent more than one stakeholder type:

- 194 residents/landowners in or next to HOAs (1.1% response rate).
- 60 members of the City's Community Engagement Network.
- 67 participants of previous consultation activities who requested ongoing engagement.
- Three resident/ratepayer associations:
 - Edgewater Community Residents Association.
 - Kallaroo Residents Association.
 - Kingsley and Greenwood Residents Association.
- 11 utility providers/agencies, industry groups, peak bodies, State Government agencies:
 - Main Roads.
 - Western Power.
 - Housing Industry Association.
 - Property Council of Australia (WA Division).
 - Department of Biodiversity, Conservation and Attractions.
 - Department of Communities.
 - Department of Education.
 - Department of Health.
 - Department of Transport.
 - Department of Water and Environmental Regulation.
 - Office of the Government Architect.
- Two other industry groups/peak bodies (not engaged directly as a group):
 - BGC Residential.
 - Joondalup Urban Development Association (JUDA).
- 13 other community members (not engaged directly).

Of the 223 respondents, the majority submitted feedback via the Online Submission Form (181), though some of these respondents also submitted additional feedback via other means. The remaining 42 respondents submitted feedback via email or letter.

Respondents were asked to provide their residential address and the following table shows the breakdown of submissions from community members (207), by suburb. It should be noted that multiple submissions were received from some households - of the 207 submissions from community members, a total of 189 households were represented.

Suburb	Number	Percentage
City of Joondalup	194	93.7%
Woodvale	35	16.9%
Duncraig	32	15.5%
Kallaroo	31	15%
Kingsley	29	14%

Suburb	Number	Percentage
Warwick	18	8.7%
Edgewater	16	7.7%
Sorrento	11	5.3%
Beldon	5	2.4%
Greenwood	5	2.4%
Hillarys	4	1.9%
Padbury	3	1.4%
Craigie	2	1%
Heathridge	2	1%
Connolly	1	0.5%
Outside Joondalup	13	6.3%
TOTAL	207	100%

The Online Submission Form provided detailed descriptions of the key development standards of the previous framework that applied to HOAs and how these were proposed to change. Respondents were asked whether they supported or opposed each of these key development standards and if they had any comments. The key development standards listed in the Online Submission Form included the following:

- Lot frontage.
- Controlling the number of multiple dwellings (application of an average site area).
- Building height.
- Street setbacks.
- Side setbacks for detached dwellings.
- Boundary walls for detached dwellings.
- Side setbacks and boundary walls for attached dwellings (terraces).
- Rear setbacks.
- Overshadowing.
- Overlooking.
- Parking for residents.
- Parking for visitors.
- Landscaping.
- Trees.

It is important to note that the above list is not a comprehensive list of all draft new development standards – rather the more noteworthy standards selected by the City from the issues identified as being most important to the community through the prior consultation process undertaken between September and December in 2018.

Overall, feedback on the key development standards was mixed. Opposition was strongest for the standards relating to parking for residents, parking for visitors, building height, overlooking, and controlling the number of multiple dwellings (application of an average site area). Support was generally neutral or divided for the remaining key development standards, with support being strongest for the key development standards relating to trees and landscaping.

Comments provided on each of the key development standards are summarised in the Community Engagement Outcomes Report at Attachment 8 and verbatim comments are provided in the appendices.

Respondents were also asked to provide any general feedback on the draft new development standards for HOAs. Common themes that emerged include:

- other/different parking standards should be included in the policy
- multiple dwellings/higher density development should be limited/not be permitted (in general)
- development should take into account existing character/style of local area
- other/different landscaping/trees standards should be included in policy
- other/different overshadowing/overlooking/privacy standards should be included in policy
- boundaries/coding of HOAs should be reviewed.

All comments are similarly summarised in the Community Engagement Outcomes Report at Attachment 8 and verbatim comments are provided in the appendices.

It should be noted that a number of individual submissions contain identical or repeated statements, similar phrasing and/or similar paragraphing. This suggests that these may have been written by the same person or persons. This is particularly evident in the comments relating to each of the key development standards. It is estimated that at least 40 submissions may be affected, and it is likely that these have skewed the data. Notwithstanding, these have been treated as individual submissions where different, individual contact details were provided.

Review of proposed development standards

Following consideration of the feedback received during consultation, a review of the draft new development standards has been undertaken and numerous modifications are recommended to respond to some of the issues highlighted.

The following outlines the key modifications that are recommended. More detailed schedules of modifications are provided as Attachments 2 and 5 to Report JSC02-03/20.

Character statement

The draft new development standards that were advertised for comment already include overarching objectives that seek to ensure new development enhances and respects the desired character of the locality and to also support development that is of a scale and nature that provides an appropriate transition to adjoining land uses.

Notwithstanding this, feedback received during public consultation raised the need for the new development standards to include specific requirements to ensure new development respects the existing character of a locality, including existing height, mass, roof pitch, architecture, materials and colours.

This is not supported because trends in architectural style, types of materials and colour selections change over time, and it is not considered appropriate for the new development standards to impose requirements on new development to incorporate specific design, materials and colours from housing that is, in some instances, 30 – 40 years old. Mandating such prescriptive requirements may also limit variety, choice and the ability to create interesting streetscapes.

Also, the draft new development standards include objectives and specific requirements relating to building height, street setbacks and landscaping / trees - provisions that collectively determine what can be built and therefore what the desired future character of the HOAs should be.

It is considered that some of the modifications to standards that are proposed in this report, such as reducing maximum building height, along with changes to street setbacks and side/rear setbacks, will result in new built form that is more reflective of what already exists and that can currently be developed under the base R20 density coding. The proposed modifications will therefore result in development that is better aligned with the policy objective of providing an appropriate transition to surrounding land uses.

Notwithstanding this, in addition to what is already contained in the new development standards and what is proposed to be modified, there is opportunity to include greater clarity to better link the development standards to the relevant objectives in relation to desired character and appropriate scale.

Rather than achieving this through prescriptive standards for things like colours, materials and roof pitches, it is considered more appropriate to establish this link through a character statement in the policy.

It is proposed the statement will read as follows:

“Housing Opportunity Areas are neighbourhoods that provide a mix of single houses, grouped dwellings, low-rise apartments and ancillary accommodation.

Housing Opportunity Areas include streetscapes that have a landscaped character and a prevailing built form of up to two storeys.

More intense development should be located along distributor roads in close proximity to key nodes and services such as higher order activity centres and train stations.

Redevelopment of the Housing Opportunity Areas is occurring at densities greater than that of existing housing and as a result, the scale of new development may be greater than existing housing.

The Housing Opportunity Areas are in the early stages of transition and there is a need to moderate the scale of development to provide a considered change from present character to future character to ensure a suitable level of amenity is provided for residents and neighbours now and into the future.”

Attached Dwelling’ building type

In the context of the draft new standards for HOAs, an attached dwelling is a dwelling which directly abuts another dwelling on each side lot boundary via a common/parapet wall for most of the length of the dwelling. These types of dwellings are more commonly known as ‘terraces’ and are evident in the Joondalup City Centre, as shown below:



There are a few development standards that relate to this type of dwelling in the draft new development standards that were advertised for comment:

- Section 2.1 (lot frontage).
- Section 7.1 (side setbacks and boundary walls for attached dwellings).

Feedback received from certain respondents on these development standards, when considered collectively, point to a concern about development of attached dwellings or 'terraces' in the HOAs.

As outlined below, a number of modifications are proposed to these individual development standards that ultimately mean there would be no development standards that would support this attached dwelling or terrace style of development. It is therefore proposed to delete reference to 'attached dwelling' development from the draft new development standards for HOAs.

Lot frontage

The City's *Local Planning Scheme No. 3 (LPS3)* and the City's *Residential Development Local Planning Policy* currently require a minimum lot frontage width of 20 metres for multiple dwelling developments and a minimum width of 10 metres for single house and grouped dwelling developments.

The advertised version of the draft new development standards includes the following lot frontage requirements for development in HOAs:

A minimum lot frontage of 10 metres is required (measured at the primary street setback line), except for:

- Attached dwellings, development on laneways and rear accessway building typologies on R20/R25 and R20/R30 lots, where a minimum lot frontage of 7.5 metres is permitted.*
- Attached dwellings, development on laneways and rear accessway building typologies on R20/R40 and R20/R60 lots, where a minimum lot frontage of 6 metres is permitted.*

Feedback received during consultation was mixed, with some submissions supporting the proposed changes to frontage requirements, while others opposing the changes.

Generally, those in favour of the changes stated that the narrower lot frontages will encourage development other than battle-axe style and allow for more diverse development in the HOAs.

Those opposing the changes indicated that narrower lot frontages (particularly the minimum six metre frontage) would potentially reduce the amount of landscaping, encourage excessive boundary walls and will not match existing housing in the HOAs.

In considering the feedback received during consultation, it is recommended that the development standards for lot frontage be modified as follows:

- Require a minimum lot frontage of nine metres for all development, unless a development has vehicle access from the rear (either via a laneway or a rear accessway built into the development). In these cases, a minimum lot frontage of 7.5 metres is permitted.
- Delete the standard that allows a minimum lot frontage of six metres.

There are three aspects to consider in relation to the revised frontage requirement:

Multiple dwellings

It is unlikely that a multiple dwelling development would be developed on lots with frontages between 7.5 and nine metres due to the restrictions of other development standards under both the City's policies and the *Residential Design Codes* (Volume 2).

Even if a multiple dwelling was proposed on lots with these frontages, the draft new standards restricting the number of multiple dwellings and standards relating to parking, building height, side/rear setbacks and others would manage or prevent any potential poor built form outcomes associated with multiple dwellings on lots of this width.

As a result, it is unlikely that the reduced lot widths would result in any significant negative impact associated with multiple dwelling development.

Nine metre lot frontage width

The nine metre lot frontage requirement would allow for a greater mix of dwelling types and forms in the HOAs.

A large number of lots within HOAs (approximately 2,500) have a lot frontage of between 18 and 20 metres. Under the current 10 metre lot frontage requirement, side-by-side subdivision and development of these lots cannot be supported by the City, which results in a 'battle-axe' lot configuration being the only option. There are some shortcomings with a 'battle-axe' lot configuration as they typically provide less surveillance to the street and often have a greater impact on side and rear neighbours.

Reducing the minimum frontage to nine metres would allow for a greater mix of dwelling types and for the type of development the community has been more accepting of. Other development standards would ensure surveillance of streets is provided, streetscapes are not dominated by garage doors and driveways, and adequate setbacks to side and rear neighbours are maintained.

