14.2 (2019/MINUTE NO 0151) PROPOSED TOWN PLANNING SCHEME 3 AMENDMENT 149 - INTRODUCTION OF SCHEME PROVISION FOR STATE PLANNING POLICY 7.0 DESIGN OF THE BUILT ENVIRONMENT - GROUPED DWELLINGS AND SPECIAL PURPOSE - SMALL DWELLINGS

Author(s)	D Di Renzo
Attachments	1. Draft Grouped Dwelling Scoping Paper ⇩
Location	NA
Owner	NA
Applicant	NA
Application Reference	109/149

RECOMMENDATION
That Council

(1) Pursuant to Section 75 of the Planning and Development Act 2005 amend the City of Cockburn Town Planning Scheme No. 3 ("Scheme") for the following purposes:

1. Modify the objective of the 'Residential zone' in clause 3.2.1 a) from:

   *'To provide for **residential** development at a range of densities with a variety of housing to meet the needs of different household types through the application of the Residential Design Codes.'*

   to:

   i) To provide for a range of housing and a choice of residential densities to meet the needs of the community.

   ii) To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.

   iii) To provide for a range of non-residential uses, which are compatible with and complementary to residential development.

   To ensure development maintains compatibility with the desired streetscape in terms of bulk, scale, height, street alignment and setbacks.

   Insertion of a new clause as follows:

Document Set ID: 8801268
Version: 5, Version Date: 06/12/2019

4.4.5 Grouped Dwelling Requirements

a) Notwithstanding the minimum and average site area requirements of clause 5.1.1 and table 1 of the Residential Design Codes, Grouped Dwellings must comply with the following criteria:

A Garden Area shall be provided for each grouped dwelling to support and sustain the development of tree canopy, provide amenity for residents, and contribute positively to neighbourhood character, as follows:

i) Minimum area of 9m^2 located wholly on site for each dwelling;

ii) Be a minimum length and width dimension of 3m;

iii) Be in addition to the minimum outdoor living area requirements of the Residential Design Codes;

iv) Be landscaped, uncovered, unpaved, free draining soil;

v) Not be used for vehicle parking or access;

vi) Contain no structures such as - buildings, patios, pergolas, swimming pools or external fixtures; and

vii) Distributed appropriately throughout the development .

b) In relation to 4.4.5(a) this clause shall remain in effect until the relevant medium density/grouped dwelling State Planning Policy is gazetted.

2. Insertion of new clause as follows:

4.4.6 Special Purpose - Small Dwellings

'Special Purpose – Small Dwelling' is a single house or grouped dwelling with a maximum plot ratio of 70m^2 containing no more than two habitable rooms capable of use as a bedroom and meeting the Liveable Housing Design Guidelines (Australia*) Silver Performance Level at a minimum.*

For the purposes of a 'Special Purpose – Small Dwelling' the minimum and average site area as set out in Table 1 of the Residential Design Codes may be reduced by up to one third, which shall only be applied where development is proposed.

4. Inclusion of an additional clause under Schedule A-

Document Set ID: 8801268
Version: 5, Version Date: 06/12/2019

Supplemental Provisions (Matters to be considered by local government) as follows

67. (zc) Any advice of the Design Review Panel.

(2) note the amendment referred to in resolution (1) above is a 'standard amendment' as it satisfies the following criteria of Regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:

An amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;

An amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and

(3) upon preparation of amending documents in support of resolution (1) above, determine that the amendment is consistent with Regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the amendment be referred to the *Environmental Protection Authority* ("EPA") as required by Section 81 of the Act, and on receipt of a response from the EPA indicating that the amendment is not subject to formal environmental assessment, be advertised for a period of 42 days in accordance with the Regulations.

COUNCIL DECISION
MOVED Cr C Reeve-Fowkes SECONDED Cr C Terblanche

That the recommendation be adopted.

CARRIED 9/0

Background

The State Government's Design WA Stage 1 became operational on 24 May 2019, which includes *State Planning Policy 7.0: Design of the Built Environment* (SPP 7.0). This is the lead policy that elevates the importance of design quality across the whole built environment in Western Australia. Design WA recognises that as the built environment evolves, it is appropriate that the planning system adapts to the increasing complexity of planning proposals by requiring a greater emphasis on design quality.

SPP 7.0 sets out 10 principles for good design, and while these can be applied to any development they are defined at a high level, and ideally

Document Set ID: 8801268
Version: 5, Version Date: 06/12/2019

they will be integrated appropriately into the local planning framework to facilitate their implementation.

Design WA Stage 1 includes *'State Planning Policy 7.3: Residential Design Codes Volume 2 – Apartments'* which focuses on improved design outcomes for apartments in areas coded R40 and above, and within mixed use development and activity centres.

Grouped dwellings and medium-density development form part of a future stage of Design WA, and the Department of Planning, Lands and Heritage (DPLH) are in the process of finalising a medium-density scoping paper. However, the City is advised that any changes to the R-Codes precipitating from this are likely to be least two years away. This means that in the absence of changes to the R-Code provisions for 'grouped dwellings' implementation of the design principles of SPP 7.0 for medium density development remains a challenge for local governments.

Medium density housing (specifically 'grouped dwellings') are the City's most rapidly growing housing typology, and it is important that the local planning framework responds to SPP 7.0 ahead of Design WA medium density stage. This will ensure that the design principles of SPP 7.0 can be implemented effectively in relation to 'grouped dwellings' in the interim period. This will provide a better framework to achieve well-designed dwellings that provide high levels of amenity for occupants; respect valued neighbourhood character; and contribute to the creation of diverse and high quality housing to meet the needs of the community. This also aligns with the City of Cockburn's Urban Forest Plan 2018-2028.

Submission

N/A

Report

Currently in Western Australia grouped dwellings are controlled by the *State Planning Policy 7.3 'Residential Design Codes – Volume 1' (R-Codes)*. Design WA recognises this requires review in order to ensure cohesive improvement to the quality of our built environment, and this will occur as part of a future stage of Design WA. One of the recognised issues with implementation of the R-Codes is that across the Perth metropolitan area, infill development has in some cases had the following negative impacts:

- Loss of landscaping and tree cover that have typically been valued by the community, and are important to the character of many established Perth suburban areas;

Document Set ID: 8801268
Version: 5, Version Date: 06/12/2019

- Built-form outcomes that are incompatible with existing suburban residential development and character;
- Dwellings with poor levels of amenity for residents due to lack of useable and functional outdoor areas and lack of landscaping;
- Dwellings that do not meet the need of occupants due to poor internal layouts, and lack of flexibility to accommodate future requirements or the needs of different occupants/households;
- In some cases negative impacts from increased parking on-site (visitor and resident), and increased on street parking (including verges); and
- Impacts on the amenity if neighbouring properties.

The City has examined these issues in further detail in a *Draft Grouped Dwelling Scoping Paper*, included at Attachment 1.

The City seeks infill development that has a positive impact by respecting and enhancing valued local character, and results in quality homes that people want to live in because they meet their needs. Ahead of the Design WA medium density changes, SPP 7.0 provides the opportunity to address these issues and accordingly it is considered to be an opportune time to consider changes to the local planning framework.

Proposed Scheme Amendment

The City is in the process of reviewing the *Local Planning Strategy* and *Town Planning Scheme No. 3* (the Scheme), however in the interim it is appropriate to examine measures to implement SPP 7.0, with a particular focus on achieving better grouped dwelling outcomes.

In this regard the following changes to the scheme are proposed:

1. Update to the objective of the 'Residential' zone;
2. Reference to Design Review Panel advice as a 'matter to be considered';
3. New provisions for grouped dwellings requiring a 'Garden Area' for each dwelling; and
4. Formalising and modifying the single bedroom dwelling provision contained within *Local Planning Policy 1.5* 'Single Bedroom Dwellings'.

Each of these proposed changes are discussed in detail below.

Document Set ID: 8801268
Version: 5, Version Date: 06/12/2019

Objective of the Residential zone

Currently the Scheme objective of the 'Residential' zone is:

'To provide for residential development at a range of densities with a variety of housing to meet the needs of different household types through the application of the Residential Design Codes.'

This objective does not address pertinent design, amenity and streetscape issues that are critical considerations for the 'Residential' zone, and in particular grouped dwellings. Accordingly it is recommended that the Model Scheme objective for the 'Residential' zone be adopted, as follows:

- To provide for a range of housing and a choice of residential densities to meet the needs of the community;
- To facilitate and encourage high quality design, built form and streetscapes throughout residential areas;
- To provide for a range of non-residential uses, which are compatible with and complementary to residential development; and
- To ensure development maintains compatibility with the desired streetscape in terms of bulk, scale, height, street alignment and setbacks.

