

**TOWN OF BASSENDEAN**  
**NOTICE OF A MEETING OF THE**  
**TOWN PLANNING SCHEME REVIEW COMMITTEE**

Dear Committee Member

A meeting of the Town Planning Scheme Review Committee is to be held in the Council Chamber, 48 Old Perth Road, Bassendean on Wednesday, 10 February 2016, commencing at 6.00pm.

MR BOB JARVIS  
CHIEF EXECUTIVE OFFICER

5 February 2016

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**A G E N D A**

**1.0                    DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

**2.0                    ELECTION OF PRESIDING MEMBER AND DEPUTY PRESIDING MEMBER**

The Committee's Instrument of Appointment & Delegation states that the Committee shall appoint a Presiding Member and Deputy Presiding Member to conduct its business. The Presiding Member shall ensure that minutes of the proceedings are kept and that business is conducted in accordance with the Town of Bassendean Standing Orders 2011.

As this is the first Committee meeting since the Local Government Elections, the positions for Presiding Member and Deputy Presiding Member must be decided.

The CEO will conduct the election of the Presiding Member.

The Presiding Member will then call for nominations for Deputy Presiding Member.

Nominations must be made in writing (nomination form attached) and a secret ballot will be conducted to decide the positions.

### **3.0 ATTENDANCES, APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE**

### **4.0 DEPUTATIONS**

### **5.0 CONFIRMATION OF MINUTES**

#### **5.1 Minutes of the Meeting held on 15 April 2014**

##### **OFFICER RECOMMENDATION – ITEM 4.1**

That the minutes of the meeting held on 15 April 2014 be confirmed as a true record.

### **6.0 DECLARATIONS OF INTEREST**

A copy of the letter from by the Director General of the Department of Local Government granting qualified permission for elected members to participate in the review of the Scheme, from 16 December 2015 to 30 June 2016, is included as an attachment. This information will be included in all agendas of the Committee to allow elected members to participate in discussions at these meetings.

Each Councillor will be required to declare their interest and give details of properties in their ownership pursuant to Sections 5.60A (Financial) and 5.60B (Proximity) of the Local Government Act 1995, as follows:

- Cr John Gangell as the owner of 12/55 Scaddan Street, Bassendean;
- Cr Mike Lewis as the owner of 111 Morley Drive, Eden Hill and 18B Northmoor Road, Eden Hill;

- Cr Gerry Pule as the owner of 1, 21 and 21A Kenmure Avenue, Ashfield and 35 Margaret Street, Ashfield;
- Cr Paul Bridges as the owner of 150 West Road, Bassendean;
- Cr Bob Brown as the owner of 17 Ashfield Parade, Ashfield;
- Cr Renee McLennan as the owner of 4/1 Anzac Terrace, Bassendean

## **6.0 BUSINESS DEFERRED FROM PREVIOUS MEETING**

Nil.

## **7.0 REPORTS**

### **7.1 Proposed Amendment to the Local Planning Scheme No. 10 dealing with Multiple Dwellings on Land with a Density Code of R40 and below (Ref: LUAP/PLANNG/1 Brian Reed, Manager Development Services)**

#### **APPLICATION**

The purpose of this report is for the Committee to consider and make recommendations to Council on a proposal to introduce additional controls into the Local Planning Scheme No 10 dealing with multiple dwellings.

#### **ATTACHMENTS**

##### **Attachment No. 1:**

- Draft Scheme Amendment Documents;
- Planning Bulletin - 113/2015;
- Copy of the officer report to the November Council meeting; and
- Copy of plan showing properties coded R40 relative to the Bassendean Train Station.

#### **BACKGROUND**

This matter was last considered by Council at its meeting held in November 2015, where it was resolved that the matter be deferred to the next meeting of the Town Planning Scheme Review Committee, with an Officer's report on the consequences for split code areas outside of the 800 metres walkable catchment from railway stations, and that the Town undertake community consultation on the proposal.

## STRATEGIC IMPLICATIONS

### *Objectives*

- Ensure Town provides choice in housing types.
- Plan for the highest densities to be centred on railway stations, the Town Centre, and major transport routes.
- Strive to ensure that higher density housing will have excellent design to ensure that development is people friendly and attractive.
- Strive to ensure that new housing, and particular high density housing has high environmental standards.
- Plan for the availability of a broad range of housing types and affordability.

### *Outcomes*

- New housing incorporates passive solar design, water sensitive design and designing out crime principles.
- Increase in housing affordability and dwellings designed for single person occupancy or to provide dwellings for smaller families.
- High density developments have convenient access to local parks.

