

<b>13.8</b>	<b>Proposed Scheme Amendment 202 – Lot 7 (52) Stirling Highway, Nedlands</b>
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<b>Council</b>	23 June 2015
<b>Applicant</b>	Planning Solutions (Aust) Pty Ltd
<b>Owner</b>	Stirling 52 Pty Ltd
<b>Officer</b>	Jennifer Heyes – Manager Planning
<b>Director</b>	Peter Mickleson - Director Planning & Development
<b>Director Signature</b>	
<b>File Reference</b>	PLAN-PA-00003
<b>Previous Item</b>	PD 26.15

### Executive Summary

This item is a CEO report to Council as the matter was resolved at the 25 May Council meeting, but further clarification on the resolution is requested.

The Council resolution was:

**That the application to rezone Lot No. 7 (No. 52) Stirling Highway be referred to Administration for consideration in Town Planning Scheme No.3.**

Under the *Town Planning Regulations 1967* when an application is made for a scheme amendment, the Council is required to resolve either to:

1. Proceed with the scheme amendment, and adopt (initiate) the scheme amendment in accordance with the *Planning and Development Act 2005*; or
2. Not to proceed with the amendment.

Further clarity is requested on whether the Council has resolved “not to proceed with the scheme amendment”, so that the applicant can further consider their options at this time.

A copy of the minutes, including the Officer’s report is attached. Given that Council at its last Council meeting resolved not to initiate further amendments to TPS2, it is recommended Council amends the resolution set out above to clarify that the Council has resolved not to proceed with this amendment.

This site will be considered under the revised Local Planning Strategy and draft Town Planning Scheme No.3 in any case, as it is located directly off Stirling Highway

## **Recommendation to Council**

### **Council:**

- 1. Does not proceed with the Amendment to Town Planning Scheme No.2 to rezone Lot 7 (52) Stirling Highway, Nedlands from 'Residential R35' to 'Special Use' for the following reasons:**
  - a) The scheme amendment is premature due to the lack of suitable Local Planning Framework, specifically a Local Planning Strategy, being in place; and**
  - b) Council has recently resolved not to initiate further amendments to Town Planning Scheme No.2 in order to expedite the completion of a Local Planning Strategy;**

### **Attachments**

- 1. PD26.15 Committee & Council Minutes May 2015, including Administration report**

<b>PD26.15</b>	<b>Scheme Amendment 202 – Initiation Report</b>
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<b>Committee</b>	12 May 2015
<b>Council</b>	26 May 2015
<b>Applicant</b>	Planning Solutions (Aust) Pty Ltd
<b>Owner</b>	Stirling 52 Pty Ltd
<b>Officer</b>	Holly White – Strategic Planning Officer
<b>Director</b>	Peter Mickleson – Director Planning & Development Services
<b>File Reference</b>	PLAN-PA-00003
<b>Previous Item</b>	D11.06, PD49.14

*Councillor Argyle declared a proximity interest in item PD26.15, Scheme Amendment 202 – Initiation Report as previously declared in item 5.1 of this agenda and departed the Chambers at 9.10pm.*

*Cr Hay departed the Chambers at 9:14pm and returned at 9:15pm.*

**Regulation 11(da) – Council agreed to refer the application for rezoning of Lot 7 (No. 52) Stirling Highway to Administration for consideration in the Town Planning Scheme No. 3.**

Moved – Councillor Shaw

Seconded – Councillor Binks

Committee Recommendation / Recommendation to Committee

Council:

1. Pursuant to Section 75 of the *Planning and Development Act 2005*, initiate an Amendment to Town Planning Scheme No. 2 to rezone Lot 7 (No. 52) Stirling Highway, Nedlands from 'Residential R35' to 'Special Use'; and
2. Advise the applicant that Council's preliminary initiation of the Scheme Amendment is not to be construed as approval of the built form provisions in Table 2, and that reconsideration is expected in regard to these provisions following consultation with the community.