Design Review Panel

SPP 7.0 is supported by the *Design Review Guide* which works to assist local governments with the establishment and operation of design review panels, and provides a framework for the operation of the State Design Review Panel. Design review is the process of independently evaluating the design quality of a built environment proposal. It has been shown to improve the design quality of built outcomes and reduce project costs via shortened design development stages and expedited Development Application approvals.

Council resolved to establish a Design Review Panel (DRP) at its Ordinary Meeting of Council held on 14 April 2016, established as a body with which the City may consult in assessing an application under the provisions of the Scheme. Council also adopted Local Planning Policy 5.16 Design Review Panel (LPP 5.16) to provide guidance around the operation of the DRP.

It is considered appropriate to make reference to the City's DRP, which the DPLH have indicated is proposed to be included in the *Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 'Deemed Provisions'* . This will elevate the significance of

Document Set ID: 8801268
Version: 5, Version Date: 06/12/2019

the DRP's advice which will be pivotal in achieving improved design outcomes for larger grouped dwellings developments (and all development), and implementing the objectives of SPP 7.0. This is proposed to be included with an additional clause under Schedule A - Supplemental Provisions (Matters to be considered by local government), which is the approach recommended by DPLH.

Garden Area Requirement

Loss of vegetation and trees is a key community concern regarding infill development across the Perth metropolitan area. The loss of trees and established vegetation is typically a result of:

- Site works undertaken to create level dwellings sites and driveways resulting in the removal of vegetation from the site upfront;
- Substantially greater site coverage to accommodate additional dwelling yields;
- Smaller front and side setbacks subsequently resulting in limited opportunities for re-landscaping post-re-development;
- The R-Codes 'open space' requirement (e.g. 45% in R30 coded areas) includes common property (i.e. driveways, parking bays, turning circles etc.), therefore resulting in much of this 'open space' being hard surfaces; and
- Additional and/or widened crossovers in some cases removing existing street trees; and limiting future street tree opportunities.

The Grouped Housing Scoping Paper (Attachment 1) identifies and discusses in detail the various mechanisms available to address this issue. The table below summarises the key mechanisms and key issues with each.

Key measures to deal with loss of tree cover – Grouped Dwelling Sites	
Mechanism	**Key Issues**
Mandating retention of trees (of a defined size) in the Local Planning Scheme	• May result in early clearing of site to avoid requirement. • Tree may not be suitable species/size for retention on a grouped housing site (i.e. may be within close proximity to dwellings creating excessive ongoing maintenance or structural damage, difficulty accessing the tree for pruning/maintenance; may create excessive overshadowing/shading).

Document Set ID: 8801268
Version: 5, Version Date: 06/12/2019

Requiring retention of trees (of a defined size) in a Local Planning Policy	• May result in early clearing of site to avoid requirement. • Tree may not be suitable species/size for retention on a grouped housing site (i.e. may be within close proximity to dwellings creating excessive ongoing maintenance, difficulty accessing the tree for pruning/maintenance or structural damage; may create excessive overshadowing/shading). • Local Planning Policy provisions do not have statutory weight, providing uncertainly regarding the requirement, as only 'due regard' is required.
Incentivising retention of existing trees (of a defined sized, species etc.) (e.g. through Local Planning Policy)	• Trees have a limited lifespan therefore using retention as an incentive becomes problematic as it is impossible to guarantee their ongoing survival. • Would require notifications on titles, and difficulty regulating retention and replacement with another mature tree cannot result in 'like for like' replacement given the time it takes for trees to reach maturity. Creates an ongoing resourcing issue to ensure ongoing compliance.
Encouraging retention of trees (e.g. through Local Planning Policy)	• As a stand-alone requirement is likely to have limited impact in encouraging trees to be retained that otherwise would be removed given the size of infill sites, level of site coverage etc. • Could be used to complement other provisions/requirements and to capture opportunities to retain trees sited in locations where feasible.
Requiring provision of trees on infill sites at a particular rate (Local Planning Policy or Local Planning Scheme)	• If required in a Local Planning Policy the provisions do not have statutory weight, providing uncertainly regarding the requirement, as only 'due regard' is required. • The rate of provision may be arbitrary and inflexible.
Requiring minimum sized garden areas/deep soil zone per dwelling in the Local Planning Scheme	• Given statutory weight in the Local Planning Scheme provides greater certainty. • Will secure minimum garden areas to provide the opportunity for viable planting of trees of appropriate species into the future.

Document Set ID: 8801268
Version: 5, Version Date: 06/12/2019

Based on this assessment, it is recommended that each grouped dwelling be required to provide a Garden Area capable of supporting a small/medium sized tree. This requirement would be in addition to the outdoor living areas required for each dwelling under clause 5.3.1 of the R-Codes, although they could be located together.

In this regard the following requirements are recommended, to be included in the Scheme to be given statutory weight:

- Provision of a $9m^2$ Garden Area, with a minimum dimension of 3m to facilitate the viable establishment of a tree 4-8m in height, with a canopy of 4-6m; and

- Provision of one Garden Area per grouped dwelling which is considered to provide a logical, proportionate rate.

These requirements would result in opportunities for landscaping to:

- Provide shade and reduce heat from hard surfaces within the development;

- Soften the appearance of the built form and provide visual relief to long driveways;

- Address loss of tree canopy as a result of infill;

- Improve amenity for residents of grouped dwellings; and

- Assist grouped dwellings to contribute positively to valued neighbourhood character.

The proposed requirement for Garden Areas will not affect the potential lot yield of a development site, however it will reduce the area available for the dwelling footprint by $9m^2$ for each dwelling. This would result in either a smaller dwelling or may encourage two storey development. It should be noted that there is already a requirement for deep soil areas in all multiple dwelling developments as part of SPP 7.3 (Vol 2).

The benefit of this requirement being 'per dwelling' is that in the event that there is a vacant survey strata approved by the Western Australian Planning Commission for a development site, each survey strata lot will still need to provide a Garden Area in accordance with the Scheme. This can be implemented through a planning approval.

It is intended that these provisions will be supported by further guidance within an amended Local Planning Policy 1.2 'Residential Design Guidelines' (LPP 1.2). This will include; encouraging retention of existing trees of an appropriate species within Garden Areas; guidance for appropriate location of Garden Areas, pot sizes and criteria for

Document Set ID: 8801268
Version: 5, Version Date: 06/12/2019

appropriate species to ensure trees planted are non-invasive, and appropriate to their context.

Special Purpose – Small Dwellings

The R-Codes offers a density bonus for the development of single bedroom dwellings or aged or dependent persons' dwellings. It sets out that the minimum site area for these dwellings is one third lower than would otherwise be applied. This provision can result in additional dwellings to be provided on the site if they are single bedroom or aged or dependent person's dwellings.

The R-Codes provide for development of single bedroom dwellings to provide alternative and affordable housing options for singles or couples. The 'deemed to comply' requirement limits the plot ratio of a single bedroom dwelling to 70m². The definition of a single bedroom dwelling in the R-Codes is as follows:

'A dwelling that contains a living room and no more than one other habitable room that is capable of use as a bedroom'.

This dwelling type was examined through the City's *Housing Affordability and Diversity Strategy*. It was determined that the maximum plot ratio is considered important, however the restriction on number of rooms capable of use as a bedroom is considered restrictive in today's housing market. Given that the R-Codes 'design principles' provides for housing suitable for one or two persons, the limitation of only one room capable of use as a bedroom is considered to prejudice the use of the dwelling for two people other than a couple. There may be many instances where a parent and child, two siblings, two friends/flatmates or other non-couples wish to reside together in a small dwelling without being restricted to one bedroom. In addition, it is clear that this type of development has limited market appeal and the density bonus based on this has a low uptake. This position is formalised in Council's Local Planning Policy Single Bedroom Dwellings LPP 1.5.

In response to this, a key recommendation of Council's Housing Affordability and Diversity Strategy was to allow a second 'multi-purpose' room, and the Local Planning Policy for Single Bedrooms was amended accordingly in 2012. This included insertion of a new clause providing acceptance of an additional multi-purpose room capable of use as a second bedroom if required where the dwelling complied with the maximum floor area set out in the R-Codes, and where it provided limited accommodation suitable for one or two persons.