7.5 metre lot frontage width

A number of respondents raised concerns with reducing the minimum lot frontage width to six metres and stated that wider lots were preferable. Other respondents specifically identified a minimum 7.5 metre lot frontage as appropriate.

As mentioned above, it is recommended that the development standard which permits a six metre frontage on land coded R20/R40 and R20/R60 is deleted, and that the standard permitting a 7.5 metre frontage is modified to apply to development on all dual-coded lots, provided the lots/dwellings have rear vehicle access.

This means the narrowest lot frontage supported by the City would be 7.5 metres, regardless of its coding. It is also worth noting that this reduced frontage width would only apply to laneway lots or development which has a private/communal street which provides vehicle access from behind the dwelling. This outcome generally provides better interaction with the street and avoids garages/crossovers dominating the streetscape on narrower lot frontages.

It is considered that the modified development standards respond to the concerns raised during consultation and also encourage greater diversity of housing types, particularly by allowing housing which improves the interface with the public realm and provides an appropriate balance between the existing and desired streetscape character.

Multiple dwellings – application of average site area

The draft new development standards that were advertised for public comment restrict the number of multiple dwellings that can be built on a lot to the same number of single houses or grouped dwellings that can be built by applying an average site area requirement for each dwelling in the following circumstances:

- Where a site has a density coding of R20/R40 or greater and has a primary street frontage to a cul-de-sac or non-through road.
or
- Where a site has a density coding of R20/40 and is located outside an 800 metre walkable catchment from a larger activity centre or train station.

Much of the feedback received during consultation raised concern with the proposed development standards, however for different reasons.

Some of the concerns raised felt that the development standards would be too restrictive and would disadvantage owners wanting to develop their properties. Other submissions, while supportive of the philosophy of introducing additional controls for multiple dwellings, felt that the controls were not strict enough and that the average site area requirement for multiple dwellings should apply more broadly.

To respond to the feedback received during consultation, it is recommended to extend the application of an average site area for multiple dwellings to all properties in the HOAs, except for those within a walkable catchment of train stations and higher order activity centres and on major roads (classification of local distributor or above).

Although the average site area standards would not strictly prevent multiple dwellings from being built as a style of development, the modified standard would restrict their scale (and likely their occurrence), in areas where they potentially have the greatest impact, being streets with single or limited points of entry and exit, such as cul-de-sacs.

The modified standard would still allow multiple dwellings to be developed to their current potential in locations which provide the highest levels of service and amenity and only on roads with multiple points of access that allow traffic to and from any multiple dwelling to be dispersed and filtered more readily.

Building height

Currently, building height in the HOAs is controlled by the *Residential Design Codes*, which generally restricts building height to two storeys, except for multiple dwellings in the R20/R60 coded areas, which can be up to three storeys.

The advertised version of the draft new development standards generally maintains these requirements but allows single and grouped dwelling development in the R20/R60 areas to also be built to three storeys.

Much of the feedback received during consultation does not support three storey development, stating that three storey dwelling should be limited, or not permitted at all.

Further to this, some respondents raised concerns with any development above a single storey, but it is important to note that two storey development is already allowed inside and outside HOAs and has been for many years. Although two storey dwellings may not be prevalent in certain suburbs, this option already exists for all residential properties throughout the City of Joondalup.

The City has considered the comments raised during public consultation and recommends that the development standard be modified to limit all development in HOAs to a maximum building height of two storeys.

This modification to the development standard is being considered because three storey development is not always appropriate in the context of existing HOA streetscapes, which are currently characterised predominantly by one and two storey development. This is particularly relevant while the character of HOAs is in the early stages of transition.

It is however important to note that reducing building height could potentially impact on the ability to develop R20/R60 lots at R60 development potential given other requirements for landscaping, open space, setbacks and parking also need to be met. This is even more so the case for lots where the restriction on multiple dwellings applies.

It is also important to note that, by reducing the maximum height to two storeys, this would place pressure on the other controls mentioned above, as it is likely applicants will “push the envelope” on those design elements to try and incorporate three storeys worth of development into two.

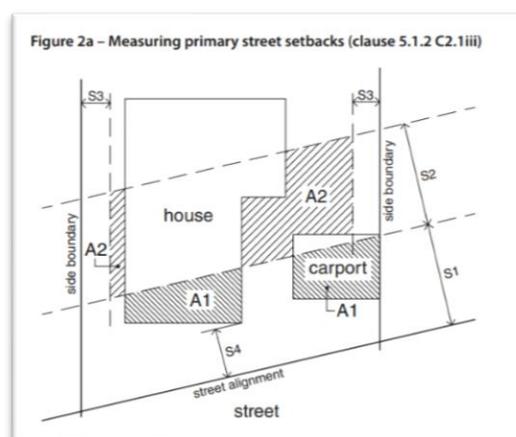
Street setbacks

Primary and secondary street setbacks

Primary street setbacks are currently controlled by the City’s *Residential Development Local Planning Policy* (RDLPP) and are four metres for all types of dwellings across all density codes, with the ability to average the setbacks.

The ability to average the primary street setback means the setback can be reduced by 50% provided that the area of encroachment into the front setback area is compensated by an equal or greater amount of open space behind the front setback line, as illustrated below in an extract from the *Residential Design Codes* (Volume 1).

This illustration shows how (currently) the building can come forward of the four metre setback line, to a minimum of two metres, provided that the open space behind the front setback line (A2) is greater than the areas of building forward of the setback line (A1).



The draft new development standards that were advertised for comment propose a larger primary street setback in R20/R25 areas (six metres instead of four metres) and a reduced primary street setback for R20/R60 areas (two metres instead of four metres) to align with the *Residential Design Codes* – but without the ability to average the setback.

Secondary street setbacks are currently 1.5 metres for all types of dwellings across all density codes, under the City's RDLPP. The advertised version of the draft new development standards proposes to increase the secondary street setbacks for all development in R20/R60 areas from 1.5 metres to two metres. The tables below provide a comparison between the setback requirements of:

- the *Residential Design Codes* (Volume 1) - applies to single and grouped dwellings
- the *Residential Design Codes* (Volume 2) - applies to multiple dwellings
- the current setback requirements under the City's RDLPP
- the setbacks advertised as part of the draft new development standards.

PRIMARY STREET SETBACK COMPARISON TABLE

	Residential Design Codes Volume 1	Residential Design Codes Volume 2	City's RDLPP (current standards)	Advertised development standards
R25	6m	N/A	4m	6m
R30	4m	N/A	4m	4m
R40	4m	4m	4m	4m
R60	2m	2m	4m	2m

SECONDARY STREET SETBACK COMPARISON TABLE

	Residential Design Codes Volume 1	Residential Design Codes Volume 2	City's RDLPP (current standards)	Advertised development standards
R25	1.5m	N/A	1.5m	1.5m
R30	1.5m	N/A	1.5m	1.5m
R40	1.0m	1.5m	1.5m	1.5m
R60	1.0m	2m	1.5m	2m

Feedback received from some respondents suggested that street setbacks should be wider, especially for lots coded R20/R60. Other respondents commented on the perceived lack of consistency in the street setbacks proposed under the draft new development standards, compared to those required under the *Residential Design Codes*.

On the latter point, it is important to note that the advertised setbacks are generally consistent with the *Residential Design Codes*, except for the secondary street setbacks for single houses and grouped dwellings on lots coded R20/R40 and R20/R60. In these cases, the advertised secondary street setbacks are generally wider than the *Residential Design Codes* and the City's RDLPP currently allow.

In relation to submissions about wider setbacks for R20/R60 lots, it is important to note (as outlined in the section above), that building height for all types of development in the R20/R60 areas is proposed to be reduced to two storeys. Given this, increasing the primary or secondary street setbacks further for these lots would likely further compromise their development potential.

It is therefore recommended that the primary street setbacks for R20/R60 lots be maintained as per the advertised development standards (two metres, no average) to recognise the likely increase in the building footprint that would result from the height restrictions for development within these areas.

It is also recommended that the primary street setback advertised for R20/R25 areas be reduced from six metres to four metres. This would bring the setback back in line with what is currently allowed in this area (status quo). However, by not allowing averaging, in effect buildings will be set back further under the draft new development standards than what is currently occurring.

It is further recommended to reduce the secondary street setback for R20/R60 lots from two metres to 1.5 metres (consistent with what is currently allowed under the City's RDLPP), to bring this into line with the secondary street setbacks for all other development across all density codes.

The tables below build on the tables above by including the recommended changes into the comparison:

PRIMARY STREET SETBACK COMPARISON TABLE

	Residential Design Codes Volume 1	Residential Design Codes Volume 2	City's RDLPP (current standards)	Advertised development standards	Recommended changes to development standards
R25	6m	N/A	4m	6m	4m
R30	4m	N/A	4m	4m	4m
R40	4m	4m	4m	4m	4m
R60	2m	2m	4m	2m	2m

SECONDARY STREET SETBACK COMPARISON TABLE

	Residential Design Codes Volume 1	Residential Design Codes Volume 2	City's RDLPP (current standards)	Advertised development standards	Recommended changes to development standards
R25	1.5m	N/A	1.5m	1.5m	1.5m
R30	1.5m	N/A	1.5m	1.5m	1.5m
R40	1.0m	1.5m	1.5m	1.5m	1.5m
R60	1.0m	2m	1.5m	2m	1.5m

Averaging of primary street setbacks

There was some concern raised during public consultation with the “averaging” of primary street setbacks. However, as mentioned earlier, under the development standards that were advertised and under the draft new standards proposed, no averaging of setbacks will be permitted.

However, given this did not seem to be clear to some respondents, it is recommended that an additional note is included in the draft new development standards to reinforce this. The recommended note is as follows:

“The setbacks listed above are minimum setbacks. Averaging is not permitted.”

The above note will ensure all users of the draft new development standards are aware that the street setback requirements are minimums and that the averaging of these setbacks is not permitted.

Minor projections

As outlined above, averaging of primary street setbacks will not be permitted under the draft new development standards; however, it is recommended that some minor projections be allowed in the setback area to provide articulated and varied façades to improve the appearance of dwellings as viewed from the street. It is recommended that the additional development standard reads as follows:

“A porch, balcony, verandah, chimney or equivalent may (subject to the Building Code of Australia) project not more than 1.0 metre into the street setback area. Projections up to 1.0 metre shall not exceed 50 per cent of the building façade as viewed from the street.”

