

**9.1.7 LATE ITEM: Proposed Scheme Amendment to Prohibit Multiple Dwellings in Mount Hawthorn**

<b>Ward:</b>	North	<b>Date:</b>	17 October 2014
<b>Precinct:</b>	Mount Hawthorn	<b>File Ref:</b>	SC1988
<b>Attachments:</b>	<a href="#">001</a> – Scheme Amendment Document		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	J O’Keefe, A. Manager Strategic Planning, Sustainability and Heritage Services		
<b>Responsible Officer:</b>	G Poezyn, Director Planning Services		

**OFFICER RECOMMENDATION:**

That Council:

1. Pursuant to section 75 of the Planning and Development Act 2005 INITIATES Amendment No. 40 to Town Planning Scheme No. 1 for the purpose of:
  - 1.1 Including Clause 20(4)(h)(ii) in the City of Vincent Town Planning Scheme No. 1 as follows:

“Multiple Dwellings will not be permitted on land coded R30 and below.”; and
  - 1.2 Amending Scheme Map 1 – Mount Hawthorn to include in the additional information text box the following:

“Multiple Dwellings will not be permitted on land coded R30 and below”; and
2. FORWARDS Amendment No. 40 to Town Planning Scheme No. 1 to:
  - 2.1 The Environmental Protection Authority pursuant to Section 81 of the Planning and Development Act 2005; and
  - 2.2 The Western Australian Planning Commission for its information; and
3. SUBJECT to no objections being received from the Environmental Protection Authority in response to 2.1 above, ADVERTISES Amendment No. 40 to Town Planning Scheme No. 1 for public comment for a period of 42 days, pursuant to the Town Planning Regulations 1967.

**PURPOSE OF REPORT:**

To present Council with a further report to consider a scheme amendment to prohibit multiple dwelling developments in the precinct of Mount Hawthorn.

**BACKGROUND:**

Council at its meeting on 9 September 2014 adopted a Notice of Motion to require the Administration to submit a report to Council to consider a further amendment to the town planning scheme to prohibit multiple dwellings in Mount Hawthorn on land zoned R30 and below.

This motion is in response to the changes that were made to the Residential Design Codes in 2010 which removed the requirement for minimum lot sizes for multiple dwelling developments on land zoned R35 and below. The effect of these changes are that greater dwelling yields can be achieved than would be permitted when minimum lot sizes apply.

This is causing concern among residential communities in areas that comprise predominantly of single residential dwellings. Accordingly the Western Australian Planning Commission (WAPC) has identified this conflict as becoming an 'emerging issue' and are currently seeking public comment to make changes to the R Codes in this regard. The City welcomes the actions of the WAPC.

The local community of Mount Hawthorn have raised concerns that the ongoing development of multiple dwellings in the area will contribute to increased traffic, parking problems and a gradual loss of the character of the area.

To address these concerns Council has considered this matter on numerous occasions.

**Previous Reports to Council:**

Date	Comment
17 December 2013	Council carried a Notice of Motion requesting that 'investigations be undertaken to restrict multiple dwelling developments in areas zoned R30 in Mount Hawthorn, Leederville and North Perth'.
11 February 2014	To address this matter Council supported that work commence in relation to the following two options that were presented:  <i>Option 2 – Scheme Amendment to Town Planning Scheme No. 1 for selected areas zoned Residential R30 and R30/40 in Mount Hawthorn, Leederville and North Perth – Mount Hawthorn, Smiths Lake, Leederville and North Perth Precincts; and</i>  <i>Option 4 - Local Planning Policy Amendment</i>
27 May 2014	A report was prepared to appoint a Consultant to prepare a Scheme Amendment and Local Planning Policy but was withdrawn due to the 2014 Residential Design Codes review.
24 June 2014	It was recommended Council progress a Scheme Amendment and Local Planning Policy despite changes to the R Codes. The scheme amendment was deferred but the local planning policy relating to multiple dwellings in lower zoned areas was initiated.
22 July 2014	Council initiated a scheme amendment 39 which would classify Multiple Dwellings in Mount Hawthorn as an 'SA' use.
9 September 2014	A Notice of Motion was carried by Council requiring the Administration submit a report to consider a further amendment to the town planning scheme to prohibit multiple dwellings on land zoned R30 and below in Mount Hawthorn.