It was envisaged that in the majority of instances the second room will typically be used as an ancillary or utility type space such as a study, a spare room, an activity room or a guest bedroom. This extra space is consistent with modern expectations and standards in contemporary housing and provides for greater flexibility generally regarding

Document Set ID: 8801268
Version: 5, Version Date: 06/12/2019

occupancy and use. Provision of a living area and two bedrooms can be comfortably accommodated within a 70m² foot print. Therefore such dwellings are considered to make a more valuable contribution to the City's housing stock.

To date this has been implemented successfully and has not created any impact on the amenity of an area or adjoining neighbours; it has simply provided a more flexible floor plan that will suit a greater range of smaller households, and it has made the incentive more attractive.

However, the definition of 'single bedroom dwelling' in the R-Codes has created some ambiguity in the framework, and it is recommended that this be resolved and formalised by including a new definition and density bonus in the Scheme for *'Special Purpose – Small Dwellings'* to reflect the desired outcome.

'Special Purpose – Small Dwellings' would be restricted to a plot ratio of $70m^2$ (which is the same as single bedroom dwellings and ancillary dwellings/granny flats) however would allow up to two habitable rooms capable of use as a bedroom. It should be noted that ancillary dwellings (granny flats) also have a maximum plot ratio of 70m² but have no floor plan restrictions under the deemed to comply provisions of the R-Codes.

The lack of accessible dwellings within the Perth metropolitan area and the City of Cockburn was identified in the Housing Affordability and Diversity Strategy. Therefore to assist in addressing this issue it is also recommended that 'Special Purpose – Small Dwellings' be required to meet the Liveable Homes – Silver Performance level.

It is proposed that the clause will effectively include the density bonus set out in the R-Codes for single bedroom dwellings, and apply it to a new type of dwelling 'Special Purpose - Small Dwellings' to avoid confusion with the other 'Special Purpose' dwelling types set out in the R-Codes.

All other provisions of the R-Codes, the Scheme and a modified LPP1.2 will apply to development of *'Special Purpose- Small Dwellings'.*

<u>Future proposed changes to LPP 1.2 Residential Design Guidelines</u>

LPP 1.2 was adopted in 2010 as part of the *Phoenix Revitalisation Strategy*, the City's first Revitalisation Strategy. This was in response to an identified need to provide further design guidance, and in response to concerns from the community regarding the possible negative impact of infill development. LPP 1.2 was also proposed to provide greater clarity on certain elements of the R-Codes that were ambiguous, based on experience with grouped dwellings at that time.

Document Set ID: 8801268
Version: 5, Version Date: 06/12/2019

In light of the gazettal of SPP 7.0, and this proposed Scheme Amendment it is considered appropriate to review LPP 1.2 to:

- Integrate and further expand upon the principles of SPP 7.0;
- Address the key issues discussed in this report in relation to grouped dwellings to achieve improved development outcomes;
- Provide further guidance regarding the required Garden Areas proposed by this Amendment;
- Identify the desired future neighbourhood character;
- Focus on setting out design guidance to protect the desired future neighbourhood character by ensuring infill development is compatible; and
- Include other appropriate design guidance to achieve more sustainable design, and more functional dwelling internal layouts.

It is proposed that a draft modified LPP 1.2 be presented to the 28 November 2019 DAPPS meeting for consideration of adoption for advertising. Subsequently the draft Amendment and LPP 1.2 be advertised concurrently as a package, and this will include both broad and targeted consultation with community groups, the general community, building companies and developers.

Conclusion

It is recommended that the proposed Amendment be adopted by Council for the purposes of community consultation to ensure that the design principles of SPP 7.0 can be implemented effectively in relation to grouped dwellings in the interim period ahead of 'Stage 2 – Medium Density' of Design WA. This will provide the City with an improved framework to achieve well-designed grouped dwellings that contribute positively to the streetscape.

Strategic Plans/Policy Implications

City Growth

Ensure a variation in housing density and housing type is available to residents.

Ensure planning facilitates a desirable living environment and meets growth targets.

Document Set ID: 8801268
Version: 5, Version Date: 06/12/2019

Economic, Social & Environmental Responsibility

Improve the appearance of streetscapes, especially with trees suitable for shade.

Budget/Financial Implications

The Scheme Amendment has been prepared by Strategic Planning, and the costs associated with community consultation will be within the Strategic Planning advertising budget.

Legal Implications

The City has received legal advice regarding the exercise of discretion and the relationship between the R-Codes and the Scheme which has assisted in informing the proposal.

Community Consultation

As per Part 5 of the Planning and Development (Local Planning Schemes) Regulations, there several amendment types: basic, standard and complex. These are defined in Part 5, Division 1, Regulation 34.

A standard amendment (such as this) requires 42 days consultation.

The intention is to undertake community consultation on the proposed Scheme Amendment along with a draft modified local planning policy (proposed to be presented to the 28 November 2019 DAPPS meeting).

Comprehensive stakeholder consultation is proposed, including:

- Comment on Cockburn;
- Social media;
- Advertisement in the newspaper;
- Display at the City of Cockburn offices and libraries;
- Letters to community groups; and
- Letters to relevant building companies and developers.

Risk Management Implications

The officer's recommendation takes in to consideration all the relevant planning factors associated with this proposal. It is considered that the officer recommendation is appropriate in recognition of the fact that

Document Set ID: 8801268
Version: 5, Version Date: 06/12/2019

Design WA Stage 2 (medium density) is likely to be at least two years away.

Advice to Proponent(s)/Submitters

N/A

Implications of Section 3.18(3) *Local Government Act, 1995*

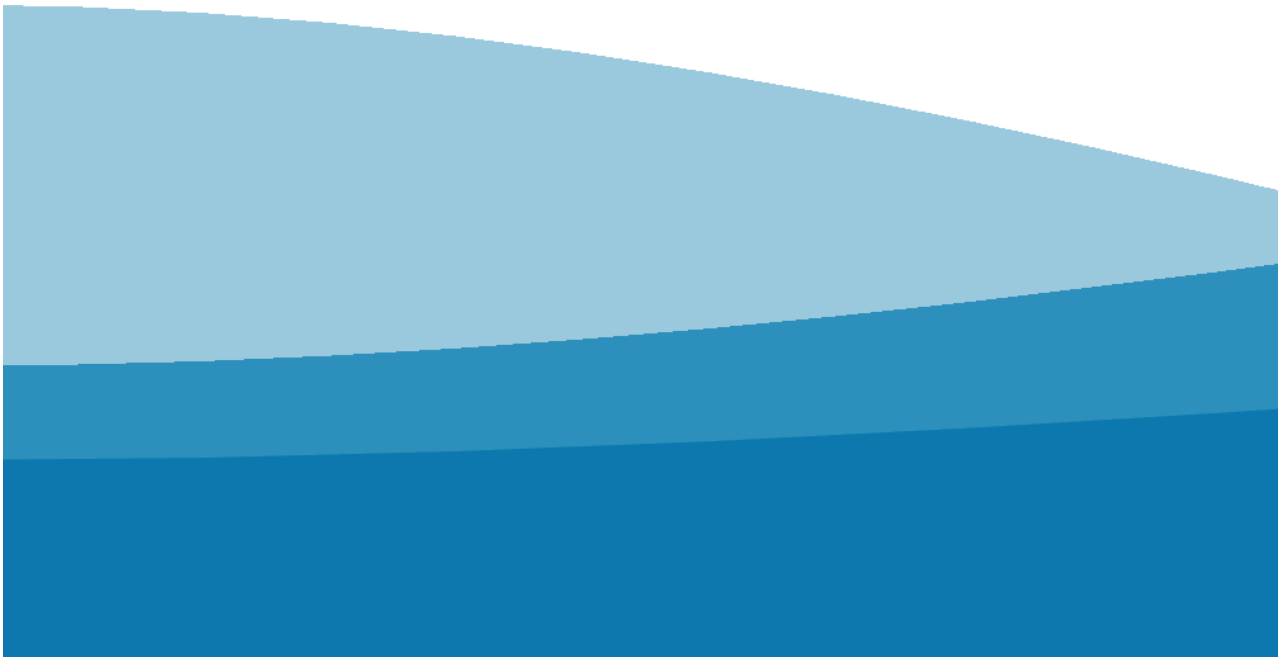
Nil

Document Set ID: 8801268
Version: 5, Version Date: 06/12/2019

City of Cockburn

Grouped Dwelling Scoping Paper

Draft - September 2019



Document Set ID: 8801268
Version: 5, Version Date: 06/12/2019

1.0 INTRODUCTION

From 2010 the City of Cockburn's Revitalisation Strategies facilitated residential upcodings in the suburbs of Hamilton Hill, Spearwood and Coolbellup.