The above provision is consistent with what is currently permitted under the City's RDLPP. The types of projections listed in the proposed development standard are not visually intrusive and are mostly open structures, which do not have a significant impact on the streetscape.

By not allowing these types of elements to project forward of the main building, dwellings could negatively impact the streetscape by being built with flat or blank façades which may create a greater perception of bulk. The proposed development standard will allow design elements that add articulation and interest to a building to project into the street setback (with limitations).

The proposed development standard will still ensure that most of a dwelling is set back at the primary street setback line or beyond to provide adequate separation between the building and the street, and sufficient area in front of the building for landscaping.

Side setbacks

The standards for side setbacks, which were advertised for comment, are separated into two sections - a set of standards for 'attached dwellings' (terraces) and another set of standards for all other types of dwellings.

Feedback received during consultation was similar for both sets of standards. Generally, the feedback focused on limiting the number/extent of boundary walls and increasing side setbacks.

In response to the comments received, and as a result of the City's further consideration of the proposed new development standards, it is recommended that some modifications are made to the standards, as summarised below. It is also proposed to change the way the standards are presented in the documents to make them easier to understand.

Attached / detached dwellings

As outlined earlier in the report, a series of issues raised by the community, collectively point to an overall concern with the 'attached dwelling' or "terrace" type of dwelling. It is, therefore, recommended that reference to the 'attached dwelling' building type and all associated development standards are deleted from the draft new development standards.

Notionally, this would mean that a single set of side setback requirements would apply to all types of development in the HOAs. However, it is recommended to split these setback requirements into requirements for single houses and grouped dwellings; and requirements for multiple dwellings, so that setbacks to side lot boundaries reflect the form, scale and possible impact these different building types.

Side setbacks

Based on the feedback received during consultation, along with the approach recommended above for side setbacks, the format/standards for side setbacks can be simplified.

A comparison of the side setback requirements contained in various documents for single houses and grouped dwellings is provided below:

SINGLE HOUSE / GROUPED DWELLING SIDE SETBACK COMPARISON TABLE

	Residential Design Codes – Volume 1 (R-Codes – Vol 1)	City's RDLPP	Advertised development standards	Proposed changes to development standards
R25	Side setbacks are calculated for all dwelling types in all areas based on the length and height of the side wall, the design of windows in the wall and whether the windows are associated with a habitable space (bedroom, lounge room, etc) or a non-habitable space (bathroom, laundry, etc).	Side setbacks are calculated for all dwelling types in all areas based on the length and height of the side wall, the design of windows in the wall and whether the windows are associated with a habitable space (bedroom, lounge room, etc) or a non-habitable space (bathroom, laundry, etc).	Side setbacks are calculated for all dwelling types in all areas based on the length and height of the side wall, the design of windows in the wall and whether the windows are associated with a habitable space (bedroom, lounge room, etc) or a non-habitable space (bathroom, laundry, etc).	Ground floor – 1.5m Upper floor – 3m
R30				
R40				
R60				

As per the above table, side setbacks are currently determined for each wall, using a calculation from the *Residential Design Codes* (Volume 1). This calculation takes account of the length of the wall, the height of the wall, the design of windows in the wall and whether the windows are associated with a habitable space (bedroom, lounge room, etc) or a non-habitable space (bathroom, laundry, etc). Using this calculation, if the wall is not a boundary wall, the minimum setback for a ground floor wall could be as little as one metre (as-of-right) and the minimum setback for an upper floor could be as little as 1.2 metres (as-of-right).

It is recommended to make a change to the side setback standards to move away from the *Residential Design Codes* calculation and to rely instead on specific, standardised side setbacks of 1.5 metres at the ground floor and three metres at the upper floor for single and grouped dwellings in all areas.

The 1.5 metre setback proposed for ground floor walls is considered an improvement on the requirements of the *Residential Design Codes* – Volume 1 and the City’s current RDLPP. Using the calculation of the *Residential Design Codes* – Volume 1, a minimum setback of one metre would be allowed if a wall is less than nine metres in length and does not include large windows to habitable rooms. This setback requirement increases to 1.5 metres if the wall is longer than nine metres or includes a large window to a habitable room. The proposed ground floor setback of 1.5 metres will therefore either be similar or greater than the ground floor setbacks of existing dwellings in the HOAs.

The proposed three metre setback for upper floor walls will allow for greater separation between adjoining properties to reduce the impact of building bulk on neighbours. In addition, this setback will allow for more opportunities for major openings to upper floor bedrooms and living areas (provided they meet the applicable visual privacy setbacks), which will provide better liveability for future residents.

A comparison of the various side setback requirements contained in various documents for multiple dwellings is provided below:

MULTIPLE DWELLING SIDE SETBACK COMPARISON TABLE

	Residential Design Codes – Volume 2	City’s RDLPP	Advertised development standards	Proposed changes to development standards
R25	Side setbacks are based on the length and height of the side wall, the design of windows in the wall and whether the windows are associated with a habitable space (bedroom, lounge room, etc) or a non-habitable space (bathroom, laundry, etc).	Side setbacks are based on the length and height of the side wall, the design of windows in the wall and whether the windows are associated with a habitable space (bedroom, lounge room, etc) or a non-habitable space (bathroom, laundry, etc).	Side setbacks are based on the length and height of the side wall, the design of windows in the wall and whether the windows are associated with a habitable space (bedroom, lounge room, etc) or a non-habitable space (bathroom, laundry, etc).	<p style="color: red;">Ground floor – 2m</p> <p style="color: red;">Upper floor – 3m</p>
R30				
R40	2m <u>or</u> 2.4m average for walls >16m in length.	2m <u>or</u> 2.4m average for walls >16m in length	2m <u>or</u> 2.4m average for walls >16m in length	
R60	3m <u>or</u> 3.6m average for walls >16m in length	3m <u>or</u> 3.6m average for walls >16m in length	3m <u>or</u> 3.6m average for walls >16m in length	

As per the above table, in the R20/R25 and R20/R30 areas, side setbacks for multiple dwellings are currently determined for each wall, using the calculation from the *Residential Design Codes* (Volume 1), as described earlier. Using this calculation, the minimum setback for a ground floor wall could be as little as one metre (as-of-right) and the minimum setback for an upper floor could be as little as 1.2 metres (as-of-right).

Under the *Residential Design Codes* (Volume 2), side setbacks for multiple dwellings in R20/R40 areas are required to be 2 metres or an average of 2.4 metres for walls that are greater than 16 metres in length. In R20/R60 areas the setbacks for multiple dwellings are required to be three metres or an average of 3.6 metres for walls longer than 16 metres.

The side setback standards for multiple dwellings that were advertised are the same as those in the *Residential Design Codes* and the City's RDLPP.

It is now recommended to make a change to side setback standards to move away from the *Residential Design Codes* calculation and to rely instead on specific, standardised side setbacks of two metres at the ground floor and three metres at the upper floor for multiple dwellings in all areas.

In addition to simplifying the side setback requirements, the recommended modifications also generally meet the intended setback requirement for multiple dwellings. Although the ground floor setbacks will be less on R20/R40 where walls are greater than 16 metres and for R20/R60 development, the proposed setbacks would facilitate a slight increase to building footprint in order to recognise the new building height requirements for multiple dwellings.

It is also important to note that the greater impact in relation to the side setbacks of buildings generally results from the upper levels as they are more visible to neighbours and create more bulk. In order to address this, the upper floor setback is proposed to be three metres to provide greater building separation to adjoining properties. This setback is greater than that required for R20/R40 under the *Residential Design Codes* (Volume 2), the City's RDLPP and the advertised version of the draft new development standards. The proposed upper floor setback is also generally consistent with the setback required for R20/R60 lots, except for walls which are greater than 16 metres in length which would no longer need to achieve an average, but instead would remain restricted by a minimum setback requirement.

Boundary walls

A 'boundary wall' is a wall that is located 0.6 metres or closer to a lot boundary. Boundary walls are common in residential development and can already be built 'as-of-right' in all areas of the City of Joondalup with a residential density coding of R20 and above - inside and outside of HOAs.

Currently, one boundary wall is permitted per lot provided the maximum height of the boundary wall is no more than 3.5 metres and the average height of the boundary wall does not exceed three metres. The permitted length of the wall varies – in R20/R25 areas, a nine metre long boundary wall is permitted or wall that is one-third of the length of the boundary (minus the length of the street setback distance), whichever is greater. For lots coded R20/R30 and higher, the maximum length of a boundary wall is two-thirds of the lot boundary length (minus the primary street setback distance). In addition to these requirements, boundary walls are also permitted if they are built next to an existing boundary wall or at the same time as another boundary wall that has similar dimensions.

Feedback received during consultation indicated that boundary walls should be limited or not permitted in the HOAs at all. Other feedback stated that boundary walls should not be allowed for multiple dwellings specifically, and that boundary walls should only be permitted where they abut similar neighbouring walls. Some submissions were also supportive of allowing a boundary wall to one side boundary only, provided the height and length were restricted.

The advertised version of the draft new development standards includes different requirements for boundary walls depending on the density coding and whether the type of building is an 'attached dwelling' or a different type of development.

Based on the feedback received from the community and because it is proposed to delete the 'attached dwelling' type of building from the draft new development standards, it is recommended that the standards for boundary walls are changed to provide a single standard which applies to all types of development (single houses, grouped dwellings and multiple dwelling) and across all densities. The proposed requirement is as follows:

A wall may be built up to one side lot boundary behind the street setback, within the following limits:

- i. A maximum length of 9.0 metres;*
- ii. A maximum height of 3.5 metres from natural ground level; and*
- iii. An average height of 3.0 metres from natural ground level.*

The proposed boundary wall standard results in the following changes:

- Lots coded R20/R25

Current standards	Advertised standards	Proposed changes to development standards
Boundary walls can currently be built on R20/R25 lots	No boundary walls permitted on R20/R25 lots	Restore the status quo for R20/R25 lots

- Lots coded R20/R30

Current standards	Advertised standards	Proposed changes to development standards
Boundary walls can currently be two-thirds of the boundary length (minus the primary street setback distance)	No boundary walls for the dwellings – a 7 metre boundary wall is allowed for the garage	Will allow a boundary wall that is 2 metres longer than the advertised standard (but usually less than what can currently be built) Will not be restricted to garage walls only (it should not matter what the building is – the impact is the same)

- Lots coded R20/R40 and R20/R60

Current development standards	Advertised development standards	Proposed changes to development standards
Boundary walls can currently be two-thirds of the boundary length (minus the primary street setback distance)	Boundary wall may be 50% of the lot boundary length. In the case of a typical lot, which is 30 metres deep, the advertised standards would allow for a boundary wall up to 15 metres in length	Boundary wall restricted to 9 metres in length

The above recommended modifications are considered appropriate based on the following:

- They provide greater consistency in the boundary wall development standards for ease of interpretation, regardless of the form of development or the coding of the land.
- The standards allow for a scale of boundary wall that is currently permitted and common place for all residential development in the City of Joondalup.
- Boundary walls can assist in making effective use of space for residents and can, in some cases, enhance privacy between neighbours. Based on the height and length restrictions, they are also unlikely to result in excessive bulk on adjoining sites. In addition, being located behind the front setback area, they do not significantly impact the streetscape.
- The design and appearance of a boundary wall is no different for a multiple dwelling compared to that of a single house / grouped dwelling. By restricting the height, length and location of boundary walls, the form of development it is associated with has no lesser or greater impact. It is therefore considered that multiple dwellings should have the same allowance for a boundary wall as a single house or grouped dwelling.

