

## 12 Chief Community Planner reports

### 12.1 Modified Amendment No. 56 to Town Planning Scheme No. 1 (residential density up-coding) - Miller's Crossing, Carlisle

<b>Location</b>	Carlisle
<b>Reporting officer</b>	Place Leader – Strategic Planning
<b>Responsible officer</b>	Manager Development Services Manager Place Planning
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Amendment 56 Location Plan [<b>12.1.1</b> - 1 page]</li><li>2. Modified Amendment 56 and Scheme Report [<b>12.1.2</b> - 8 pages]</li><li>3. Millers Crossing tree and site feature survey - October 2020 [<b>12.1.3</b> - 4 pages]</li><li>4. Ordinary- Council- Meeting- Minutes-21- July-2020 [<b>12.1.4</b> - 15 pages]</li><li>5. Ordinary- Council- Meeting- Minutes-21- April-2020 [<b>12.1.5</b> - 17 pages]</li><li>6. Amendment 56 - Submissions Schedule - De-identified [<b>12.1.6</b> - 19 pages]</li></ol>

#### Recommendation

That Council:

1. Resolves, pursuant to Section 75 of the *Planning and Development Act 2005* and Regulation 50(3) of the Planning and Development (Local Planning Schemes) Regulations 2015, to proceed with Scheme Amendment No. 56 to amend the Town of Victoria Park Town Planning Scheme No. 1 (TPS1), as modified by the Minister for Planning's decision dated 2 August 2021, subject to the following additional modification:
  6. *Inserting the following subtitle and paragraph to the 'DEVELOPMENT STANDARDS' listed for the 'RESIDENTIAL ZONE' of Town Planning Scheme No. 1 Precinct Plan P8 Carlisle Precinct:*  
*"Residential R60 zoned area*  
*A Local Development Plan is required to be adopted by the local government prior to the subdivision or development of the Residential R60 zoned land comprising Lots 1003 (No. 7) and 1004 (No. 6) Raleigh Street, and Lot 1005 (No. 45) Bishopsgate Street, Carlisle, that were formerly partly located within the Robert's Road 'Other Regional Road' reservation under the Perth Metropolitan Region Scheme. The Local Development Plan shall address issues of vehicular access, environmental sustainability, landscaping, building setbacks and the retention and conservation of mature trees on and surrounding the land as part of any future development."*
2. The Scheme Amendment Report documents being modified to reflect the decision of the Minister for

Planning dated 2 August 2021 and being forwarded to the Western Australian Commission for final determination by the Minister for Planning.

3. The documents referred to in Part 2 above, being accompanied by a copy of Council's resolution and a letter from the CEO (to be addressed and sent to both the WAPC and Minister for Planning's office) outlining the reasons for the further modification requested in Part 1 above, which seeks to balance the WAPC/Minister's interest in the future residential development of the Miller's Crossing land, with:
  - a. the shared desire of the Town and local community for the mature trees within and surrounding the land to be retained and conserved; and
  - b. ensuring that future development of the land is of a high-quality design standard, consistent with the WAPC's stated reasoning for the modification that the future development of the sites may serve as a showcase of high-quality medium density housing in accordance with the provisions of the WAPC's Draft Medium Density Codes.

## Purpose

For the Council to make a formal resolution in respect of Amendment No. 56 to TPS1 as further modified in accordance with the Minister for Planning's decision dated 2 August 2021.

## In brief

- Amendment No. 56 to Town Planning Scheme No. 1 (TPS1) relates to the land known as 'Miller's Crossing' in Carlisle. This land is comprised of three lots being Lot 1003 (No. 7) Raleigh Street, Lot 1004 (No. 6) Raleigh Street, and Lot 1005 (No. 45) Bishopsgate Street.
- The amendment also relates to one lot in East Victoria Park adjacent to John Bissett Reserve, which is used by the community and maintained by the Town as part of that reserve, being Lot 1002 (No. 2-8) Beatty Avenue.
- Amendment 56 was initiated by the Town in late 2011 and originally proposed all four of the lots to be reserved 'Park and Recreation'. In 2017 the Minister for Planning required the Town to modify and re-advertise the amendment with the three Miller's Crossing lots to instead be zoned 'Residential' with a density code of R30.
- Amendment 56 has been the subject of protracted considerations by the Western Australian Planning Commission (WAPC) in its roles both as advisory body to the Minister for Planning and landowner of the lots, as it intends to sell the Millers Crossing lots for residential development in the medium to longer term.
- The Town went through a significant engagement process; prepared a Public Open Space Strategy in late 2019 to understand Public Open Space supply in the Town; and undertook a land purchase evaluation in 2020. All this work was undertaken to assist the Town contemplate a potential purchase of the land from the WAPC.
- Council ultimately determined not to purchase the land and is instead implementing the Public Open Space Strategy which has in recent times included the delivery of a microparks program in Carlisle and advocacy to METRONET for new public open spaces within the rail reserve, all with the aim to address gaps in accessibility to open space that were identified in the Carlisle area. The Public Open Space Strategy revealed that there is sufficient Public Open Space in the immediate surrounds to the Millers Crossing site.
- The further consideration and decision by the Minister for Planning in August 2021 required the Town to re-advertise and further modify Amendment 56 by increasing the proposed residential density of the Miller's Crossing lots from R30 to R60.