As a result, medium density housing (grouped dwellings) are the City's most rapidly growing housing typology.

State Planning Policy 7.0: Design of the Built Environment ("SPP 7.0") elevates the importance of design quality across the whole built environment. Design WA Stage 1 includes 'State Planning Policy 7.3: Residential Design Codes Volume 2 – Apartments' which focuses on improved design outcomes for apartments in areas coded R40 and above, and within mixed use development and activity centres.

Grouped dwellings and medium-density development form part of a future stage of Design WA, and the Department of Planning, Lands and Heritage (DPLH) are in the process of finalising a medium-density scoping paper. However, the City is advised that any changes to the R-Codes precipitating from this are likely to be at least two years away.

Therefore in the absence of further guidance, and the R-Codes provisions for grouped dwellings remaining unchanged, implementation of SPP 7.0 for medium density development remains a challenge for local governments.

Across the Perth metropolitan Area it has been recognised that the quality of grouped dwellings in infill development has been varied. While there are many examples that respond to the local context and sit comfortably alongside existing single residential development, there are also many examples where infill development has not been site responsive; where it detracts from the valued character and amenity of the local area; or where the outcomes have not contributed to the creation of diverse and high quality housing to meet the needs of the community.

The purpose of this scoping paper is to identify measures to improve grouped dwelling outcomes ahead of the future stage of Design WA dealing with medium density, with a focus on infill areas.

In this regard, this paper will:

- Identify the key issues and challenges in relation to grouped dwellings in the City of Cockburn.
- Identify opportunities to appropriately integrate SPP 7.0 into the local planning framework, including the Scheme and Local Planning Policies with regard to infill development and grouped dwellings.
- Establish greater clarity around decisions relating to residential development, and the relationship between the R-Codes, the Scheme and Local Planning Policies to optimise the role of the local planning framework in achieving better infill outcomes.

2.0 BACKGROUND

Design WA

Design WA Stage 1 became operational on 24 May 2019, which includes SPP 7.0. This is the lead policy that elevates the importance of design quality across the whole built environment. It includes 10 principles for good design and establishes the framework for integrating design review as a part of the evaluation process.

DRAFT

Document Set ID: 8801268
Version: 5, Version Date: 06/12/2019

The 10 principles for good design are:

1. Context and character

2. Landscape quality

3. Built form and scale

4. Functionality and build quality

5. Sustainability

6. Amenity

7. Legibility

8. Safety

9. Community

10. Aesthetics

These principles can be applied to any development; however they are outlined at a high level which makes application at a detailed level challenging. Ideally the design principles will be integrated appropriately into the local planning framework to facilitate implementation.

Design Review Panel

SPP 7.0 is supported by the Design Review Guide which works to assist local governments with the establishment and operation of design review panels, and provides a framework for the operation of the State Design Review Panel.

The City of Cockburn resolved to establish a Design Review Panel at its Ordinary Meeting of Council held on 14 April 2016, established as a body with which the City may consult in assessing an application under the provisions of the City of Cockburn Town Planning Scheme No. 3 (the Scheme).

City of Cockburn Revitalisation Strategies

Between 2009 and 2014 the City of Cockburn increased residential codings across the established suburbs of Spearwood, Hamilton Hill and Coolbellup to facilitate infill development. The residential coding changes were identified through the three Revitalisation Strategies - Phoenix, Hamilton Hill and Coolbellup.

Residential codings were generally increased from a coding of R20 to a range of codings between R30 and R80.

Local Planning Policy 1.2 'Residential Design Guidelines' was prepared as part of the first Strategy, the Phoenix Revitalisation Strategy to address community concerns regarding medium density outcomes, and provide further design guidance for grouped dwellings.

The majority of infill within the City of Cockburn has occurred in the suburbs of Spearwood and Hamilton Hill where there are larger lots and older housing stock.

Whilst the majority of the City's infill has occurred within the Revitalisation Strategy areas, to a lesser extent some infill has also occurred under a residential coding of R20 on larger lots within existing residential areas, such as the established part of Coogee where the lots are over 900m^2. In these areas however, the R20 front and side setbacks (in addition to the larger minimum lot size) minimise the impact of infill development on the character of these areas.

Housing Affordability and Diversity Strategy

The City of Cockburn adopted a Housing Affordability and Diversity Strategy in 2013 in recognition that access to secure, appropriate and affordable housing is a

DRAFT

Document Set ID: 8801268
Version: 5, Version Date: 06/12/2019

fundamental requirement and an essential component of an inclusive and sustainable city.

The key objectives of the Strategy are:

a) To provide households with access to housing that is appropriate to their needs in terms of size, physical attributes and location.
b) To provide housing that is affordable to households of varying financial capacity.
c) To provide a variety of housing types in locations that have good accessibility to public transport, and essential services.
d) To promote affordable living, taking into consideration the total cost of living in a dwelling, including energy and water consumption, the price of transport to access employment and essential services, and other daily needs impacted by location.

City of Cockburn Town Planning Strategy and Scheme Review

The City is in the process of reviewing the Local Planning Strategy and Scheme, however in the interim it is considered appropriate to examine measures to achieve more site responsive medium density infill to expedite improvements to the framework given the quantity of grouped dwellings applications being received by the City.

3.0 KEY ISSUES

Across the Perth metropolitan area medium density infill has in some cases had the following negative impacts on existing residential areas:

- Loss of landscaping and tree cover that have typically been valued by the community, and are important to the character of many established Perth suburban areas.
- Built-form outcomes that are incompatible with existing suburban residential development and character.
- Dwellings with poor levels of amenity for residents due to lack of useable and functional outdoor areas and lack of landscaping.
- Dwellings that do not meet the need of occupants due to poor internal layouts, undersized rooms, and lack of flexibility to accommodate future requirements or the needs of different occupants/households.
- In some cases negative impacts from increased parking on-site (visitor and resident), and increased on street parking (including verges).
- Infill development that often does not contribute to housing diversity to meet the projected housing needs of the community, comprising three bedroom, two bathrooms homes, rather than the smaller housing types often sought through infill development.

It is often the cumulative impacts of these issues that has resulted in infill development that negatively impacts on the existing valued residential character.

DRAFT

Document Set ID: 8801268
Version: 5, Version Date: 06/12/2019

3.1 Loss of landscaping and trees

Loss of vegetation and trees is a key community concern regarding infill development in the Perth metropolitan area.

The loss of trees and established vegetation is typically a result of:

- Site works undertaken to create level dwellings sites and driveways resulting in the removal of vegetation from the site upfront.
- Substantially greater site coverage to accommodate additional dwelling yields; and smaller front and side setbacks subsequently resulting in limited opportunities for re-landscaping post-re-development.
- R-Codes open space requirements (eg. 45 percent for an R30 coding) include common property (eg. driveways, parking bays, turning circles etc.) resulting in substantial hardstanding areas and limiting landscaping opportunities on development sites.
- Additional and/or widened crossovers in some cases removing existing street trees; and limiting future street tree opportunities.

Established trees are assets with significant environmental, social and economic values, including:

- Mitigation of the urban heat island effect and the associated negative health impacts (both on site and in the neighbourhood);
- Improved amenity for occupants, visitors and neighbours through shade and glare reduction;
- Positive contribution to the streetscape character;
- Increased comfort through shade for pedestrian and cyclists.

It is noted that the loss of trees and vegetation within existing residential is not exclusively a problem created by infill development. Loss of tree cover is also seen frequently where there is replacement of single dwellings in residential areas where the coding is unchanged (or where landowners choose not to development at a higher coding but instead replace the existing single dwelling) (see example at figure 2). This issue is due to:

- The larger size of replacement dwellings, smaller setbacks and greater site coverage resulting in the removal of trees.
- Desire for low-maintenance and/or water wise gardens.
- Changing lifestyles and landowner preferences for garden types/styles.
- Concern regarding mature trees within close proximity to dwellings whether for safety reasons or to minimise leaf litter,



Figure 1. Infill Development in Spearwood

DRAFT

Document Set ID: 8801268
Version: 5, Version Date: 06/12/2019



Figure 2. Example of replacement single dwellings in Perth Metropolitan area demonstrating greater site coverage and loss of landscaping.