**LOST 1/11**

(Against: Mayor Hipkins; Crs. Hay, James, Horley, McManus, Smyth, Hassell, Porter, Binks, Hodsdon & Wetherall)

**Foreshadowed Motion**

Moved – Councillor Shaw

Seconded – Councillor Hassell

**That the application to rezone Lot No. 7 (No. 52) Stirling Highway be referred to administration for consideration in Town Planning Scheme No. 3.****CARRIED 7/4  
(Against: Crs. Horley, James, McManus & Smyth)**

*Councillor Argyle returned to the Chambers at 9.32pm.*

<b>PD26.15</b>	<b>Scheme Amendment 202 – Initiation Report</b>
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<b>Committee</b>	12 May 2015
<b>Council</b>	26 May 2015
<b>Applicant</b>	Planning Solutions (Aust) Pty Ltd
<b>Owner</b>	Stirling 52 Pty Ltd
<b>Officer</b>	Holly White – Strategic Planning Officer
<b>Director</b>	Peter Mickleson – Director Planning & Development Services
<b>File Reference</b>	PLAN-PA-00003
<b>Previous Item</b>	D11.06, PD49.14

### Committee Recommendation / Recommendation to Committee

#### Council:

1. Pursuant to Section 75 of the *Planning and Development Act 2005*, initiate an Amendment to Town Planning Scheme No. 2 to rezone Lot 7 (No. 52) Stirling Highway, Nedlands from 'Residential R35' to 'Special Use'; and
2. Advise the applicant that Council's preliminary initiation of the Scheme Amendment is not to be construed as approval of the built form provisions in Table 2, and that reconsideration is expected in regard to these provisions following consultation with the community.

## PD26.15 Scheme Amendment 202 – Initiation Report

<b>Committee</b>	12 May 2015
<b>Council</b>	26 May 2015
<b>Applicant</b>	Planning Solutions (Aust) Pty Ltd
<b>Owner</b>	Stirling 52 Pty Ltd
<b>Officer</b>	Holly White – Strategic Planning Officer
<b>Director</b>	Peter Mickleson – Director Planning & Development Services
<b>Director Signature</b>	
<b>File Reference</b>	PLAN-PA-00003
<b>Previous Item</b>	D11.06, PD49.14

### 1.0 Executive Summary

The purpose of this report is for Council to consider an application to initiate an amendment to the Town Planning Scheme No. 2 (TPS No. 2). The application is to amend the zoning of Lot 7 (No. 52) Stirling Highway, Nedlands from 'Residential R35' to 'Special Use'.

At December 2014 Council meeting, this item was withdrawn by the applicant and in April 2015 a revision of the scheme amendment report was received by the City. The revision includes restricting the maximum gross leasable area (GLA) of office use on the site to 50m<sup>2</sup>.

The amendment has been assessed against the current State and Local Planning framework and it is recommended that the amendment is initiated as it generally meets the direction set out in these frameworks. However, it is considered that several components of the amendment need reconsideration, and in particular, the built form guidelines.

The scheme amendment may be considered premature due to the lack of a suitable Local Planning Framework, specifically a Local Planning Strategy, being in place. Nonetheless, the current Local Planning Framework, however outdated, eludes to promoting development along Stirling Highway in some form or another in recognition that it is an 'activity corridor'.

The initiation of the amendment will allow for the amendment to be advertised to the community and relevant stakeholders, and for the Council to make further consideration following this consultation. The Council will then be in a position to either adopt the amendment, with or without modification, or refuse to adopt the amendment.

## 1.1 Recommendation to Committee

### Council:

1. Pursuant to Section 75 of the *Planning and Development Act 2005*, initiate an Amendment to Town Planning Scheme No. 2 to rezone Lot 7 (No. 52) Stirling Highway, Nedlands from 'Residential R35' to 'Special Use'; and
2. Advise the applicant that Council's preliminary initiation of the Scheme Amendment is not to be construed as approval of the built form provisions in Table 2, and that reconsideration is expected in regard to these provisions following consultation with the community.

## 1.2 Strategic Community Plan

KFA: Natural and Built Environment

The proposed Scheme Amendment concerns the Natural and Built Environment in regards to amending the controls set out in TPS No. 2. This will effect land use planning, development approvals, streetscape and compliance.