### *Measures of success*

- Number of dwellings built that meet defined environmental standards.
- The number of smaller dwellings and affordable housing in the Town that includes designs for smaller families.
- The adoption of amendments to the Local Planning Scheme that prevents the incidence of Multiple Dwellings in areas intended for Family accommodation by November 2015.

## COMMENT

The proposed Scheme Amendment, as presented to the November Council meeting, has the following features:

1. Multiple dwelling developments on land coded with a density code of R40 and less are subject to advertising period and are not permitted unless the Council has exercised its discretion and approved it;
2. That multiple dwelling development potential of areas coded R40 beyond 800m of the Bassendean Train Station is calculated in the same way as grouped dwellings;

3. A minimum frontage of not less than 25m to a public street or streets is introduced for multiple dwellings in areas coded R40 or less; and
- 4 The requirement for grouped dwellings to have at least two houses facing the street in split coded areas is removed.

### **Properties located within 800 m of the Bassendean Train Station**

The consequences of the proposed amendment on properties that are within 800m of the Bassendean Train station are:

1. Multiple dwellings become a discretionary use which are subject to an advertising period and are not permitted unless the Council has exercised its discretion and approved it;
2. In order to be approved the site's would need a minimum frontage of 25m to public streets: this means with the exception of corner lots, most lots would need to be amalgamated with an adjoining lot to be developed with multiple dwellings;
3. It is important to note that the effect of the amendment is to contain multiple dwelling developments on land coded R40 and below to within 800m of the Bassendean Train Station: The Success Hill Station, despite being on a high frequency rail route has a limited stopping pattern. The same applies to the Ashfield Train Station. It should also be noted that the only properties coded R40 in Ashfield are the Ashfield gardens(former Tavern Site), and this site has been developed with single houses and grouped dwellings, in accordance with the approved Local Development Plan for the site.

### **Properties located beyond 800m of the Bassendean Train Station**

In terms of multiple dwelling developments the development potential would be based on housing density rather than plot ratio controls. This means that a standard 1012m<sup>2</sup> lot could be developed with 4 grouped or multiple dwellings and the development potential would not increase with multiple dwelling developments.

Multiple dwellings become a discretionary use which are subject to an advertising period and are not permitted unless the Council has exercised its discretion and approved it.

In order to be approved the site's would need a minimum frontage of 25m to public streets: this means with the exception of corner lots, most lots would need to be amalgamated with an adjoining lot to be developed with multiple dwellings, albeit at the same density as grouped dwellings.

### **Other features of the proposed amendment.**

The amendment as presented to the November Council meeting also proposed to allow grouped dwellings to be approved on lots without the current requirement for at least two dwelling to face the street, at the higher density code in the spit coded areas, which was intended to increase the incidence of this form of development throughout the Scheme Area. It is understood that this approach was not supported by some Councillors.

### **Committee direction**

The Committee is asked to provide recommendations to Council in the following respects:

**Should multiple dwelling developments on land coded R40 only be allowed on the basis of plot ratio within 800m of the Bassendean Train Station, or should this be extended to the other train stations?**

The answer to the above question will have an impact on the incidences of multiple dwelling developments to the north of Success Hill Train Station.

### **800m distance from the train station(s)**

**Should the walkable catchment from the Train Station be based on whether the property falls within 800m of the Station?**

The attachment for the Bassendean Train station which has been generated from our GIS system identifies properties that fall within 800m measured in a straight line from the entrances to the station.

This leads to a situation where different development potentials would occur and likely different housing types would occur mid-block so to speak.

This area could be modified as a result of submissions lodged as a result of advertising the proposal, which could include taking the boundaries to logical street block boundaries.

The alternative is to undertake an analysis of the type of development that has occurred on the fringes of these areas, which will further delay the amendment that is designed to prevent “inappropriate” development occurring

**Should the requirement for developments to have at least two homes facing the street be retained for developments to be approved at the higher code in split coded areas?**

The answer to the above question will have an impact on the amount of development likely to occur in the split coded areas throughout the Scheme area.

With the exception of corner lots, the Scheme requirement has had the impact of retarding redevelopment throughout the split coded areas, as most lots are not wide enough to accommodate two homes to the face the street and also sufficient space to provide access to the rear parts of any development site.

Generally, the Scheme requirement requires that two adjoining lots be purchased together and amalgamated, which raises issues in terms of finding owners who are prepared to sell their properties at the same time, or requires developers to land-bank properties. The more common scenario is an application for development of a single lot with very narrow houses facing the street, which results in a form of development which is quite different from the original development in these areas of questionable compatibility.

If the requirement for two homes to face the street is removed, it is likely to have a fair impact throughout the Scheme Area and in particular, the avenues and to Eden Hill to the east of Ivanhoe Street, where there is currently no planning incentive to redevelop areas containing “older” housing stock.