Rear setbacks

Rear setbacks for single and grouped dwellings, like side setbacks, are currently derived using a calculation in the *Residential Design Codes* (Volume 1) that takes account of the length and height of the rear wall, and the design of windows in the wall. This could result in the rear setback at ground level for single and grouped dwellings being 1.5 metres or less. For multiple dwellings, the rear setbacks are three metres under the *Residential Design Codes* (Volume 2).

The rear setback standards that were advertised for comment, proposed a move away from the calculation of the Residential Codes and a more specific set of standards that applied, irrespective of the type of dwelling:

	Advertised development standards
R20/R25	3 metres at Ground Floor
R20/R30	6 metres at Upper Floor
R20/R40	2 metres at Ground Floor
R20/R60	3 metres at Upper Floor

Some feedback received during consultation suggested increasing the rear setbacks generally or increasing the rear setback requirements for upper floor levels only. Other feedback received stated the rear setback requirements are inconsistent with the *Residential Design Codes*, are too restrictive and do not consider 'downsizers' who want to age in place but do not want to maintain a large garden.

In response to the comments received during public consultation, it is recommended that the rear setback development standard is modified to increase the ground floor setbacks for R20/R40 and R20/R60 coded lots from two metres to three metres as shown in the table below:

	Advertised development standards	Proposed changes to development standards
R20/R25	3 metres at Ground Floor	No changes proposed
R20/R30	6 metres at Upper Floor	
R20/R40	2 metres at Ground Floor	3 metres at Ground Floor 3 metres at Upper Floor
R20/R60	3 metres at Upper Floor	

This modification will ensure that both the ground and upper floors of any development in R20/R40 and R20/R60 coded areas is three metres. This will assist in reducing bulk and scale impacts and protecting the amenity of neighbouring properties' backyard areas. It will also allow for greater landscaping along the rear lot boundary to provide some visual relief between the proposed development and the neighbour.

It is considered that increasing the upper floor setback any further than six metres for R20/R25 and R20/R30 and three metres for R20/R40 and R20/R60 coded areas would be too restrictive in terms of development potential and housing design. It is noted that visual privacy setback requirements will also need to apply should any major openings, outdoor living areas or balconies on upper floors be proposed. For example, a balcony to the rear of a development will need to be set back 7.5 metres from a residential property which is coded R20 or has not yet been developed at the higher density code. This would mean that the setback of the building from the rear boundary would need to be increased in excess of the minimum rear setback requirement.

Overshadowing / solar access

The overshadowing standards that were advertised largely align with those contained in the *Residential Design Codes*, except for the requirements for R20/R60 lots, which are more restrictive than the *Residential Design Codes*.

	Current development standards (Residential Design Codes)	Advertised development standards
R20/R25	At midday on 21 June, shadow on a neighbouring property does not exceed 25% of the property	At midday on 21 June, shadow onto a neighbouring property does not exceed 25% of the property
R20/R30 R20/R40	At midday on 21 June, shadow cast onto a neighbouring property does not exceed 35% of the property	At midday on 21 June, shadow cast onto a neighbouring property does not exceed 35% of the property
R20/R60	At midday on 21 June, shadow cast onto a neighbouring property does not exceed 50% of the property	At midday on 21 June, shadow cast onto a neighbouring property does not exceed 40% of the property

Feedback received during consultation commented that the existing objective for solar access for adjoining sites should be replaced by the design principle of the *Residential Design Codes* which reads as follows:

- *Effective solar access for the proposed development and protection of the solar access.*

- *Development is designed to protect solar access for neighbouring properties taking into account the potential to overshadow existing:*
 - *outdoor living areas;*
 - *north facing major openings to habitable rooms, within 15 degrees of north in each direction; or*
 - *roof mounted solar collectors.*

The above wording is similar but more detailed than the objective currently included in the draft new development standards and its inclusion is supported.

It was also suggested that the development standard which outlines the maximum percentage of overshadowing of a neighbouring property should be lower, or deleted, and that solar collectors on adjoining properties should be protected from overshadowing.

As outlined in the table above, the draft new development standards already propose to decrease the percentage of shadow that may be cast on adjoining R20/R60 sites from 50% of the site down to 40% of the site, while the standards for lower codes are as per the standards of the *Residential Design Codes*. It is also important to note that where a neighbouring property has a lower density code or is yet to be developed at the higher density code, the overshadowing requirements of the lower code apply. It is therefore not recommended to change these standards.

Specific protection for solar collectors on sites coded R40 or less is already included in the *Residential Design Codes* (Volume 2) that applies to multiple dwelling proposals. However, it is considered appropriate that this be extended to apply to all development by including that clause within the draft new development standards as follows:

“Buildings are oriented to maintain 4 hours per day solar access on 21 June for existing solar collectors on neighbouring sites.”

The above provision would apply to all development and, in conjunction with the maximum percentage of shadow that may be cast over an adjoining property, will ensure that existing solar collectors are given appropriate consideration.

Car parking

Resident parking

Resident parking is currently required to be provided in accordance with the Residential Design Codes and the amount of resident parking required on a site is less if the site is located within 800 metres of a train station or 250 metres of a high frequency bus route, measured in a straight line. These areas are called ‘Location A’ areas. Areas that do not meet the ‘Location A’ criteria are ‘Location B’ areas as follows:

Location A	Location B
<ul style="list-style-type: none"> • 1 bay per single house/grouped dwelling • 1 bay per multiple dwelling (small) • 1.25 bays per multiple dwelling (large) • 1.5 bays per multiple dwelling (large) 	<ul style="list-style-type: none"> • 1 bay per single house/grouped dwelling - 1 bedroom • 2 bays per single house/grouped dwelling - 2 or more bedrooms • 1.25 bays per multiple dwelling (small) • 1.5 bays per multiple dwelling (large)

The advertised version of the draft new development standards retained the parking ratios of the *Residential Design Codes* (above), but modified the criteria for 'Location A', to effectively make it harder to qualify for a reduced parking standard, as follows:

- Requiring measurement to an actual high frequency bus stop (not just the bus route).
- Reducing the distance required to the high frequency bus stop from 250 to 200 metres.
- Measuring the distance to a train station and bus stop on the walkable catchment along existing pedestrian infrastructure (footpaths, overpasses or pedestrian accessways), rather than measuring in a straight line from a site.

It should be noted that despite the ability for applicants to provide less parking in Location A, most single houses and grouped dwellings already approved and developed in HOAs provide two bays per dwelling, even in instances when only one bay is technically required (as above).

Feedback received during public consultation regarding resident parking was mixed, with some respondents requesting more resident parking and others less.

It is recommended that the resident parking ratios of the *Residential Design Codes* be retained, as well as the City's modified criteria for Location A.

Some feedback received also suggested that the assessment of a high frequency bus route should be reviewed as the respondents have a view there are very few bus routes in the HOA that meet the requirements. In response to this, it should be noted that each application lodged with the City is assessed based on the timetable information provided by the Public Transport Authority at the time that application is processed, and this is proposed to continue.

Comments were also received which suggested that resident parking should not be based on a portion of a whole number as a car cannot occupy a portion of a bay. Under the *Residential Design Codes*, the resident car parking requirement for single houses and grouped dwellings is a whole number as the parking for these dwellings is typically provided on individual lots and not available for shared use.

However, a portion of a whole number is provided for multiple dwellings - for example 1.25 bays for a 2+ bedroom multiple dwelling. Unlike single houses and grouped dwellings, car parking for multiple dwellings is typically provided in a communal car parking area. It is not intended that an individual dwelling be allocated a portion of a bay, but rather the ratio provides opportunities for a shared arrangement between dwellings, or for car parking to be allocated based on occupant demand. It should also be noted that the overall car parking required for a development is rounded to the highest whole number – for example, a parking requirement of 9.25 bays would mean 10 bays are required.

Visitor parking

Visitor parking is currently required to be provided at a ratio of 0.5 bays per dwelling under the City's RDLPP; however, visitor bays may be formally constructed in the verge, where possible.

The advertised version of the development standards aligned with the less stringent parking ratios of the *Residential Design Codes* (see below) but required all visitor parking to be provided on site.

Current development standards (City's RDLPP)	Advertised development standards
0.5 bays per dwelling	As per <i>Residential Design Codes</i> ratios: <ul style="list-style-type: none"> - No visitor parking for single houses - 1 bay / 4 grouped dwellings, where there are 5 or more dwellings - 1 bay / 4 multiple dwellings - then 1 extra bay per 8 dwellings for the 13th dwelling and above
Bays can be constructed in verge	All parking to be contained on site

Some comments received during the consultation period stated that the proposed visitor car parking is insufficient, with numerous respondents suggesting that the City's current RDLPP requirement of 0.5 bays per dwelling should be applied and that all parking should be provided on site.

In consideration of the feedback received, it is recommended that the development standards for visitor parking be modified as shown below:

Current development standards (City's RDLPP)	Advertised development standards	Proposed changes to development standards
0.5 bays per dwelling	As per <i>Residential Design Codes</i> ratios: <ul style="list-style-type: none"> - No visitor parking for single houses - 1 bay / 4 grouped dwellings, where there are 5 or more dwellings - 1 bay / 4 multiple dwellings - then 1 extra bay per 8 dwellings for the 13th dwelling and above 	Revert to RDLPP ratio of 0.5 bays per dwelling Applies when dwellings or lot are serviced by communal street or driveway No visitor parking for single houses or grouped dwellings with their own driveway Some parking permitted in front setback area, inside lot boundary, subject to meeting certain requirements (landscaping)
Bays can be constructed in verge	All parking to be contained on site.	All parking to be contained on site.