## 2.0 Background

<b>Property address</b>	Lot 7 (No. 52) Stirling Highway, Nedlands
<b>Lot area</b>	1044m <sup>2</sup>
<b>Zoning</b>	R35
<b>Metropolitan Region Scheme</b>	Urban
<b>Town Planning Scheme No. 2</b>	Residential

The site abuts Stirling Highway, in a predominantly low density residential area serviced by a traditional grid network. The existing structure on the site consists of a two-storey brick residential dwelling. The adjoining sites are single and two-storey dwellings. Under the provisions of the Metropolitan Region Scheme (MRS) the front portion of Lot 7 (No. 52) Stirling Highway is reserved 'Primary Regional Road' and the balance of the lot is zoned 'Urban'.

### 2.1 Key Relevant Previous Council Decisions

In 2005, Scheme Amendment No. 166 proposed to rezone Lot 7 (No. 52) Stirling Highway from 'Residential R35' to 'Office/Showroom – Additional Use: Residential R50 Grouped Dwellings and Multiple Dwellings'.

Council adopted for final approval the scheme amendment at its Ordinary Council meeting on 28 June 2005. On 26 October 2006 the Minister of Planning refused to grant final approval on the basis of it being 'ad-hoc' and decisions needed to be of a more 'holistic' approach.

Specifically, the Minister for Planning and Infrastructure refused to grant final approval for the following reasons:

1. The amendment is ad-hoc and fails to properly recognise the location of the subject land in relation to abutting and nearby residential zoning and development;
2. Intensification of uses along Stirling highway needs to take into account the principles of Network City, including not only further commercial uses but also the need for provision of a wider choice of housing types; and
3. Any rezoning in this vicinity, whether by means of amendments to Town Planning Scheme No. 2 or by inclusion in proposed Town Planning Scheme No. 3, would need to be carried out in a more holistic manner, possibly on a block-by-block basis, and possibly offering significant incentives for amalgamation and comprehensive redevelopment, and taking into account traffic and vehicle circulation issues, building mass and design, and management of the impact on abutting residential areas.

## 2.2 Legislation / Policy

*Planning and Development Act 2005 (P&D Act);  
Town Planning Regulations 1967; and  
City of Nedlands Town Planning Scheme No. 2 (TPS No. 2)*

## 3.0 Consultation Process

Before a Scheme Amendment is initially adopted, there is no requirement for public consultation.

### 3.1 What consultation process was undertaken?

Required by legislation:                      Yes                       No   
Required by City of Nedlands policy:      Yes                       No

### 3.2 How and when was the community consulted?

If Council initiates this amendment there is a statutory process to follow that requires environmental review, referrals to agencies likely to be affected by the proposed scheme amendment and advertisement of the scheme amendment for public inspection as per Part 5 of the *P&D Act*.

## 4.0 Budget / Financial Implications

Within current approved budget:              Yes                       No   
Requires further budget consideration:      Yes                       No

This proposal has no budget or financial implications for the City. The applicant is responsible for meeting the costs associated with the processing of this application.

## 5.0 Risk Management

If Council resolves not to initiate this scheme amendment proposal, the Minister for Planning may instruct that the amendment be initiated. Section 76 of the *P&D Act* states that where the Minister is satisfied on any representation that the local government has failed to adopt (initiate) a proposal which “ought to be adopted”, the Minister may order the local government to do so.

## 6.0 Discussion

### 6.1 Introduction

On 16 December 2014, Scheme Amendment No. 202 – 52 Stirling Highway, Nedlands was withdrawn from the Council agenda at the applicant’s request. The amendment was placed ‘on hold’ by the City, until further notice was given by the applicant.

On 9 April 2015 the City received a revised submission of the Scheme Amendment No. 202 – 52 Stirling Highway, Nedlands. The report had been updated to include additional statutory provisions which are discussed further on.

#### 6.1.1 Site Details

The subject site is located within the suburb of Nedlands, with the City of Nedlands Library 100 metres to the west on Stirling Highway. Predominantly low scale residential properties are located to east, south and west of the subject site, as well as northern properties adjacent on Stirling Highway being residential.

To the south of the lot is a unique layout of three grouped dwellings with a four (4) metre wide access leg which runs parallel to the rear of Lot 7 (No. 52) Stirling Highway and connects to Thomas Street. Please refer to ‘**Attachment 2**’ for a detailed map of the site and surroundings.