It should be noted that this approach is consistent with the approach advocated for Bassendean North Precinct 2 within the Local Planning Strategy.

If the requirement is retained it will either rely on lots being amalgamated to be developed at the higher code, if the surge in development is to continue in the Town, or conversely act to curtail redevelopment in parts of the Town (or more likely, narrower lot development of individual sites).

It is recognized that the more intense development, whether through multiple, grouped dwellings, or larger single houses is at odds with Council’s desire to retain the tree canopy in the Town, particularly on land zoned for residential purposes.

### **Concluding comment.**

It should be noted that Council is being asked to consider a proposal to amend the local Planning Scheme, and the proposal could well be altered prior to finalisation as a result of public submissions and the attitude of the Western Australian Planning Commission and Minister for Planning

### **STATUTORY REQUIREMENTS**

The process for amending a local planning scheme is governed by the Planning and Development (Local Planning Schemes) Regulations 2015.

Under the new Regulations, which became operational on 19 October 2015, Council is now required to:

- (a) specify whether, in the opinion of the local government, the amendment is a complex amendment, a standard amendment or a basic amendment; and
- (b) include an explanation of the reason for the local government forming that opinion.

The definition of the 3 forms of amendment are included below, and is covered by part of the recommendation:

**basic amendment** means any of the following amendments to a local planning scheme —

- (a) an amendment to correct an administrative error;
- (b) an amendment to the scheme so that it is consistent with the model provisions in Schedule 1 or with another provision of the local planning scheme;
- (c) an amendment to the scheme text to delete provisions that have been superseded by the deemed provisions in Schedule 2;
- (d) an amendment to the scheme so that it is consistent with any other Act that applies to the scheme or the scheme area;
- (e) an amendment to the scheme so that it is consistent with a State planning policy;
- (f) an amendment to the scheme map to include a boundary to show the land covered by an improvement scheme or a planning control area;
- (g) an amendment to the scheme map that is consistent with a structure plan, activity centre plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme currently includes zones of all the types that are outlined in the plan;

- (h) an amendment that results from a consolidation of the scheme in accordance with section 92(1) of the Act;
- (i) an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area if the amendment will have minimal effect on the scheme or landowners in the scheme area;

**Complex amendment** means any of the following amendments to a local planning scheme —

- (a) an amendment that is not consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
- (b) an amendment that is not addressed by any local planning strategy;
- (c) an amendment relating to development that is of a scale, or will have an impact, that is significant relative to development in the locality;
- (d) an amendment made to comply with an order made by the Minister under section 76 or 77A of the Act;
- (e) an amendment to identify or amend a development contribution area or to prepare or amend a development contribution plan;

**Standard amendment** means any of the following amendments to a local planning scheme —

- (a) an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;
- (b) an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
- (c) an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment;
- (d) an amendment to the scheme map that is consistent with a structure plan, activity centre plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme does not currently include zones of all the types that are outlined in the plan;
- (e) an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;
- (f) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;

- (g) any other amendment that is not a complex or basic amendment.

### FINANCIAL CONSIDERATIONS

Nil to Council. The costs of advertising the amendment can be borne out of the Town Planning operational accounts, and the amendment will be administered by in- house staff.

### OFFICER RECOMMENDATION — ITEM 7.1

That the Chief Executive Officer be required to arrange the preparation of scheme amendment documents containing the following features:

1. Multiple dwellings on land coded R40 would only be permitted on plot ratio limits within 800m of the Bassendean Train Station;
2. For the purpose of advertising the proposed amendment, a plan be prepared distinguishing those properties coded R40 within 800m measured in a straight line from the Bassendean Train Station where the development potential of those properties would be calculated on plot ratio and properties outside of that area, where the development potential would be calculated on housing density;
3. That the requirements for grouped dwelling developments at the higher density code to have at least two homes facing the street be removed from the scheme.

**Voting requirements: Simple Majority**

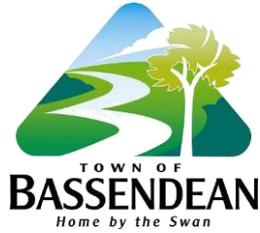
## 8.0 MOTIONS FOR WHICH PREVIOUS NOTICE HAS BEEN GIVEN

## 9.0 ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

## 10.0 CONFIDENTIAL BUSINESS

## 11.0 CLOSURE





## **TOWN *of* BASSENDEAN**

### **2015/17 TERM**

I would like to nominate \_\_\_\_\_ (insert name) for the position of Presiding Member/Deputy Presiding Member (circle position applicable) of the Town Planning Scheme Review Committee.

Name: \_\_\_\_\_

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_