Reverting to the RDLPP ratio of 0.5 bays per dwelling will respond to community feedback. The more stringent ratio will, however, in conjunction with the requirement for all visitor parking to be contained on site, make it more difficult for applicants to accommodate all visitor parking, the greater setbacks required under the modified development standards and the requirements for a new Landscape Area (to be discussed in a later section in the report), without impacting on building footprint and possible dwelling yield – even more so in the case of R20/R60 lots where the permitted height of buildings is also proposed to be reduced.

Notwithstanding this, the potential amenity impacts of additional street and informal verge parking that could result from under-provision of on-site visitor parking are acknowledged and it is therefore recommended that the parking ratio be increased and that all visitor parking be required to be provided on site, as requested by some members of the community.

For grouped dwellings where two or more dwellings are serviced by a communal driveway, it could be appropriate for one or two visitor parking bays to be located in the front setback area (within the lot boundary), parallel or perpendicular to the street. In such cases, the development would still need to demonstrate compliance with landscaping requirements, including a minimum of 50% landscaping in the front setback area and landscaping of the verge. Allowing for visitor parking to be provided in this manner results in the parking being readily accessible for visitors and reduces the potential for on-street convenience parking.

For a single house or grouped dwelling that has its own driveway, the area of driveway between the front property boundary and the garage/carport could be used for visitor parking (as is the case with all existing single houses inside and outside HOAs) and additional visitor parking should not need to be provided. However, in recognition that some garages/carports are currently being built too close to the boundary to allow a car to be parked in the driveway, without over-hanging the footpath or projecting into the verge area, it is recommended to modify the location of resident parking (sub-section 9) to require a minimum setback of garages/carports of 5.5 metres from the street boundary. This would provide sufficient space within a site for visitor parking to be provided in the driveway.

Crossovers

To be able to accommodate on site visitor parking for dwellings, changes are also proposed to crossover requirements (sub-section 13). The advertised version of the draft new development standards permits crossovers to be up to six metres wide where more than 10 dwellings are proposed, or up to 4.5 metres where 10 or less dwellings are proposed. The modifications recommended are:

- A crossover width of six metres is permitted whenever access is provided to communal visitor parking or for on-site waste collection.
- Adding a new objective relating to the minimisation of crossovers.
- Deleting the development standard relating to car park entries, service areas and bin refuse being integrated into the development as this is dealt with under other sub-sections.
- Deleting the objective relating to car parking provision as this is dealt with under the sub-sections for resident and visitor parking.

The modification to the crossover requirement for communal visitor parking is necessary to provide sufficient maneuverability for visitors to enter and exit parking areas. Similarly, where on-site waste collection is required (refer to Waste Management section later in the report), a crossover width of six metres is required to ensure that refuse vehicles can safely and easily enter and exit a site.

Landscaping

Landscape area

The advertised version of the draft new development standard introduced a new requirement for a Landscape Area on site. This Landscape Area does not replace the *Residential Design Codes* requirement for a percentage of a site to be retained as open space, but it is an area of the overall open space on site that needs to be set aside specifically for landscaping, including trees.

Under the advertised standards, and as shown in the table below, the minimum amount of Landscape Area is a percentage of the lot area and ranges from 20% for smaller lots up to 35% for lots greater than 500m². No more than 20% of the Landscape Area can be used for permeable paving or decking and it needs to have a minimum dimension of two metres:

Lot area (m ²)	Minimum landscape area
0–300 m ²	20%
301–400 m ²	25%
401–500 m ²	30%
>500 m ²	35%

During consultation, some respondents stated the requirement was excessive as they want to down-size, maintaining a house of a reasonable size but with a smaller, low-maintenance garden. Other respondents felt the proportion or percentage of Landscape Area should be the same, regardless of the lot size.

Under the *Residential Design Codes*, a lot being developed with a single house or grouped dwelling in an R20/R40 area can have a minimum area of 180m² and R20/R60 lots can have a minimum area of 120m². In the City's HOAs, these higher density lots are meant to be located closer to larger centres and high frequency bus routes or train stations and are intended to have a more urban character in the future than development in lower density areas, which will generally be more suburban in nature. Therefore, the proportion of Landscape Area for these lots should reflect the changing dynamics and intended urban form of future development in these areas and respond to the needs of people wanting to down-size and age in place.

It is also important to note, as mentioned above that the amount of Landscape Area required is not the same as overall open space on site. Instead, the draft new development standards only require a portion of the overall open space area to be landscaped, with the remaining portion of open space needed for other important outdoor elements or purposes. If the Landscape Area is too large in relation to the size of the lot, this will be to the detriment of these other important elements that also need to be accommodated on site.

For example: where a dwelling is located on a lot which is 300m² in area and is coded R20/R40, the *Residential Design Codes* require a minimum of 45% of that lot to be open space = 135m². The draft new development standards require 20% of the lot to be Landscape Area = 60m². The remaining 75m² of open space needs to accommodate a separate requirement for an outdoor living area of 20m² (usually paved), a driveway (around 24.75m²), visitor parking (around 13m²) and areas for utilities like hot water units and clothes drying areas (around 9m² - 1.5m x 6m). This leaves approximately 8m² for paths, any stairs, retaining walls or garden beds/planting areas that are less than two metres wide.

Based on the example above, increasing the percentage of Landscape Area for smaller lots any further would significantly compromise their development potential and the ability to provide practical and useable areas of open space, which are not necessarily large areas of landscaping. It is therefore not considered reasonable or appropriate to require smaller sized lots to have the same proportion of Landscape Area as a larger lot.

Tree sizes and deep soil areas

The *Residential Design Codes* (Volume 2) suggest minimum amounts of deep soil area in relation to the size of the lot for multiple dwelling sites, and minimum tree requirements.

The advertised version of the draft development standards extends these requirements to single and grouped dwellings, but requires trees to be provided in relation to the amount of Landscape Area required, as follows:

- One small tree / 20m² of Landscape Area.
- One medium tree / 60m² of Landscape Area.
- One large tree / 100m² of Landscape Area.
- A combination of the above.

Under the advertised standards, the type of trees can be a combination of small, medium or large trees, with each tree size requiring a larger deep soil area to ensure growth can be sustained. This means that larger scale development could propose all small trees in smaller or narrower deep soil areas, where medium and/or large trees could otherwise be provided in more functional or usable deep soil areas, co-located with other amenities.

Feedback received during community consultation was generally supportive of the development standards relating to trees, though some respondents felt the standards are too restrictive. Other respondents suggested the standards be modified to mandate specific tree sizes based on Landscape Area.

Responding to the community feedback, it is recommended that the draft new development standards be modified to require medium and/or large trees on larger sites where there is greater opportunity for sufficiently sized deep soil areas to be provided within the Landscape Areas. The table below outlines the recommended minimum tree requirements and examples based on lot areas.

Lot area	Minimum requirement for trees	Number trees and deep soil area (DSA) required based on Landscape Area requirement (EXAMPLES)
0–300m ²	1 small tree for every 20m ² of landscape area; or 1 medium tree for every 60m ² of landscape area; or 1 large tree for every 100m ² of landscape area; or A combination of the above.	Lot size: 300m ² Landscape Area: 60m ² Trees required: 3 small trees (27m ² DSA) OR 1 medium tree (36m ² DSA) DSA is 45% – 60% of overall landscape area.
301–400m ²	1 large tree; or 1 medium tree for every 60m ² of Landscape Area and 1 small tree for every 20m ² of Landscape Area thereafter.	Lot size: 400m ² Landscape area: 100m ² Trees required: 1 large tree (64m ² DSA) OR 1 medium tree and 2 small trees (54m ² DSA) DSA is 54% – 64% of overall landscape area.
401–500m ²	1 large tree for every 100m ² of landscape area and 1 small tree for every 20m ² of landscape area thereafter; or 1 medium tree for every 60m ² of landscape area and 1 small tree for every 20m ² of landscape area thereafter.	Lot size: 500m ² Landscape area: 150m ² Trees required: 1 large tree + 2 small trees (82m ² DSA) OR 2 medium trees + 1 small tree (81m ² DSA) DSA is 54% of overall landscape area.
501 – 1,000m ²	1 large tree for every 100m ² of landscape area and 1 small tree for every 20.0m ² of landscape area thereafter; or 1 medium tree for every 60m ² of landscape area and 1 small tree for every 20m ² of landscape area thereafter.	Lot size: 1,000m ² Landscape area: 350m ² Trees: 3 large trees + 2 small trees (210m ² DSA) OR 5 medium trees + 2 small trees (198m ² DSA) DSA is 56%-60% of overall landscape area.

Lot area	Minimum requirement for trees	Number trees and deep soil area (DSA) required based on Landscape Area requirement (EXAMPLES)
>1,000m ²	1 large tree for every 100m ² of landscape area; and 1 medium tree for every 60m ² of landscape area; and 1 small tree for every 20m ² of landscape area thereafter.	<p>Lot size: 1,001m² Landscape area: 350.35m² Trees required: 3 large trees + 2 small trees (210m² DSA) DSA is 60% of overall landscape area.</p> <p>Lot size: 1,500m² Landscape area: 525m² Trees required: 5 large trees + 1 small (329m² DSA) DSA is 63% of overall landscape area.</p>

The amount of deep soil area required to support the trees is between 50-60% of the overall Landscape Area. This is considered reasonable given that Landscape Area encompasses other landscaping areas that may not be suitable to be used as deep soil areas such as rockeries, ornamental ponds and swimming pools.

In comparison with the *Residential Design Codes* (Volume 2), the recommended modifications to the draft new development standards will mean more deep soil area and trees are required, except for on lots less than 300m². It is noted that the requirements of the *Residential Design Codes* (Volume 2) are specifically targeted at multiple dwellings that are not likely to be developed on a lot 300m² or less and where dwellings are located one above the other, allowing for greater consolidation of landscaped area. Greater flexibility in the size of trees is proposed at this smaller lot size given they are provided in a more urbanised environment and there is less flexibility in providing large enough deep soil areas to support larger trees while having a functional dwelling and meeting other requirements (as outlined earlier). For these sized lots, while an applicant could still propose a medium/large tree, it is also considered appropriate for a series of small trees to be dispersed around the site.