The wider surrounding areas include a mix of zonings. To the northeast of the subject site, a larger presence of ‘Office/Showroom’ exists. To the west and northwest of the subject site, the City of Nedlands Library and Administration Building are present. Further west to this is the Captain Stirling site and then the Windsor Cinema.

#### 6.1.2 Proposed Amendment Details

The scheme amendment proposes to rezone Lot 7 (No. 52) Stirling Highway, Nedlands from ‘Residential R35’ to ‘Special Use’. Provisions relating to the ‘Special Use’ would be inserted into the Scheme to control land use and development.

The scheme amendment proposes to include within the Special Use provisions, permissible land uses of:

- Dwelling House – Single;
- Dwelling House – Grouped / Attached;

- Dwelling House – Multiple;
- Home Business;
- Home Occupation;
- Office – General;
- Office – Professional; and
- Officer – Service.

The proposed amendment also includes 'Build Form Provisions' which will be included into the scheme. These address; plot ratio, building heights, residential uses, setbacks and car parking with a 50m<sup>2</sup> GLA cap on the amount of office use permitted on the site.

Please refer to section 6.2.3 of this document for a comprehensive breakdown of the 'Built Form Provisions'.

## **6.2 Planning Context**

### **6.2.1 State Planning Framework**

The State Planning Framework unites existing state and regional policies, strategies and guidelines within a central framework which provides a context for decision-making on land use and development in Western Australia. It informs the Commission, local government and others involved in the planning process on those aspects of state level planning policy which are to be taken into account, and given effect to, in order to ensure integrated decision-making across all spheres of planning.

The State Planning Framework indicates the primary policies and strategies used to clarify and inform the public and those administering planning instruments of the framework of policies and strategies that come into play in planning decisions.

Local governments must have due regard to the provisions that form part of this framework in preparing planning schemes and scheme amendments, and making decisions on planning matters.

The Commission will assess local government town planning schemes and amendments against the State Planning Framework to ensure they are consistent with state and regional policies.

#### ***Directions 2031 and Beyond***

Directions 2031 and Beyond (Directions 2031) is the overarching spatial framework and strategic plan that establishes a vision for the future growth of the Perth and Peel region; and it provides a framework to guide the detailed planning and delivery of housing, infrastructure and services necessary to accommodate a range of growth scenarios. In relation to the land use, Directions 2031 promotes diversity of dwelling types in residential areas. It identifies Stirling Highway as a growth area.

#### ***Central Metropolitan Perth Sub-Regional Strategy***

The Central Metropolitan Perth Sub-Regional Strategy (Sub-Regional Strategy) is a product of Directions 2031, which groups outcomes into more specific regions. It identifies eight strategic priorities to deliver the outcomes sought by Directions 2031.

The strategy sets housing targets for local governments and 'Future Growth Areas'. The revised City of Nedlands' housing target is 2,540 additional dwellings by 2031. The targets also encourage a mix of housing types to provide more opportunities for the renewal and redevelopment of established urban areas while recognising the character of detached housing stock in established suburbs.

The Stirling Highway corridor has been targeted as a 'Future Growth Area' with an aim to providing an additional 1400 dwellings by 2031.

Section 4.2 of the applicants proposed Scheme Amendment Report (see '**Attachment 1**') states:

*'The current restrictions on the use of the subject portion prevent forward planning for Stirling Highway, and has been prepared having regard to SHACS and the rationalisation of the Stirling Highway reservation through Metropolitan Region Scheme Amendment 1210/40.'*

### **Stirling Highway Activity Corridor Study**

The Stirling Highway Activity Corridor Study (SHACS) is an integrated transport and land use planning study for the Stirling Highway precinct. The study is made up of two phases, the first being the MRS Amendment 1210/41 – Rationalisation of Stirling Highway Reservation and the second phase will focus on the preparation of a guidance document for future redevelopment along Stirling Highway.

The second phase document will focus on smaller dwelling provisions to increase housing diversity along the corridor. Street level activity will not be encouraged in existing residential parts of Stirling Highway where the existing character mainly consists of residential uses. Upon completion of the first amendment phase, this will commence.