*Scheme Amendment 39*

Scheme Amendment 39 proposes to list multiple dwellings in Mount Hawthorn as an 'SA' use. This means Council will have discretion to determine whether a multiple dwelling use is appropriate or not in a location and would do so after mandatory advertising of the proposal has been done.

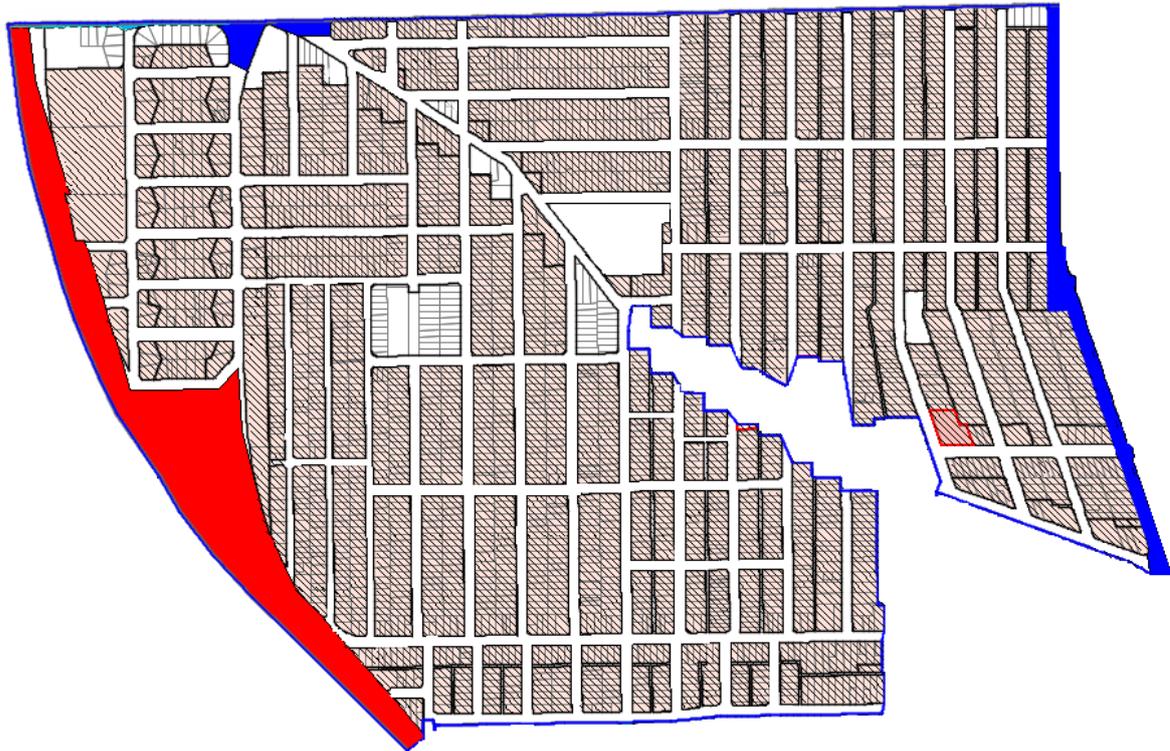
The advertising period of this amendment closed on 7 October 2014. 40 submissions were received with 80% support of the amendment. It is proposed to present the report for final adoption on this Scheme Amendment to Council at the 4 November 2014 meeting.

**DETAILS:**

While the current initiatives address the issues of multiple dwellings in predominantly single residential areas in various ways, they do not prohibit multiple dwellings in Mount Hawthorn.

To achieve this complete ban a scheme amendment of the City's Town Planning Scheme 1 is required which would introduce the following changes:

1. Amend Clause 20 (4) (h) To include the following:  
*'(ii) Multiple Dwellings will not be permitted on land coded R30 and below'*
2. Amend the 'additional information' text box contained on Scheme Map 1 to include the following:  
*'Multiple Dwellings will not be permitted on land coded R30 and below'*



**Figure 1: Affected land within Mount Hawthorn for a proposed Scheme Amendment**

This scheme amendment will be known as Scheme Amendment 40 and would ensure that the ban would only apply to the single residential areas zoned R30 and below and the higher density areas on major roads would be exempt.

#### **CONSULTATION/ADVERTISING:**

All scheme amendments are subject to public consultation. However, before doing so the amendment will need to be referred to the Environmental Protection Authority (EPA) to assess the environmental impacts of the proposal and to determine whether any formal environmental assessment is necessary.