It was also suggested by some respondents that the possible reduction in the size of Landscape Area in exchange for retention of an existing medium or large tree is excessive. The advertised draft new development standards allow for a reduction in Landscape Area of 75m² where a mature medium tree is retained, and 125m² where a large tree is retained. The reduction in landscape area provides an incentive for developers to propose a design that accommodates the retention of existing trees. Often existing trees are in areas that require a more site-specific design to ensure that sufficient area is provided around the tree for ongoing viability, particularly for single houses and grouped dwellings. If a larger Landscape Area was still required, this would reduce the incentive for these trees to be retained.

If there is a proposal to retain a mature tree on a property, in order to be allowed to reduce the size of the required Landscape Area, an arboriculture report would need to be provided with the planning application to show that the tree is a healthy specimen with ongoing viability. The report would also need to set out recommended tree protection zones which would need to be adhered to before, during and after construction.

The requirement for trees to be planted or retained would be enforced through conditions of a planning approval. Failure of a landowner to comply with these conditions could result in the City taking compliance (legal) action against the owner.

Visual privacy (overlooking)

Some comments received during consultation stated that visual privacy has not been considered at all in the draft new development standards. As outlined earlier, the draft new development standards complement but do not replace the entire *Residential Design Codes* (Volumes 1 and 2). Both these documents address the need to consider the visual privacy of adjoining properties, with specific setback requirements provided to achieve a reasonable level of privacy. These provisions would continue to apply to proposed development when the draft new development standards take effect.

Comment was also made that more restrictions should apply to prevent overlooking. The *Residential Design Codes* utilises setback distances from major openings (windows) and/or screening measures to provide a level of visual privacy to adjoining properties. Volume 1 states that the visual privacy objective is to minimise the impact of development on the visual privacy of nearby residents; however, it is made clear that the absolute protection of privacy is not realistically achievable.

Increasing building setbacks is unlikely to achieve a significantly better level of visual privacy for adjoining owners. Another response may be to increase the use of measures such as screening, highlight windows and obscure glazing to avoid overlooking. However, the use of these types of screening measures on windows and balconies can increase the bulk of a building and can restrict the availability of sunlight to the new building.

It is also important to note that if a neighbouring property is subject to a lower density code, or if it is dual coded but has not yet been developed to the higher code, then the privacy setback distances for the base density need to be applied. For example, if a property is in an R20/R60 area, but the neighbour's property has not yet been redeveloped, then the privacy requirements for the R20 density code need to be used on that side of the development.

Waste management

Feedback received during consultation raised concerns regarding the impact of increased bins on the street, particularly associated with multiple dwellings. To address these concerns, it is recommended that new provisions for waste management be included in the draft new development standards requiring:

- shared bin services and on-site waste collection for grouped dwellings of five or more, and multiple dwellings
- on-site waste collection for single houses or grouped dwellings of less than five where it is determined by the City there is insufficient verge space for collection, or it is otherwise considered unsafe for bins to be collected from the verge.

As currently occurs for multiple dwelling developments, the number of bins required for a shared bin service will be determined by the bedroom ratio of each dwelling to inform estimated general waste and recycling volumes and the amount of landscaping on site to inform the estimated green waste volumes.

As required under other development standards of the *Residential Design Codes*, the draft new development standards would require bins to be appropriately located and screened from view (that is within a bin store).

Each development application that fits the above criteria will be required to submit details of waste management as part of a planning application and have a waste management plan that needs to be implemented, should the development be approved.

Issues and options considered

The draft new development standards are contained in two documents – an amendment to the City’s planning scheme (draft *Scheme Amendment No. 5*) and a local planning policy (draft *Development Standards in Housing Opportunity Areas Local Planning Policy*).

In relation to draft Scheme Amendment No. 5, Council has the option to:

- support the scheme amendment without modifications
- support the scheme amendment with modifications
or
- not support the scheme amendment.

In relation to the draft *Development Standards in Housing Opportunity Areas Local Planning Policy*, Council has the option to:

- proceed with the local planning policy, without modifications
- proceed with the local planning policy, with modifications
or
- not proceed with the local planning policy.

Council also has the option to readvertise any modifications to draft Scheme Amendment No. 5 and/or the draft *Development Standards in Housing Opportunity Areas Local Planning Policy*.

Legislation / Strategic Community Plan / Policy implications

Legislation *Planning and Development Act 2005.*
 Planning and Development (Local Planning Schemes) Regulations 2015.
 State Planning Policy 7.3: Residential Design Codes Volume 1 and Volume 2.

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality built outcomes.

Strategic initiative Building and landscape is suitable for the immediate environment and reflect community values.

Policy *Residential Development Local Planning Policy.*

Scheme amendments

Part 5 of the *Planning and Development Act 2005* along with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) enable a local government to prepare or amend a local planning scheme and set out the process to be followed.

Under the Regulations, scheme amendments are classified as being basic, standard or complex amendments. Draft *Scheme Amendment No. 5* is considered a ‘standard’ amendment and officers from the Department of Planning, Lands and Heritage have agreed with this approach.

Council, at its meeting held on 20 August 2019 (CJ099-08/19 refers), resolved to proceed to advertise draft *Scheme Amendment No. 5* to LPS3 for a minimum of 42 days. The proposed amendment was referred to the Environmental Protection Authority (EPA) to decide whether a formal review was necessary. The EPA did not consider that the amendment should be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* and the amendment was consequently advertised for public comment.

Upon closure of the advertising period, Council is required to consider all submissions received and to make a decision to either support the amendment, with or without modifications, or not support the amendment. The Council's 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 the amendment.

Local Planning Policies

Part 2 of Schedule 2 of the Regulations enables a local government to prepare a local planning policy and sets out the process to be followed. In the case of residential development, *State Planning Policy 7.3: Residential Design Codes Volume 1 and Volume 2* provide specific guidance on what elements of each document can be modified by local governments and which cannot, and also clarify, of those elements which can be modified, which ones require approval of the WAPC.

The draft *Development in Housing Opportunity Areas Local Planning Policy* was prepared within the scope of what can be modified via a local planning policy; however, will require the approval of the WAPC.

The Department of Planning, Lands and Heritage has previously advised it will consider local planning policies following consultation and Council's consideration, so that they are considering the 'final' version adopted by the local government, rather than a version that may be subject to change following consultation. Notwithstanding this, a copy of the draft *Development in Housing Opportunity Areas Local Planning Policy* was referred to the Department at the start of the consultation period.

The Regulations require local planning policies to be advertised for a minimum period of 21 days, however a longer timeframe can be applied if considered appropriate. As the draft *Development in Housing Opportunity Areas Local Planning Policy* and draft *Scheme Amendment No. 5* contain the same development standards, the documents were advertised together, for the same length of time.

Upon closure of the advertising period, Council is required to consider all submissions received and make a decision to either proceed with the policy, with or without modifications, or not proceed with the policy. Should Council elect to proceed, the local planning policy will then be forwarded to the WAPC to request approval. The WAPC may grant approval, with or without modifications or elect not to grant approval.

Status of the draft new development standards framework

Draft scheme amendments and policies can be given weight even though they are not operative once they become 'seriously entertained'. In Western Australia, this usually occurs after advertising is completed.

However, the weight that can be placed on a seriously entertained planning proposal differs and, generally the further towards approval a planning proposal is (that is how certain and how imminent), the more seriously entertained it is considered to be, and the more weight it can be given in decision-making.

The City has previously sought advice in relation to HOAs and changes to the planning framework that require some level of State Government approval (as is the case in this instance). In this context, the advice concludes that only after approval has been provided by the decision-maker (that is the WAPC or the Minister), therefore providing a high degree of certainty and imminence, should any changes be given substantial weight in decision-making.

This means that the City will continue to assess applications against the current development standards contained in LPS3, the City's *Residential Development Local Planning Policy* and *State Planning Policy 7.3 – Residential Design Codes (Volumes 1 and 2)* until such time as the Minister and WAPC determine the draft new development standards framework.

Risk management considerations

Different approval process for scheme amendment and local planning policy

As outlined above, the draft new development standards are included in two documents – an amendment to the City's planning scheme (draft Scheme Amendment No. 5) and a local planning policy (draft *Development Standards in Housing Opportunity Areas Local Planning Policy*).

Scheme amendments and local planning policies have different pathways to approval and different timeframes associated with these processes.

In this instance, both draft *Scheme Amendment No. 5* and the draft *Development Standards in Housing Opportunity Areas Local Planning Policy* require some level of State Government approval.

Draft *Scheme Amendment No. 5* requires approval by the Minister for Planning, following review of the amendment and a recommendation by the WAPC. The draft *Development Standards in Housing Opportunity Areas Local Planning Policy* only requires approval by the WAPC. As a result of fewer steps in the process, local planning policies are typically dealt with more quickly than scheme amendments.

However, even though the WAPC is technically able to deal with the local planning policy in a shorter timeframe and ahead of the scheme amendment, because both documents contain similar information and requirements, the WAPC may delay its decision on the local planning policy, pending the Minister's decision on the scheme amendment.

To try and mitigate this risk and 'fast track' the local planning policy, there is the option to uncouple the two documents and make them different by stripping the scheme amendment back to only the standards or provisions that need to be included in the scheme and removing these from the local planning policy. While this may result in the local planning policy being determined more quickly, this approach has its own shortcomings because some of the development standards which will have the greatest impact – such as those that restrict the number of multiple dwellings on lower order roads – can only be implemented via a scheme amendment. This means that these important development standards would still only take effect once the scheme amendment is finalised.

In addition, one of the key reasons that the scheme amendment and local planning policy are similar is to ensure the development standards have the force and effect of the scheme, which is a more powerful planning instrument than a local planning policy. Stripping the scheme amendment back would also undermine the intent of this approach.

It is therefore recommended that the Council proceed with both documents concurrently and that close liaison occurs with the Department of Planning, Lands and Heritage and the Minister's office to ensure the matters are both dealt with as quickly as possible.

Advertising of modifications

As outlined earlier, if Council agrees to make modifications to the draft new development standards, the option also exists to advertise these modifications.

There are risks associated with advertising the modifications, and with not doing so.

There will be costs associated with any further advertising and, although the ultimate cost will depend on the consultation methods used, it is expected that, at a minimum, it will cost around \$25,000 to write again to all people located in or next to HOAs.