However, with infill development the issue is exacerbated as a result of greater site coverage to accommodate the dwelling yield, and the need for driveways and access restricting opportunities for landscaping. Loss of landscaping and tree cover is also more pronounced on a site where built form elements and hardstanding dominate without being softened by landscaping. This can result in infill development having a greater impact on neighbourhood character.

Current Tree Protection Measures

Currently the City has a Scheme provision that protects 'Significant Trees' included on the Local Government Inventory. This provision was included in the Scheme to protect trees with heritage value that had been identified for inclusion on the Heritage List as part of the formulation of the City's first Local Heritage Survey (then 'Municipal Heritage Inventory').

Council have adopted criteria for inclusion of 'Significant Trees' , which are intended to protect outstanding and significant trees that have cultural, social, and/or historical value. The 'Significant Tree' list is not intended to protect mature trees generally, and it would not be appropriate to protect trees on infill sites using this provision and the 'Significant Tree' list.

Other Local Government (WA) Tree Retention Measure

The impact of infill on tree canopy cover has been acknowledged by a number of local governments in the Perth metropolitan area. In response, there have been a number of mechanisms introduced, or proposed to be introduced to address the issue of loss of tree cover on private landholdings. These mechanisms and approaches are summarised in Table 1:

DRAFT

Document Set ID: 8801268
Version: 5, Version Date: 06/12/2019

Table 1. Overview of Tree Retention Measures for Grouped Dwellings – Western Australian Local Governments

City of Canning	• Local Planning Policy (LP.09 Tree Retention and Planting – Development) seeks to incentivise tree retention. • Introduces a requirement for consideration to be given to tree retention as part of a development application. This applies to 'Regulated trees' which are defined in the Policy.
City of Stirling	For Development Applications with a value over $100,000: • For land with a significant tree, there is a requirement to either retain it, or plant one new advanced tree for every 500m^2 (or part thereof) of land being developed. • For land without a significant tree, there is a requirement to plant one advanced tree for every 500m^2 (or part thereof) of land being developed. • All trees, either newly planted advanced trees or significant trees being retained, must be surrounded by a 9m^2 deep planting zone per tree to allow growth to maturity. • Requirement for Tree Protection Zones during construction.
City of Bayswater	Requirements that apply to all development where the approximate cost of the proposed development is: (a) $100,000 or more for residential developments; and (b) $200,000 or more for non-residential and mixed use developments, excluding those involving only a change of use or internal works 'Standard trees' are to be provided at a rate of one tree for every 350m^2 of site area (rounded to the nearest whole number). At least one 'standard tree' is to be provided on each site. The total number of trees required in Clause 1 may be reduced by one, for each 'tree worthy of retention' that is retained or relocated elsewhere on the site, or 'large tree' that is provided. Where a 'tree worthy of retention' is proposed to be retained or relocated on the site and it is a 'large tree', the total number of trees required in Clause 1 may be reduced by two.
City of Joondalup (Proposed)	Special Control Areas requiring 'Landscape Areas' of a percentage of the lot, based on the size of the lot, with guidelines contained within the Scheme and Local Planning Policy:

Lot Area	Minimum Landscape Area
0-300sqm	20%
301-400sqm	25%
401-500sqm	30%
Greater than 500sqm	35%

Impact of infill on tree canopy

There are a number of key approaches and mechanisms to deal with loss of trees and vegetation through infill development.

Broadly these mechanisms include:

- Mandating retention of trees of a defined size, species etc.
- Requiring planting of new trees as part of redevelopment at a specified rate.
- Incentivising retention of existing trees (of a defined sized, species etc.)
- Encouraging retention of trees (eg. through Local Planning Policy provisions).
- Securing future on-site landscaping opportunities through provision of minimum open space, and/or garden

Document Set ID: 8801268
Version: 5, Version Date: 06/12/2019

areas/deep soil zones, restrictions to crossover and hardstanding etc.

In considering an appropriate approach and mechanism, consideration is given to the following key issues:

- **The majority of infill sites are in fragmented landownership**, with lots between 600m^2 – 1,000m^2. This means the likelihood of existing established tree(s) being located in an appropriate location for retention is low, particularly given the design constraints (ie. typical site coverage, setbacks, access requirements etc.) for grouped dwellings on small sites.
- **Trees have a limited lifespan** – therefore to use them as a basis for an incentive becomes problematic as it is impossible to guarantee their ongoing survival. This would require notifications on titles, and regulating their retention is difficult, and in most circumstances replacement with another mature tree cannot result in 'like for like' replacement given the time it takes for trees to reach maturity.
- **Large established trees that may be suitable on a larger lot (set away from the dwelling) may not be appropriate when set amongst grouped dwellings**, and may have an unacceptable negative impact on residential amenity (eg, blocking sunlight to outdoor living areas or clothes drying areas; creating an unacceptable maintenance burden due to proximity to gutters, damage to paved areas etc.), may be difficult to access to prune if required, and could even pose a structural risk to buildings and retaining walls.
- **Mandating retention of existing trees could result in early clearing of sites/removal of trees** from potential development sites prior to development or subdivision approval being sought.

It is also relevant to note that historically many established residential areas were cleared prior to residential development occurring, whether due to former agricultural uses, or for the residential subdivision itself. Many of the trees and vegetation were subsequently planted by homeowners (demonstrated in Figure 3). However with smaller lots and larger dwellings (both in new areas and infill scenarios) there are limited opportunities for landscaping, and often no opportunities for the planting of trees.

It is acknowledged that there are a number of other relevant issues that influence the homeowners' landscaping choices. This includes water restrictions; the increased cost of Scheme water; and a preference for low maintenance gardens (whether to reduce water usage/costs, to achieve a 'lock and leave' property, or due to time poor occupants seeking to minimise required gardening and maintenance).

However, in terms of matters that the planning framework can influence, Table 2 outlines these mechanisms and summarises the issues associated with each.

It is evident that the provisions of the R-Codes for grouped dwellings do not generate adequate opportunities for tree planting and landscaping generally, given that common property, driveways, uncovered parking areas are included in the open space calculation.

It is considered that an appropriate focus would be on ensuring that infill sites are designed to accommodate garden areas that can successfully accommodate trees and landscaping.

DRAFT

Document Set ID: 8801268
Version: 5, Version Date: 06/12/2019

Proposed Requirements

It is considered appropriate to require each grouped dwelling to provide a 'Garden Area' capable of supporting a tree. This requirement would be in addition to the 'Outdoor Living' area requirement of the R-Codes.

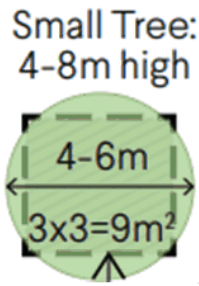
Provision of a $9m^2$ area, with a minimum dimension of 3m would facilitate the viable establishment of a tree 4-8m in height, with a canopy of 4-6m.

SPP 7.3 (Residential Design Codes Volume 2 – Apartments) identifies this as the required deep soil zone for a small tree of this size.

On grouped housing sites this is considered to be an appropriate minimum size to:

- Provide shade and reduce heat from hardstand and buildings within the development;
- Soften the appearance of the built form;
- Contribute to and protect the desired future neighbourhood character;
- Provide visual relief to long driveways.

One 'Garden Area' per dwelling is considered to provide a logical, proportionate rate of provision to achieve these outcomes.