The MRS Amendment 1210/41 is anticipated to be considered by the WAPC in the near future. The process generally takes another 12 months before the amendment may be subject of disallowance. However, the amendment is given significant weight as it is being seriously entertained to guide development along this portion of Stirling Highway.

### **Metropolitan Region Scheme**

The subject site is predominantly zoned 'Urban' under the provisions of the MRS. Under the MRS, a portion of the subject site fronting Stirling Highway is reserved Primary Regional Road.

### **Metropolitan Region Scheme Amendment 1210/40**

The MRS amendment proposes a rationalisation of the existing Stirling Highway Primary Regional Roads reservation. Amending the reservation over Stirling Highway will provide clarity and certainty for landowners, enable orderly land use planning and, for the first time, confirm the long-term highway design.

Following initiation, administration will refer the amendment to Main Roads which will determine whether the setback provisions are appropriate in relation to the proposed MRS 1210/40 amendment.

Please refer to '**Attachment 2**' for a diagrammatic representation of the current MRS.

Please refer to '**Attachment 1**' section 5.1.1 for a diagrammatic representation of the proposed MRS amendment.

### **Summary of State Planning Framework**

Generally, the above state planning documents require local governments to provide greater housing diversity and for inner City metropolitan areas this will mean housing infill resulting from increased density.

The State Planning Framework sets out specific housing targets for each Local Government and the City should be working to achieve these objectives. The State Planning Framework identifies that Specialised Centres, Activity Centres and Activity Corridors should be the focus areas where these housing infill targets should be met. In relation to this scheme amendment, Stirling Highway has been identified as an 'activity corridor' and as such is a location that the City should be actively encouraging development.

The City needs to start achieving its housing diversity targets and this proposal would work towards that objective.

This proposed scheme amendment seeks to allow for a mostly residential development, that introduces housing diversity, and therefore would be consistent with the State Planning Framework.

### **6.2.2 Local Planning Framework**

#### ***City of Nedlands Town Planning Scheme No. 2***

Lot 7 (No. 52) Stirling Highway, Nedlands is currently reserved MRS Primary Regional Road across the portion of the lot fronting Stirling Highway and is zoned 'Residential R35' across the balance of the lot under TPS No. 2.

The existing zoning does not allow an 'Office' land use and TPS No. 2 does not permit 'Multiple Dwelling'.

A 'Multiple Dwelling' defined by the R-Codes as 'a dwelling in a group of more than one dwelling on a lot where any part of a plot area of a dwelling is vertically above any part of the plot ratio... does not include grouped dwelling; and includes any dwellings above the ground floor in a mixed use development.'

#### ***Draft Stirling Highway Redevelopment Project (2009)***

This document has never advanced past a draft format and was only ever endorsed in principle for inclusion into draft Town Planning Scheme No. 3 (draft TPS No. 3). As a draft document, endorsed only as part of a bigger draft document, the City is unable to give its provisions significant weight in the decision making process as it is not a seriously entertained document.

The draft Stirling Highway Redevelopment Project sought to apply provisions to all development within the Stirling Highway Special Control Area (SCA) within draft TPS No. 3. The control area was then divided into specific Precincts, each with its own Precinct Plan. The document addresses Stirling Highway and the creation of an activity corridor. It promotes a variety of dwelling types, activity nodes and mixed-use development to occur along this activity corridor.

### ***Housing Diversity Study (2006)***

The aim of the Housing Diversity Study was to research in a definitive way how to address:

1. Current housing diversity and land availability in the City;
2. Statistical trends in City Demographics;
3. Trends in housing development;
4. State and Local Government policy;
5. Current Strategic directions within the housing industry; and
6. Strategic direction of the City.

Whilst this document is eight years old and there has been a shift in the State Planning Framework the majority of the local contextual issues are still relevant and recommendations still valid.

The key recommendation from this study states that the most suitable areas to absorb change with minimum impact on City amenity are in precincts adjacent to Stirling Highway, including Broadway. These areas can be considered for introduction of opportunity for subdivision.