Advertising the modifications would also delay the implementation of the draft new development standards by some months – the consultation material would need to be prepared, the consultation period would need to run for a few weeks, the results would need to be collated and a report compiled, and the latter would need to come back to a meeting of Council for a further decision on the matter. Some residents requested the preparation of the draft new development standards as a means of effecting change in the HOAs as quickly as possible and additional delays may further compound the frustration of these residents.

However, in relation to the consultation undertaken on the draft new development standards, the City received only 194 submissions from people located in or next to HOAs, out of the 17,771 properties that could be affected by the modifications.

It is not clear why the response rate was just over 1% from those within or next to HOAs. It is possible that many of the residents in HOAs do not hold strong views regarding the draft new development standards. It is also possible that many of the residents are comfortable with the advertised version of the draft new development standards. These same residents may not be supportive of the modifications proposed in Report JSC02-03/20.

The City has previously been criticised for not more widely advertising changes to the *Local Housing Strategy* when the State Government directed increases to densities in HOAs to be made. There is a risk that the City will again be criticised for not communicating potential development impacts to residents in HOAs if a decision is made not to advertise any modifications.

There is also the possibility that if Council chooses to progress the draft new development standards, without readvertising them, the WAPC may direct the City to do so. This would have similar impacts in terms of delaying implementation of the draft new development standards and would have the same/similar financial impacts associated with further advertising.

Traffic reporting

At its meeting held on 18 February 2020, Council resolved to prepare a Traffic Impact Assessment of the City's Housing Opportunity Areas following adoption of the draft new development standards (CJ008-02/20 refers).

If Council does adopt the draft new development standards and forwards them to the WAPC and Minister for a decision, there is a risk that the WAPC and Minister may await the outcome of the Traffic Impact Assessment before finalising their assessment of the draft new development standards. Depending on the time it takes to complete the Traffic Impact Assessment, this may delay the overall decision-making of the draft new development standards.

To manage this risk as much as possible the City has already commenced preparing some of the preliminary information needed to input into the Traffic Impact Assessment. However, finalisation of this information, the appointment of a consultant and completion of the actual traffic analysis cannot commence until Council has made a decision on the draft new development standards as the requirements will determine how many dwellings can be potentially developed in the HOAs, which in turn will influence the amount of traffic generated.

This also means that if Council were to advertise the proposed modifications to the draft new development standards (as discussed above), the Traffic Impact Assessment could not be undertaken in parallel as there would still be no certainty on what Council's final decision, and therefore what the final content of the draft new development standards would be.

Financial / budget implications

Since Council's decision at its meeting held on 20 August 2019, direct costs have been incurred in relation to the consultation activities undertaken for the draft new development standards. These include advertising costs (newspaper, social media), costs to prepare the base graphics for the online development comparison examples, the costs associated with printing and postage, and cost of materials and venue hire for the community information session. These costs amount to a total of \$55,860.89.

This figure does not, however, take into account the internal costs of staff involvement in preparation of the draft new development standards, preparation of most of the consultation material and all analysis and reporting of consultation results. This cost has been absorbed into the City's operating budget, albeit with an opportunity cost as a result of delays to other work that would have been undertaken.

There would be further costs associated with any additional consultation. The ultimate cost will depend on the extent of consultation and the methods used. However, it is anticipated that costs will be at least \$25,000 which is the estimated cost of writing to all people located in or next to HOAs.

If the WAPC and Minister for Planning approve the draft new development standards, there is a legislative requirement that the decision is published in a local newspaper and the *Government Gazette*. It is estimated these costs will be \$2,000 - \$3,000.

Regional significance

Perth is currently home to more than two million people and this is anticipated to grow to 3.5 million by 2050.

The State Government has a strategy for the future growth of Perth that aims to accommodate 47% of this population growth in existing suburbs. To achieve this, the State Government set targets for new dwellings for each metropolitan local government. For local governments like the City of Joondalup, which do not have many undeveloped areas left, this growth needs to be infill development.

The City was required to develop a Local Housing Strategy (LHS) to show how it was going to meet the residential infill target set by the State Government. The recommendations of the LHS resulted in the City's current infill areas (or Housing Opportunity Areas), and the planning framework that currently underpins these areas.

Although the draft new development standards do not alter any densities within the City of Joondalup's infill areas, they are intended to support appropriate infill development in the HOAs.

Sustainability implications

The draft *Development in Housing Opportunity Areas Local Planning Policy* and *Scheme Amendment No. 5* contain a number of sustainability initiatives, including the following:

- A fundamental shift in focus toward a 'green ratio'. The draft new development standards require that a certain amount of area on a site be set aside for landscaping and includes specific controls as to how this landscape area should function and be treated to place a greater emphasis on the provision of tree canopy cover.
- Development standards to allow visitor parking, in some instances, to occur informally on the street, or to be contained within the development site. This results in more verge area that can be dedicated to landscaping and greening the public realm.
- Built form provisions to make better use of access to sunlight and cross ventilation to reduce reliance on artificial heating and cooling of dwellings.

COMMENT

At its meeting held on 20 August 2019, Council resolved to undertake consultation on a new set of development standards for the City's Housing Opportunity Areas, collectively made up of the draft *Development in Housing Opportunity Areas Local Planning Policy* and draft *Scheme Amendment No. 5*. Updates to the City's existing *Residential Development Local Planning Policy* were also made to accommodate the draft new development standards.

A comprehensive community consultation process was undertaken between November 2019 and January 2020 and included direct engagement with 22,493 stakeholders. 223 valid submissions were received during the consultation period.

The feedback received during consultation has been analysed and considered and, as a result, numerous modifications are recommended to the draft new development standards, which are considered to address the bulk of the community's concerns. The modifications are summarised (simply) as follows:

- Inclusion of a Character Statement.
- A minor change to the default minimum lot frontage from 10 metres to nine metres.
- Deletion of the six metre lot frontage.
- No reference to or ability to develop terraces.
- Extending the restriction on the number of multiple dwellings to many more properties.
- Reduced building height from three to two storeys in R20/R60 areas, consistent with other densities in the Housing Opportunity Areas.
- Reverting to status quo for primary street setbacks in R20/R25 areas for the sake of consistency and common sense.
- Slightly reduced secondary street setbacks for R20/R60 areas – again for consistency.
- Inclusion of specified side setbacks rather than relying on a calculation – to give more certainty and greater separation between neighbouring buildings.
- More restrictive boundary wall provisions (generally).
- Removal of the provisions for boundary walls for "attached" dwellings or terraces.
- Increased rear ground floor setbacks in higher density areas.
- Reverted to more stringent visitor parking ratios.
- In certain circumstances, allow visitor parking in the front setback area.
- New specifications for a minimum number of medium and large trees.
- New provisions for waste management.

It is recommended that Council adopt the draft new development standards (as modified) and refer them to the WAPC and Minister for approval.

It is also recommended that Council adopts the revised *Residential Development Local Planning Policy*.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

That Council:

- 1 NOTES the Community Engagement Outcomes Report and appendices, as outlined in Attachments 8 – 12 to Report JSC02-03/20;
- 2 Pursuant to section 75 of the *Planning and Development Act 2005* and Part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, SUPPORTS Scheme Amendment No. 5 (as modified) to the City of Joondalup *Local Planning Scheme No. 3*, as outlined in Attachment 6 to Report JSC02-03/20;
- 3 AUTHORISES the affixation of the Common Seal and signing of the documents associated with Scheme Amendment No. 5 (as modified) to the City of Joondalup *Local Planning Scheme No. 3*;
- 4 Pursuant to Part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015* FORWARDS Scheme Amendment No. 5 (as modified) and Council's decision to the Western Australian Planning Commission for consideration;
- 5 In accordance with clause 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROCEEDS with the *Development in Housing Opportunity Areas Local Planning Policy* (as modified), as outlined in Attachment 3 to Report JSC02-03/20;
- 6 In accordance with clause 7.3.2 of Volume 1 and clause 1.2.3 of Volume 2 of *State Planning Policy 7.3 – Residential Design Codes*, FORWARDS the *Development in Housing Opportunity Areas Local Planning Policy* and Council's decision to the Western Australian Planning Commission for determination;
- 7 In accordance with clause 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROCEEDS with the revised *Residential Development Local Planning Policy*, as outlined in Attachment 7 to Report JSC02-03/20;
- 8 NOTES that the revised *Residential Development Local Planning Policy* will not come into operation until finalisation of Scheme Amendment No. 5 and the *Development in Housing Opportunity Areas Local Planning Policy*.

MOVED Cr Thompson, **SECONDED** Cr Fishwick that Council:

- 1 **NOTES** the Community Engagement Outcomes Report and appendices, as outlined in Attachments 8 – 12 to Report JSC02-03/20;
- 2 Pursuant to section 75 of the *Planning and Development Act 2005* and Part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, **SUPPORTS** Scheme Amendment No. 5 (as modified) to the City of Joondalup *Local Planning Scheme No. 3*, as outlined in Attachment 6 to Report JSC02-03/20, subject to the following:
 - 2.1 modifying clause 5.1 Street setbacks to amend all references to secondary street setbacks from 1.5 metres to 2 metres;
 - 2.2 modifying clause 10 Access and Parking – Resident Parking to delete the note relating to the measurement of walkable catchments;
- 3 **AUTHORISES** the affixation of the Common Seal and signing of the documents associated with Scheme Amendment No. 5 (as modified) to the City of Joondalup *Local Planning Scheme No. 3*;
- 4 Pursuant to Part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015* **FORWARDS** Scheme Amendment No. 5 (as modified) and Council's decision to the Western Australian Planning Commission for consideration;
- 5 In accordance with clause 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, **PROCEEDS** with the *Development in Housing Opportunity Areas Local Planning Policy* (as modified), as outlined in Attachment 3 to Report JSC02-03/20, subject to the following:
 - 5.1 modifying the definition of 'landscape area' to read as follows:

“means land developed with garden beds, shrubs and trees, or by the planting of lawns. Landscape area does not include rockeries, ornamental ponds, swimming pools, driveways, uncovered car parking, bin areas, alfresco areas or other areas finished with a non-permeable surface.”;
 - 5.2 including a definition of 'permeable surface / permeable pavement' as follows:

“means soil or ground surface treatments that allow rainwater and stormwater to infiltrate to the underlying subsoil. Surfaces that do not meet these requirements are considered to be non-permeable.”;
 - 5.3 including a definition of 'walkable catchment' as follows:

“means the actual area served within a walking distance along existing pedestrian infrastructure routes. Walkable catchments are to be determined using the technique outlined in Liveable Neighbourhoods with distances measured from the station platform (for train stations) and the lot boundary of the core or the largest commercial land holding within an activity centre.”;

- 5.4 modifying clause 3.1a) by replacing the word 'hour' with 'house';
- 5.5 modifying clause 5.1 Street setbacks to amend all references to secondary street setbacks from 1.5 metres to 2 metres;
- 5.6 modifying clause 10 Access and Parking – Resident Parking to delete the note relating to the measurement of walkable catchments;
- 6 In accordance with clause 7.3.2 of Volume 1 and clause 1.2.3 of Volume 2 of *State Planning Policy 7.3 – Residential Design Codes*, FORWARDS the *Development in Housing Opportunity Areas Local Planning Policy* and Council's decision to the Western Australian Planning Commission for determination;
- 7 In accordance with clause 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROCEEDS with the revised *Residential Development Local Planning Policy*, as outlined in Attachment 7 to Report JSC02-03/20;
- 8 NOTES that the revised *Residential Development Local Planning Policy* will not come into operation until finalisation of Scheme Amendment No. 5 and the *Development in Housing Opportunity Areas Local Planning Policy*.