Area in Spearwood in 1953 (pre residential development) and 2014 post single residential development



Area in Hamilton Hill in 1953 (pre residential development) and 2014 post single residential development

Figure 3. Clearing pre-residential development

Document Set ID: 8801268
Version: 5, Version Date: 06/12/2019

Table 2. Key measures to deal with loss of tree cover/landscaping

Mechanism	Key Issues
Mandating retention of trees (of a defined size) in the Local Planning Scheme	• May result in early clearing of site to avoid requirement. • Tree may not be suitable species/size for retention on a grouped housing site (ie. may be within close proximity to dwellings creating excessive ongoing maintenance, difficulty accessing the tree for pruning/maintenance; may create excessive overshadowing/shading).
Requiring retention of trees (of a defined size) in a Local Planning Policy	• May result in early clearing of site to avoid requirement. • Tree may not be suitable species/size for retention on a grouped housing site (ie. may be within close proximity to dwellings creating excessive ongoing maintenance, difficulty accessing the tree for pruning/maintenance; may create excessive overshadowing/shading). • Local Planning Policy provisions do not have statutory weight, providing uncertainly regarding the requirement, as only 'due regard' is required.
Incentivising retention of existing trees (of a defined sized, species etc.) (eg. through Local Planning Policy)	• Trees have a limited lifespan therefore using as an incentive becomes problematic as it is impossible to guarantee their ongoing survival. • Would require notifications on titles, and difficulty regulating retention and replacement with another mature tree cannot result in 'like for like' replacement given the time it takes for trees to reach maturity. Creates an ongoing resourcing issue to ensure ongoing compliance.
Encouraging retention of trees (eg. through Local Planning Policy)	• As a stand-alone requirement is likely to have limited impact in encouraging trees to be retained that otherwise would be removed given the size of infill sites, level of site coverage etc. • Could be used to complement other provisions/requirements and to capture opportunities to retain trees sited in locations where feasible.
Requiring provision of trees on infill sites at a particular rate (Local Planning Policy or Local Planning Scheme)	• If required in a Local Planning Policy the provisions do not have statutory weight, providing uncertainly regarding the requirement, as only 'due regard' is required. • The rate of provision may be arbitrary and inflexible.
Requiring minimum sized landscape/garden areas/deep soil zone per dwelling in the Local Planning Scheme	• Given statutory weight in the Local Planning Scheme which provides greater certainty. • Will secure minimum garden areas to provide the opportunity for viable planting of trees of appropriate tree species into the future.
Restricting the number and size of crossovers and hardstanding areas.	• Will ensure adequate open space/garden areas to provide the opportunity for viable planting of trees/substantial vegetation. • Will ensure maximum opportunities for street trees.

DRAFT

Document Set ID: 8801268
Version: 5, Version Date: 06/12/2019

Actions

Introduce a Scheme provision for grouped dwellings for minimum 'Garden Area' requirements for grouped dwellings (that are required in addition to Outdoor Living Areas as required by the R-Codes) to ensure opportunities for trees and landscaping are secured, as follows:

a) Minimum area of $9m^2$ located wholly on site

b) Be landscaped, uncovered, unpaved, free draining soil not to be used for vehicle parking

c) Be a minimum length and width dimension of 3m

d) Not be used for vehicle parking or access

e) Contain no buildings, patios, pergolas, swimming pools or external fixtures

f) Distributed appropriately throughout the development to maximise the positive impact on neighbour character; reduce the heat island effect; and maximise amenity for residents.

Local Planning Policy to include design guidance regarding the requirement:

- Encourage development design to co-locate Garden Areas with any existing trees.

DRAFT

Document Set ID: 8801268
Version: 5, Version Date: 06/12/2019

3.2 Incompatible Built Form Outcomes

There are examples where infill development has responded to existing residential character, and sits comfortably alongside existing single residential development without negatively impacting on the streetscape. In some cases infill development has provided an opportunity to enhance the streetscape, for example with new development addressing an inactive secondary street (see Figure 4 - Spearwood).

Infill development detracts from the existing streetscape character where:

- Dwellings are designed with a form, bulk, scale and roofline that may be incompatible with an existing 'suburban residential' character.
- There is loss of landscaping on the site and hardstanding predominates (from driveways, parking areas, access etc.)

The Residential Design Codes seeks to ensure that residential development responds to the local context (5.1 Context Objectives):

(b) To ensure that designs respond to the key natural and built features of the area and respond to the local context in terms of bulk and scale, or in the case of precincts undergoing a transition, will respond to the desired future character as stated in the local planning framework.

Furthermore, SPP 7.0 refers to 'intended future character of an area', as outlined below:

Design Principle 1. Context and character
Good design also responds positively to the intended future character of an area.

Design Principle 3 – Built form and scale
Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.

In this regard the City's Revitalisation Strategy areas, or areas where infill development can occur, are areas that are undergoing transition. It is therefore critical to define the desired future character through the local planning framework.

The Residential Design Codes seeks to ensure that residential development meets the expectations of the community in regard to appearance, use and density, as follows:

5.1 Context Objectives

e. To ensure that development and design is appropriately scaled, particularly in respect to bulk and height, and is sympathetic to the scale of the street and surrounding buildings, or in precincts undergoing a transition, development achieves the desired future character of the area identified in local planning framework.

However it is clear that the R-Codes on their own are not delivering good grouped dwelling outcomes, as they provide minimal design guidance. It is therefore critical that the local planning framework provide further design



Figure 4. Example of infill development that retained trees and provided active frontage replacing a blank fence

DRAFT

Document Set ID: 8801268
Version: 5, Version Date: 06/12/2019

guidance and integrate the design principles set out in SPP 7.0.

In this regard the objective of the 'Residential' zone should be updated to reflect the Model Scheme provisions to ensure reference to design and amenity issues.

It is also considered appropriate to elevate the significance of the advice from the Design Review Panel which will be pivotal in achieving improved design outcomes for grouped dwellings, by including a reference in the Scheme.

ACTIONS

- Identify the desired future local character for inclusion in the Local Planning Policy.
- Set out objectives and design guidance within the Local Planning Policy requiring compatible built form outcomes.
- Scheme Amendment to modify the objectives of the 'Residential' zone in line with the Model Scheme provision which references amenity and design outcomes.
- Scheme requirement for 'Garden Areas' for each dwelling to ensure development respects the garden character of existing residential areas.
- Scheme Amendment to require consideration to be given to any advice of the Design Review Panel.

3.3 Dwelling functionality and amenity

In the first instance the size and dimensions of many infill development sites is a constraint to development in itself. Often there are limited options for vehicle access arrangements due to narrow frontages, and subsequently there are limited options for dwelling siting and orientation. These constraints also impact the internal layout and design of the dwellings.

Often the development outcome is driven by the maximum achievable yield, and the desire to accommodate the largest dwellings possible on the site. On a constrained site this can result in –

- Poor dwelling orientation which limits opportunities for cross-ventilation and passive solar design.
- Outdoor living areas that are sited in a way that does not offer the best levels of amenity in terms of solar access, outlook, and privacy.
- Internal layout of dwellings that does not offer convenience and flexibility to accommodate furniture and belongings.
- Rooms that are undersized or inappropriately dimensioned for their intended function.

Such outcomes do not contribute positively to the City's housing stock, and do not align with two of the key objectives of the City's Housing Affordability and Diversity Strategy:

- *To provide households with access to housing that is appropriate to their needs in terms of size, physical attributes and location.*
- *To promote affordable living, taking into consideration the total cost of living in a*

DRAFT

Document Set ID: 8801268
Version: 5, Version Date: 06/12/2019

dwelling, including energy and water consumption, the price of transport to access employment and essential services, and other daily needs impacted by location.

SPP 7.3 (Apartments) has responded to this issue by including minimum room dimensions for apartments, and it is recommended that such measures be considered for inclusion in LPP 1.2 for grouped dwellings.

Many of these objectives and provisions are also relevant for grouped dwellings, and could be adapted for inclusion in LPP 1.2 to seek improved design outcomes. This will ensure that dwellings provide high levels of amenity for occupants, and contribute to the creation of diverse and high quality housing to meet the needs of the community.

ACTIONS

- Local Planning Policy to identify measures such as those included within SPP 7.3 for grouped dwellings to ensure dwellings meet the needs of occupants and contribute positively to the City's housing stock.
- Local Planning Policy to include modified requirements from SPP 7.0:
  - Solar and daylight access
  - Natural ventilation

3.4 Housing diversity objectives

One of the key finding of the City of Cockburn Housing Affordability and Diversity Strategy was that the City's current housing stock does not match the projected smaller households, and will not provide an adequate range of housing choices for future households. It was identified that a greater number of smaller dwellings will be required to meet the needs of smaller households.

The Strategy identified the predominance of dwellings with three or more bedrooms across most suburbs. When this housing stock is compared with the projected household structures for 2031, a mismatch is evident.

The revitalisation strategies and infill development were identified in the Strategy as the ideal opportunity to address the housing issues identified through the Strategy, and to ensure the housing stock matches the needs of future households.

However, the review of the Housing Affordability and Diversity Strategy included a review of approved development applications in Spearwood and Hamilton Hill from 2015 (2 year period). This identified the following:

- Spearwood: 86% of grouped dwellings approved since 2015 are 3+ bedrooms.
- Hamilton Hill: 86% of grouped dwellings approved since 2015 are 3+ bedrooms.