### ***Local Housing Strategy (2001)***

Under the provisions of the Local Housing Strategy adopted by Council in 2001, one of the recommendations was that incentives are required to encourage residential development to occur above new commercial developments. The residential density permitted could be equivalent to R50/60. The strategy did recommend that a series of design guidelines for Stirling Highway be introduced to ensure that future development is of high quality.

### **Summary of Local Planning Framework**

There is no holistic Local Planning Strategy to guide the City in its decision making.

The current Local Planning Framework is outdated by a more recent State Planning Framework. Planning philosophies have evolved since the majority of these documents have been published and the draft format of some of these documents means that they do not hold a significant amount of weight.

The scheme amendment may be considered premature due to the lack of a suitable Local Planning Framework, specifically a Local Planning Strategy, being in place. This could be considered a reason for not proceeding with the scheme amendment and would be consistent with the Ministers reasons for refusing to grant final approval to a similar application back in 2006 on this site.

Nonetheless, the current Local Planning Framework, however outdated, eludes to promoting development along Stirling Highway in some form or another in recognition that it is an 'activity corridor'.

The proposed scheme amendment, by its nature of proposing additional housing density and by introducing housing diversity into the City, is generally in line with the broad principles outlined by the City's outdated Local Planning Framework.

The City is currently working towards a draft Local Planning Strategy which will assist Council in considering such amendments.

### **6.2.3 Built Form Provisions**

The proposed scheme amendment involves zoning the site for 'Special Use' and includes specific land use and development provisions which would control the design of any building to be developed on the site.

The following are permitted uses that are proposed by the Scheme Amendment:

*“Dwelling House – Single  
Dwelling House – Grouped / Attached  
Dwelling House – Multiple  
Home Business  
Home Occupation  
Office – General  
Officer – Professional  
Office – Service”*

The following Built Form Provisions are proposed and would control the type of development that could take place on the site:

*“Plot Ratio –*  
*No density restriction applied to Multiple Dwellings. The maximum number of Multiple Dwellings will be determined by the permitted building envelope and applicable development standards for the lot (e.g. setbacks/heights/open space/car parking).*

*The total amount of Office land use (including Office - General, Office - Professional and Office - Service) permitted on site shall be restricted to a maximum gross leasable area of 50m<sup>2</sup>, or as otherwise approved by Council.*

*Building Heights –*  
*Development without a residential component to be developed to a maximum of 3 storeys or equivalent to a maximum overall height of 12 metres.  
Development with a residential component to be developed to a maximum of 4 storeys or equivalent to a maximum overall height of 16 metres.*

*Residential uses –*  
*Residential uses are permitted on all floors of a development, with the exception of fronting Stirling Highway on the ground floor.*

Setbacks –

*Front setback – Minimum 3 metres (measured from the boundary of the Stirling Highway road reserve as proposed under MRS amendment 1210/40.*

*Side Setbacks – Nil setback for ground floor and first floor, 3 metres for all other floors.*

*Rear Setbacks – Nil setback on ground floor, minimum 1.5 metres to first floor, and minimum 4.0 metres to second floor and above.*

Car Parking –

*Residential – In accordance with the Residential Design Codes. Non-residential uses – In accordance with Schedule III of TPS No. 2. All car parking shall be screened from view from Stirling Highway.*

*Where a development standard mentioned in Schedule V differs from a development standard contained elsewhere in TPS No. 2 or the Residential Design Codes, the provisions of Schedule V shall prevail.*

*Where a development standard is not mentioned in Schedule I, the provisions of the Residential Design Codes apply.”*

It must be noted that the applicant has justified the proposed scheme amendment based on the draft Stirling Highway Redevelopment Project, being the most recent and site specific document the City of Nedlands has produced. However, this document is not given significant weight as it has only ever been adopted as a draft to be included in draft TPS No. 3.

TPS No. 3 is in draft format and it would be premature to make “binding” decisions based on draft provisions contained within another draft document.