C18-03/20 EXTENSION OF TIME TO SPEAK

MOVED Mayor Jacob, **SECONDED** Cr Fishwick that Cr Thompson be permitted an extension of time to speak for a further five minutes.

The Motion was Put and

CARRIED (11/0)

In favour of the Motion: Mayor Jacob, Crs Fishwick, Hamilton-Prime, Jones, Logan, May, McLean, Poliwka, Raftis, Taylor and Thompson.

AMENDMENT MOVED Mayor Jacob, **SECONDED** Cr Hamilton-Prime that:

- 1 new parts 2.3 and 2.4 be added to the motion as follows:
 - 2.3 *modifying clause 3.1 by replacing with clauses 3.1 and 4.1 of the 'as advertised' version at Attachment 4 to Report JSC02-03/20, and renumbering the remaining clauses as necessary;*
 - 2.4 *modifying clause 4.1 by amending the building height table so that building height for single houses and grouped dwellings is permitted to be a maximum of two storeys and building height for multiple dwellings is permitted to be a maximum of three storeys;";*
- 2 new parts 5.7 through to 5.9 be added to the motion as follows:
 - "5.7 *modifying clause 3.1 by replacing with clauses 3.1 and 4.1 of the 'as advertised' version at Attachment 1 to Report JSC02-30/20, and renumbering the remaining clauses as necessary;*

5.8 *modifying clause 4.1 by amending the building height table so that, for lots coded R20/R60, building height for single houses and grouped dwellings is permitted to be a maximum of two storeys and building height for multiple dwellings is permitted to be a maximum of three storeys;*

5.9 *modifying the ‘Character of Housing Opportunity Areas’ to read as follows:*

“Housing Opportunity Areas are neighbourhoods that provide a mix of single houses, grouped dwellings, low-rise apartments and ancillary accommodation.

Housing Opportunity Areas include streetscapes that have a landscaped character and a prevailing built form of up to two storeys and three storeys in select locations.

More intense development should be located along distributor roads in close proximity to key nodes and services such as higher order activity centres and train stations.

Redevelopment of the Housing Opportunity Areas is occurring at densities greater than that of existing housing and as a result, the scale of new development may be greater than existing housing.

The Housing Opportunity Areas are in the early stages of transition and there is a need to moderate the scale of development to provide a considered change from present character to future character to ensure a suitable level of amenity is provided for residents and neighbours now and into the future.”;

The Manager Governance left the Chamber at 7.49pm and returned at 7.52pm.

Cr Jones left the Chamber at 8.02pm and returned at 8.04pm.

C19-03/20 EXTENSION OF TIME TO SPEAK

MOVED Cr Hamilton-Prime, SECONDED Cr Logan that Mayor Jacob be permitted an extension of time to speak for a further five minutes.

The Motion was Put and

CARRIED (11/0)

In favour of the Motion: Mayor Jacob, Crs Fishwick, Hamilton-Prime, Jones, Logan, May, McLean, Poliwka, Raftis, Taylor and Thompson.

The Amendment Motion as MOVED Mayor Jacob, SECONDED Cr Hamilton-Prime:

was Put and

LOST (3/8)

In favour of the Amendment: Mayor Jacob, Crs Hamilton-Prime and Taylor.

Against the Amendment: Crs Fishwick, Jones, Logan, May, McLean, Poliwka, Raftis and Thompson.

It was requested that each part of the original motion be voted upon separately.

Mayor Jacob advised he would put the votes for Parts 1 and 2,2 collectively, followed by Part 2.1 separately, followed by Parts 3 to 5.4 and 5.6 collectively, followed by Part 5.5 separately, and then Part 6 to 8 collectively.

MOVED Cr Thompson, SECONDED Cr Fishwick that Council:

- 1 NOTES the Community Engagement Outcomes Report and appendices, as outlined in Attachments 8 – 12 to Report JSC02-03/20;**
- 2 Pursuant to section 75 of the *Planning and Development Act 2005* and Part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, SUPPORTS Scheme Amendment No. 5 (as modified) to the City of Joondalup *Local Planning Scheme No. 3*, as outlined in Attachment 6 to Report JSC02-03/20, subject to the following:
 - 2.2 modifying clause 10 Access and Parking – Resident Parking to delete the note relating to the measurement of walkable catchments;****

The Motion was Put and

CARRIED (11/0)

In favour of the Motion: Mayor Jacob, Crs Fishwick, Hamilton-Prime, Jones, Logan, May, McLean, Poliwka, Raftis, Taylor and Thompson.

MOVED Cr Thompson, SECONDED Cr Fishwick that Council:

- 2 Pursuant to section 75 of the *Planning and Development Act 2005* and Part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, SUPPORTS Scheme Amendment No. 5 (as modified) to the City of Joondalup *Local Planning Scheme No. 3*, as outlined in Attachment 6 to Report JSC02-03/20, subject to the following:
 - 2.1 modifying clause 5.1 Street setbacks to amend all references to secondary street setbacks from 1.5 metres to 2 metres;****

The Motion was Put and

CARRIED (7/4)

In favour of the Motion: Crs Fishwick, Jones, May, McLean, Poliwka, Raftis and Thompson.

Against the Motion: Mayor Jacob, Crs Hamilton-Prime, Logan and Taylor.

MOVED Cr Thompson, SECONDED Cr Fishwick that Council:

- 3 AUTHORISES the affixation of the Common Seal and signing of the documents associated with Scheme Amendment No. 5 (as modified) to the City of Joondalup *Local Planning Scheme No. 3*;**
- 4 Pursuant to Part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015* FORWARDS Scheme Amendment No. 5 (as modified) and Council's decision to the Western Australian Planning Commission for consideration;**

- 5 In accordance with clause 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROCEEDS with the *Development in Housing Opportunity Areas Local Planning Policy* (as modified), as outlined in Attachment 3 to Report JSC02-03/20, subject to the following:
- 5.1 modifying the definition of ‘landscape area’ to read as follows:
- “means land developed with garden beds, shrubs and trees, or by the planting of lawns. Landscape area does not include rockeries, ornamental ponds, swimming pools, driveways, uncovered car parking, bin areas, alfresco areas or other areas finished with a non-permeable surface.”;*
- 5.2 including a definition of ‘permeable surface / permeable pavement’ as follows:
- “means soil or ground surface treatments that allow rainwater and stormwater to infiltrate to the underlying subsoil. Surfaces that do not meet these requirements are considered to be non-permeable.”;*
- 5.3 including a definition of ‘walkable catchment’ as follows:
- “means the actual area served within a walking distance along existing pedestrian infrastructure routes. Walkable catchments are to be determined using the technique outlined in Liveable Neighbourhoods with distances measured from the station platform (for train stations) and the lot boundary of the core or the largest commercial land holding within an activity centre.”;*
- 5.4 modifying clause 3.1a) by replacing the word ‘hour’ with ‘house’;
- 5.6 modifying clause 10 Access and Parking – Resident Parking to delete the note relating to the measurement of walkable catchments;

The Motion was Put and

CARRIED (11/0)

In favour of the Motion: Mayor Jacob, Crs Fishwick, Hamilton-Prime, Jones, Logan, May, McLean, Poliwka, Raftis, Taylor and Thompson.

MOVED Cr Thompson, SECONDED Cr Fishwick that Council:

- 5 In accordance with clause 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROCEEDS with the *Development in Housing Opportunity Areas Local Planning Policy* (as modified), as outlined in Attachment 3 to Report JSC02-03/20, subject to the following:
- 5.5 modifying clause 5.1 Street setbacks to amend all references to secondary street setbacks from 1.5 metres to 2 metres;

The Motion was Put and

CARRIED (7/4)

In favour of the Motion: Crs Fishwick, Jones, May, McLean, Poliwka, Raftis and Thompson.
Against the Motion: Mayor Jacob, Crs Hamilton-Prime, Logan and Taylor.

MOVED Cr Thompson, **SECONDED** Cr Fishwick that Council:

- 6** In accordance with clause 7.3.2 of Volume 1 and clause 1.2.3 of Volume 2 of *State Planning Policy 7.3 – Residential Design Codes*, **FORWARDS** the *Development in Housing Opportunity Areas Local Planning Policy* and Council's decision to the Western Australian Planning Commission for determination;
- 7** In accordance with clause 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, **PROCEEDS** with the revised *Residential Development Local Planning Policy*, as outlined in Attachment 7 to Report JSC02-03/20;
- 8** **NOTES** that the revised *Residential Development Local Planning Policy* will not come into operation until finalisation of Scheme Amendment No. 5 and the *Development in Housing Opportunity Areas Local Planning Policy*.

The Motion was Put and

CARRIED (11/0)

In favour of the Motion: Mayor Jacob, Crs Fishwick, Hamilton-Prime, Jones, Logan, May, McLean, Poliwka, Raftis, Taylor and Thompson.

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1agn200324.pdf](#)

CLOSURE

There being no further business, the Mayor declared the meeting closed at 8.17pm the following Elected Members being present at that time:

MAYOR HON. ALBERT JACOB, JP
CR TOM McLEAN, JP
CR PHILIPPA TAYLOR
CR NIGE JONES
CR CHRISTOPHER MAY
CR RUSSELL POLIWKA
CR CHRISTINE HAMILTON-PRIME
CR JOHN RAFTIS
CR JOHN LOGAN
CR RUSS FISHWICK, JP
CR SUZANNE THOMPSON