Given that grouped dwellings represent the majority of infill development outcomes, it is evident that they are not contributing to resolving the housing stock mismatch identified in the Housing Affordability and Diversity Strategy. The proposed requirement for Garden Areas will not affect lot yield, but it will result in 9m^2 of land for each dwelling being dedicated to

Document Set ID: 8801268
Version: 5, Version Date: 06/12/2019

a deep soil zone/garden area which will reduce the area available for the dwelling footprint. This will assist in achieving the objectives of the Housing Affordability and Diversity Strategy for smaller dwellings.

Furthermore, including room dimension guidance such as those included in SPP 7.2 will ensure that dwellings are well-designed and functional.

Special Purpose Dwellings

The R-Codes offers incentives for the development of smaller dwellings or aged and dependent persons' dwellings. It sets out that the minimum site area for these dwellings is one third lower than would otherwise be applied. This provision therefore allows up to 50 per cent more dwellings to be provided on the site if they are single bedroom or aged and dependent person's dwellings.

The R-Codes provide for development of single bedroom dwellings to provide alternative and affordable housing options for singles or couples. The 'deemed to comply' requirement limits the plot ratio of a single bedroom dwelling to 70m².

This dwelling type was examined through the City's Housing Affordability and Diversity Strategy. It was determined that the maximum plot ratio is considered important, however the restriction on number of rooms capable of use as a bedroom is considered restrictive in today's housing market.

Given that the 'design principles' provides for housing suitable for one or two persons, the limitation of only one room capable of use as a bedroom is considered to prejudice the use of the dwelling for two people other than a couple. There may be many instances where a parent and child, two siblings, two friends/flatmates or other non-couples wish to reside together in a small dwelling without being restricted to one bedroom.

In response to this, a key recommendation of the Housing Affordability and Diversity Strategy was to allow a second 'multi-purpose' room, and the Local Planning Policy for Single Bedrooms was amended accordingly.

This included insertion of a new clause providing acceptance of an additional multi-purpose room capable of use as a second bedroom if required where the dwelling complied with the maximum plot ratio set out in the R-Codes, and where it provided limited accommodation suitable for one or two persons.

It was envisaged that in the majority of instances however, the second room will typically be used as an ancillary or utility type space such as a study, a spare room, an activity room or a guest bedroom. This extra space is consistent with modern expectations and standards in contemporary housing and provides for greater flexibility generally regarding occupancy and use. Therefore such dwellings are considered to make a more valuable contribution to the City's housing stock.

This flexibility was considered to be unlikely to cause any impact on the amenity of an area or adjoining neighbours; it simply provides a more flexible floor plan that will suit a greater range of smaller household, and it will make the incentive more attractive.

However, the definition of 'single bedroom dwelling' in the R-Codes stipulates that there is to only be one habitable room capable of being used as a bedroom. This has created some ambiguity in the framework, and it is recommended that this be resolved and formalised by including a new definition and density bonus in the Scheme for 'Special Purpose – Small Dwellings' to reflect the desired outcome.

DRAFT

Document Set ID: 8801268
Version: 5, Version Date: 06/12/2019

'Special Purpose – Small Dwellings' would be restricted to 70m^2, however would allow up to two habitable rooms capable of use as a bedroom.

The lack of accessible dwellings within the Perth metropolitan area and the City of Cockburn was identified in the Housing Affordability and Diversity Strategy.

To assist in addressing this issue it is also recommended that 'Special Purpose – Small Dwellings' be required to meet the Liveable Homes – Silver Performance level.

ACTIONS

- Scheme Amendment to specify minimum garden areas for grouped dwellings.
- Scheme Amendment to include a new density bonus in the Scheme for 'Special Purpose – Small Dwellings', required to be built to Silver Liveable Homes Standard.
- Local Planning Policy to specify improved functionality of dwellings by including provision such as those included in SPP7.3.

3.5 Parking impacts

Across the Perth metropolitan area in various contexts there has been concern regarding the impact of parking associated within infill development.

Typically on infill sites the level of occupancy, the number of cars for residents, and associated visitor parking is greater than that generated by a single dwelling previously contained on the lot.

This issue may be exacerbated where:

- The current road does not accommodate on street parking/has limited on street parking which restricts overflow visitor parking options.
- In the head of culs-de-sac where there is limited on street parking, smaller frontages and verge areas, and constraints to bin placements.

This may reduce on street parking opportunities for existing residents, impede traffic and vehicle movements in the street, and degrade the pedestrian and cyclist environment.

This can also result in the following impacts:

- On-site parking (resident and visitor parking) resulting in substantial areas of hardstanding.
- The visual impact of vehicles parked within the verge and street.
- Change to the valued character of suburban residential areas where they have been characterised by dwellings set amongst landscaping and open space.

It is therefore recommended that modifications to LPP 1.2 consider further guidance regarding parking requirements.

DRAFT

Document Set ID: 8801268
Version: 5, Version Date: 06/12/2019

ACTIONS

Local Planning Policy to provide further design guidance regarding:

- Minimising crossovers and hardstanding.
- Restricting variations to 'deemed-to-comply' parking requirements where development abuts a cul-de-sac head.

Scheme Amendment to specify minimum garden areas for grouped dwellings - will assist in reducing the visual impact of parking areas.

DRAFT

Document Set ID: 8801268
Version: 5, Version Date: 06/12/2019

KEY PLANNING ISSUE	DESCRIPTION OF ISSUES	POTENTIAL IMPACT	*RESPONSE*
Loss of landscaping and tree cover	Siteworks undertaken to create level dwellings sites and driveways resulting in the removal of vegetation from the site upfront. Greater site coverage to accommodate additional dwelling yields; and smaller front and side setbacks results in limited opportunities for landscaping. 'Open space' requirement includes driveways, parking bays therefore this accounts for much of the 45 per cent open space. Additional and/or widened crossovers in some cases removing existing street trees; and limiting future street tree opportunities. Driveways and parking resulting in substantial hardstanding areas, limiting landscaping opportunities.	Change to the valued character of suburban residential areas where they have been characterised by dwellings set amongst landscaping and open space. Poor living environments - Dwellings that have sub-optimal levels of comfort and amenity for occupants and visitors. Negative impact on the amenity of pedestrians and cyclists through reduced shade (and future shade opportunities). Loss of trees contributes to the heat island effect, which has associated negative amenity and health impacts.	***Define the desired future character to identify objectives and determine appropriate measures to protect this character.*** ***Local Planning Policy (LPP) provisions to minimise crossovers and hardstanding areas.*** ***Scheme requirement for Garden Area requirements to provide landscaping opportunities.*** ***Scheme requirement supported by LPP guidelines for Garden Areas to provide opportunities for tree planting on all grouped housing sites.***
Incompatible built form outcomes	Grouped dwellings that are incompatible with an existing 'suburban residential' character by way of their style, siting, orientation, form, bulk, scale and roofline. This can be exacerbated by the greater site coverage, additional hardstanding and loss of vegetation.	Change to the valued character of suburban residential areas where new development does not reflect the predominately 'suburban' residential function of the neighbourhood.	***Define the desired future character to identify objectives and determine appropriate measures to protect this character.***
Dwellings lacking functionality and amenity	Dwellings that lack functionality to meet the need of occupants due to poor internal layouts, undersized rooms, and lack of flexibility to accommodate future requirements or the needs of different occupants/households.	Dwellings that do not contribute positively to the City's housing stock to meet the needs of the community. Dwellings that do not meet the objectives of the Housing Affordability and Diversity Strategy to provide housing appropriate to the needs of households; and to promote affordable living.	***Identify requirements that provide guidance for internal layouts, minimum room sizes within LPP.***
Housing diversity objectives not being achieved	Infill grouped dwelling developments typically comprise the largest dwelling(s) that can be accommodated on the site based on the applicable site coverage and setbacks. Therefore the majority of infill development at a coding of R30 or R40 have resulted in three bedroom, two bathroom grouped dwellings.	Infill housing does not meet the objectives of the Housing Affordability and Diversity Strategy to provide smaller housing types to meet the projected housing needs of the community.	***Scheme requirement for Garden Area requirements to provide landscaping opportunities.***
Parking impacts	Increased need for resident and visitor parking due to increased dwelling yield. Issue exacerbated in culs-de-sac due to parking restrictions On-site parking (resident and visitor parking) resulting in substantial areas of hardstanding.	Change to the valued character of suburban residential areas where they have been characterised by dwellings set amongst landscaping and open space. Impact on vehicle movements including waste trucks.	***Ensuring appropriate guidance within LPP for on-site parking (visitor and resident), including within culs-de-sac.***

DRAFT

Document Set ID: 8801268
Version: 5, Version Date: 06/12/2019

4.0 Review of Local Planning Framework

4.1 Application of the Residential Design Codes

In considering changes to the local planning framework, the following key points are pertinent in relation to the R-Codes:

- Where development complies with deemed-to-comply provisions of the R-Codes it does not mean it must be approved 'as of right'. This means there is an opportunity for the Local Planning Framework to provide further guidance.
- Where provisions of a Local Planning Policy are intended to apply in a manner that goes beyond the R-Codes consideration must be given to the sound planning principles behind the requirement. (ie. what is the material and discernible impact on amenity, the streetscape etc)

Other important notes:

- There is extensive reference to the 'Local Planning Framework' throughout the 'Design Principles' therefore the importance of a robust Local Planning Framework is critical in ensuring good outcomes through the application of the 'Design Principles'.