The *Town Planning Regulations 1967* (Regulation 25(2)) provides that where an amendment is consistent with the Planning and Development Act and related Regulations, the Metropolitan Region Scheme (MRS), local Planning Scheme and adopted State Planning Policy, then the local government may itself commence public advertising of the Scheme Amendment (following receipt of advice from the EPA), without the need to refer the amendment to the Western Australian Planning Commission (WAPC) for consent to advertise.

Amendment No. 40 is considered to pass the tests for the City to be able to commence public advertising of the proposal itself, without seeking the WAPC's consent to advertise, because the amendment is seeking to prohibit multiple dwellings in a limited area of the district, exactly as already exists in TPS 1, in clauses 20(4)(a) – Cleaver Precinct P5, 20(4)(e) – Hyde Park Precinct P12 and 20(4)(f) – Forrest Precinct P14. Accordingly, Administration has recommended initiation of Amendment No. 40, referral to the EPA and commencement of advertising if no objection is received from the EPA. If Council adopts this recommendation and subject to the EPA's response, the amendment will be advertised for public comment for a period of 42 days, by way of:

- Advertisement in a local newspaper for one week;
- Placement of signs in prominent/appropriate locations, giving notice of the proposal;
- Notice of the proposed amendment in the Civic Centre and Administration building;
- Display on the City's website; and
- Referral in writing to affected persons and agencies.

**LEGAL/POLICY:**

- City of Vincent Town Planning Scheme No. 1 and associated Policies;
- Residential Design Codes 2013;
- Planning and Development Act 2005;
- Town Planning Regulations 1967.

**RISK MANAGEMENT IMPLICATIONS:**

Without this amendment to the City's Town Planning Scheme No. 1, Multiple Dwellings will remain a permitted use in the residential zone of Mount Hawthorn.

There is a chance that the City's new TPS 2 might be finalised ahead of Amendment No. 40 – in which case that amendment would have no effect. Additionally, there is a risk that the WAPC and/or the Minister for Planning could reject Amendment No. 40 on the basis that the WAPC's proposed amendments to the R-Codes may address the current unintended impacts of multiple dwellings in predominantly single residential areas (refer Item 9.1.6 in this Agenda). Notwithstanding, these risks are not considered to present sufficient grounds for not initiating Amendment No. 40 and at least inviting and considering public feedback on the proposal – recognising there will likely be a wide range of opinions for and against the proposal.

**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2013 - 2017 states:

*“Natural and Built Environment:*

*Objective 1.1: Improve and maintain the natural and built environment and infrastructure.*

*1.1.1 Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision.*

*1.1.2 Enhance and maintain the character and heritage of the City.*

*Leadership, Governance and Management:*

*Objective 4.1: Provide good strategic decision-making, governance, leadership and professional management.*

*4.1.4 Plan effectively for the future.*

*4.1.5 Focus on stakeholder needs, values, engagement and involvement.”*

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**SUSTAINABILITY IMPLICATIONS:**

ENVIRONMENTAL	
Issue	Comment
The Amendment and preparation of local planning policy will assist in preserving amenity in character areas and achieving high design quality (including liveability) for new dwellings.	

SOCIAL	
Issue	Comment
The Amendment will facilitate the City's intention to protect and promote housing and precinct character, and assist in providing a diverse housing choice within the municipality.	

ECONOMIC	
Issue	Comment
The Amendment may assist in preserving and enhancing property values in the precincts, by promoting the retention of architectural character of properties in the area.	

**FINANCIAL/BUDGET IMPLICATIONS:**

Expenditure for this matter will be paid from the operating budget: Town Planning Scheme Amendment Policies.

**COMMENTS & CONCLUSION:**

With the Western Australian Planning Commission taking steps to reduce the impacts of multiple dwellings on all land zoned R35 and below and the progress of Scheme Amendment 39 there are a number of processes in place to limit the impact of multiples dwellings in areas such as Mount Hawthorn.

The City's position is informed by its strategic vision as outlined in the City's draft Local Planning Strategy and captured by the following statement from the LPS:

*The City supports multiple dwelling developments on major roads, in the town centres and in strategic growth areas but should investigate the appropriate measures to restrict or limit the impact these may have on the residential areas of the City including areas such as Mount Hawthorn in which multiple dwellings are considered out of character.*