For information purposes, the draft Stirling Highway Redevelopment Project provisions, in relation to Lot 7 (No. 52) Stirling Highway proposes the following land use provisions:

- *“Residential developments.*
- *Office permitted.*
- *Ground floor Shops, Cafes, Offices.*
- *Mixed use development with combination of Office/Shop.*
- *Mixed use with residential.”*

The draft Stirling Highway Redevelopment Project document contains Built Form Provisions as set out below:

- *“Front Setbacks:*
  - *Ground and 2<sup>nd</sup> floors: Minimum 3m.*
  - *3<sup>rd</sup> and 4<sup>th</sup> floors: Minimum 6m.*
- *Side Setbacks:*
  - *Secondary Street:*
    - *Ground and 2<sup>nd</sup> floors – Nil.*
    - *3<sup>rd</sup> and 4<sup>th</sup> – Minimum 3m.*

- *Adjoining Another Lot*
  - *All floors – Nil.*
- *Adjoining Residential*
  - *All floors – Minimum 5m.*
- *Rear Setbacks:*
  - *With Laneway:*
    - *Minimum 1m.*
  - *Without Laneway:*
    - *Minimum 5m.*
- *Height – With Residential Component:*
  - *Maximum 4 storeys and 16m for lots with residential component of minimum two (2) dwellings per 1000m<sup>2</sup> is proposed.*
- *Land Use Notes:*
  - *Prohibited Land Uses:*
    - *Ground floor residential facing Stirling Highway.*
- *Car Parking:*
  - *Without laneway:*
    - *Only visitor car parking permitted to front of development.*
    - *Access off Stirling Highway to car parking at rear of property.”*

### **Officer Comment**

If the proposed scheme amendment Built Form Provisions were to be assessed against the draft Stirling Highway Redevelopment Project provisions the following elements would be considered non-compliant:

- Rear Setback - The property abutting the lot to the rear has an access leg which is not considered a 'laneway' and therefore the rear setback requirement is five metres.
- Rear Setback – Fourth storey component is required to be 15 metres.

As mentioned above, this document does not hold sufficient weight and should not be the benchmark for assessing development along Stirling Highway.

To this end, in relation to orderly and proper planning, the following points are raised with the proposed built form provisions:

- There is no density/plot ratio attached to the site and total dwelling yield is unknown. The revised submission encourages a mixed use building without Office use dominating future development.
- Setbacks:
  - The interface with Stirling Highway in relation to bin storage, carparking and office needs to be addressed;
  - Side and rear setbacks need to be addressed as the adjacent landowners would remain as single or double storey residential properties for the foreseeable future and the impact of this development on their amenity is unknown.
- Building height, bulk and scale may impact the amenity of the adjoining properties.

It is considered that the Built Form Provisions included in the proposed scheme amendment are not ideal, however there is little guidance in the City's current Local Planning Framework to determine what should be considered acceptable. For this reason, it is recommended that following advertising of the scheme amendment, the Built Form Guidelines be modified to consider community views, be generally more in line with the Residential Design Codes and current planning policy.

### **6.3 Conclusion**

The proposed scheme amendment seeks to rezone the subject site from 'Residential R35' to 'Special Use' with provisions to allow Grouped & Multiple dwellings and Office land uses within a three to four storey building envelope.

The proposed scheme amendment is considered to address the State Planning Framework with regard to land use and development along Stirling Highway which is an identified 'activity corridor'. The proposed scheme amendment would aid the City in achieving its specific housing target as outlined in Directions 2031.

The City's current Local Planning Framework consists of a range of outdated and/or draft documents that give little guidance on what is considered appropriate for future development of the area and cannot be given significant weight for strategic decision making. The proposed scheme amendment may be seen as premature due to the lack of local planning direction and this may be a basis to refuse the proposed scheme amendment. However, the little guidance that is given by the City's Local planning documents suggests that this type of development has been envisioned in the past.

The Built Form Provisions stipulated within the proposed scheme amendment are considered inadequate due to their being based on a draft document and the impact the resulting development may have on the adjoining properties. It is considered appropriate that these Built Form Provisions are further scrutinised as part of a full assessment of the proposal, following initial adoption, which will include consultation.

It is recommended that Council initiate the proposed scheme amendment on the basis that the intent of the development aligns with the State Planning Framework. It is central to note that the Built Form Provisions may have implications on the general amenity of the area and that these will require further revision.

### **7.0 Attachments**

1. Scheme Amendment Report; and
2. Detailed Map