4.2 Local Planning Policies

LPP 1.2 Residential Design Guidelines

LPP 1.2 was prepared and adopted as part of the Phoenix Revitalisation Strategy, the City's first Revitalisation Strategy. This was in response to an identified need to provide further design guidance, and in response to concerns from the community regarding the possible negative impact of infill development.

LPP 1.2 was also proposed to provide greater clarity on certain elements of the R-Codes that were ambiguous, based on experience with grouped dwellings at that time.

In light of the gazettal of SPP 7.0, it is considered appropriate to review LPP 1.2 to:

- Integrate and further expand upon the principles of SPP 7.
- Address the key issues discussed in this report in relation to grouped dwellings to achieve improved development outcomes.

It is recommended that LPP 1.2 be modified as follows:

- Re-structured around the 10 design principles of SPP 7.0 to facilitate greater focus on high quality design and functionality outcomes.
- To specifically identify the desired future character.
- Focus on setting out design guidance to protect desired future character by ensuring infill development is compatible.
- Include measures set out in 'SPP 7.3 Apartments' to achieve more sustainable design, and more functional internal layouts.

Any proposed modifications would be subject to extensive stakeholder consultation.

DRAFT

Document Set ID: 8801268
Version: 5, Version Date: 06/12/2019

4.3 City of Cockburn Town Planning Scheme No. 3

The City is in the process of reviewing the Local Planning Strategy and Scheme, however in the interim it is considered appropriate to examine measures to achieve more site responsive infill for grouped dwellings given that it is likely to be approximately 2 years before Design WA addresses medium density/grouped dwellings.

Given the number of applications received for grouped dwellings it is appropriate to consider interim changes to assist in integrating the principles of SPP 7.0 and to address the issues outlined in this report.

Objective of the Residential zone

Currently the objective of the 'Residential' zone is:

'To provide for residential development at a range of densities with a variety of housing to meet the needs of different household types through the application of the Residential Design Codes.'

This objective is outdated and does not address pertinent design, amenity and streetscape issues that are critical considerations for the residential zone, and in particularly grouped dwellings. Accordingly it is recommended that the Model Scheme objective be adopted, as follows:

- *To provide for a range of housing and a choice of residential densities to meet the needs of the community.*
- *To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.*
- *To provide for a range of non-residential uses, which are compatible with and complementary to residential development.*
- *To ensure development maintains compatibility with the desired streetscape in terms of bulk, scale, height, street alignment and setbacks.*

Design Review Panel

It is considered appropriate to make reference to the City's Design Review Panel, which the DPLH have indicated are proposed to be included in the Deemed Provisions. This will elevate the significance of the DRPs advice which will be pivotal in achieving improved design outcomes for grouped dwellings (and all development), and implementing the objectives of SPP 7.0 and the City's modified Local Planning Policy.

Inclusion of an additional clause under Schedule A- Supplemental Provisions (Matters to be considered by local government) is recommended as follows

67. (zc) Any advice of the Design Review Panel.

Garden Area Requirement

To address the issue of loss of tree canopy as a result of infill, it is considered appropriate to require each grouped dwelling to provide a 'Garden Area' capable of supporting a tree. The following requirements are recommended, to be included in the Scheme to given the requirement statutory weight:

- Provision of a $9m^2$ area, with a minimum dimension of 3m to facilitate the viable establishment of a tree 4-8m in height, with a canopy of 4-6m. This is to be provided in addition to the outdoor living areas required by the Scheme.

DRAFT

Document Set ID: 8801268
Version: 5, Version Date: 06/12/2019

- Provision of one Garden Area per dwelling which is considered to provide a logical, proportionate rate.

These requirements would result in sufficient opportunities for landscaping to:

- Provide shade and reduce heat from hardstand and buildings within the development;
- Soften the appearance of the built form;
- Contribute to and protect the desired future neighbourhood character;
- Provide visual relief to long driveways.

Special Purpose – Small Dwellings

It is recommended that the Scheme be amended to formalise the City's allowance for a second multi-purpose room in 70m^2 Single Bedroom dwellings (as currently set out in Single Bedroom Dwellings - LPP1.5) consistent with the Housing Affordability and Diversity Strategy. It is also recommended that these dwellings be required to meet the Silver Liveable Homes standard.

In this regard it is recommended that a new dwelling type be defined in the Scheme 'Special Purpose – Small Dwellings' which still restricts the plot ratio to 70m^2, but allows a second bedroom to facilitate greater flexibility for a variety of different two person households.

The clause will effectively include the density bonus set out in the R-Codes for single bedroom dwellings, and apply it to a new type of dwelling, as follows:

4.4.6 Special Purpose - Small Dwellings

a) 'Special Purpose – Small Dwelling' are single or grouped dwellings that have a maximum floor space of 70m^2, contain no more than two habitable rooms capable of use as a bedroom and meet the Liveable Housing Design Silver Performance Level at a minimum.

b) For the purposes of a 'Special Purpose – Small Dwelling' the site area may be reduced by up to one third, in accordance with clauses 5.5.2 and 5.5.3 of the Residential Design Codes which shall only be applied where development is proposed.

All other provisions of the R-Codes and the City's Local Planning Policy 1.2 will apply to development of 'Special Purpose- Small Dwellings'.

DRAFT

Document Set ID: 8801268
Version: 5, Version Date: 06/12/2019

Summary of other Local Government Scheme Provisions

There are a number of Local Governments currently reviewing the local planning framework to address

	Summary of provisions/measures
City of Fremantle	• Introduced provisions relating the Design Advisory Committee and matters associated with design quality of development in 2013 (Amendment No. 49). • Scheme Amendment No. 63 (gazetted 12/02/2019): • Introduced a new Special Control Area 5.7 relating to small infill development (SCA 5.7). • Introduction of Clause 5.7 - Special Control Area provisions for small infill development. • Additional wording to '6.12 Schedule A – Supplementary provisions to the deemed provisions' • Clause 78B – Advisory Committees - includes requirement for small infill development proposals to be referred to Design Advisory Committee prior to determination. • 6.8 Schedule 8 (Local Planning Areas Development Requirements) - Scheme includes eight Local Planning Areas (sometimes divided into sub-areas) - Offer density bonuses set out in the Scheme if criteria in the Scheme are met, and this criteria is mandatory.
City of Rockingham	• In 2018 inserted provisions regarding Design Review Panel (Clause 6.1 Design Review Panel), requiring Council to have 'due regard' to recommendations of DRP.
City of Stirling	Local Planning Policy 6.11 – Trees and Development Scheme provision (Amendment No. 9) and Local Planning Policy 6.11 'Trees and Development' - sets out new design requirements for trees on development sites For Development Applications with a value over $100,000: • For land with a significant tree, there is a requirement to either retain it, or plant one new advanced tree for every 500sqm (or part thereof) of land being developed. • For land without a significant tree, there is a requirement to plant one advanced tree for every 500sqm (or part thereof) of land being developed. • All trees, either newly planted advanced trees or significant trees being retained, must be surrounded by a 9m2 deep planting zone per tree to allow growth to maturity. • Requirement for Tree Protection Zones during construction.
City of Joondalup (Proposed)	A whole new framework for all new development – single dwellings, grouped dwellings and multiple dwellings through designation of Special Control Areas – Housing Opportunity Areas.

DRAFT

Document Set ID: 8801268
Version: 5, Version Date: 06/12/2019