- It is recommended that Council resolves to proceed with Amendment 56 as modified by the Minister, subject to requesting that it being further modified to require the adoption of a local development plan for the land, prior to future subdivision or development occurring.

## Background

1. The Miller's Crossing open space is in Carlisle adjacent to the Roberts Road boundary with Lathlain, and comprises the following three lots:
  - a. Lot 1003 (No. 7) Raleigh Street, Carlisle – 2,081m<sup>2</sup>;
  - b. Lot 1004 (No. 6) Raleigh Street, Carlisle – 1,343m<sup>2</sup>; and
  - c. Lot 1005 (No. 45) Bishopsgate Street, Carlisle – 1,157m<sup>2</sup>.
2. Amendment 56 was initiated by the Town in late 2011. The amendment was required following the amendment of the Perth Metropolitan Region Scheme which reduced the extent of the Roberts Road 'Other Regional Roads' Reservation, which formerly extended over a portion of the lots, with the balance of the lots being zoned 'Residential R30' under Town Planning Scheme No. 1 (TPS1). The rationalisation of the road reserve resulted in portions of the lots adjoining Roberts Road being neither reserved or zoned, thereby necessitating proposed Amendment 56 to TPS1.
3. The Town initiated Amendment 56 seeking all of the land to be reserved 'Parks and Recreation' given the Town's maintenance of the land and its use by the community as landscaped public open space following the completion of the Robert's Road railway overpass in 2004.
4. Following protracted consideration by the Western Australian Planning Commission (WAPC), the Town was advised of the Minister for Planning's decision in 2017 to require the Town to modify and re-advertise the amendment with the Miller's Crossing lots to instead be zoned 'Residential' with a density code of R30.
5. Re-advertising of the modified amendment proved controversial and raised significant community concern primarily in relation to the potential loss of this open space and the removal of trees that could arise should the land be developed for residential purposes.
6. The Town was granted a request to defer the Minister's final determination of the amendment in order to consider the outcomes the Town's Public Open Space Strategy (POSS) completed in late 2019, as well as the Town's potential acquisition and options for the use/development of the land in 2020. These matters were the subject of significant community engagement, the outcomes of which reinforced previously raised community concerns and a desire for the Miller's Crossing land to be maintained (and potentially purchased) as public open space, despite the POSS identifying that accessibility to open space was not lacking in the local area.
7. In mid-2020 Council ultimately determined not to purchase the land given its significant cost and high level of investment in nearby open space as part of the Lathlain Park Redevelopment Project. The Council decided to instead focus the Town's efforts on resolving gaps in walkable accessibility to open space identified by the POSS elsewhere in Carlisle, partly and initially through the creation of three microparks in Carlisle as part of the Green Basins Program funded through the Urban Forest Strategy.
8. The Council also approved the commissioning of a site feature survey of the land to identify the trees potentially affected by future development and sought for the Town's administration to advocate to the WAPC for the preparation of a Local Development Plan (LDP) to guide future residential development of the land in order to maximise opportunities for tree retention, should the Minister determine to approve Amendment 56 as was anticipated by the Town.

9. The tree and site feature survey were completed in October 2020 (refer to Attachment 2) and captured the Miller's Crossing lots, their adjacent Council verges and the sloped embankment up to the adjacent Robert's Road pedestrian path. The survey identified a total of 130 trees ranging in canopy diameters from 1 to 16 metres, and heights of 1.5 to 17 metres. Of these trees, 15 were located within Lot 1003, 15 in Lot 1004 and 10 in Lot 1005, representing 31% of the total number of trees surveyed. The survey also confirmed that the significant tree located in very close proximity to the southwest corner of Lot 1003 (identified as T69 with a canopy diameter 10 metres and height of 12 metres) was located outside of the lot, significantly reducing its risk of removal as part of any future development, and avoiding the need for the Town to consider either the potential acquisition of a portion of this lot or requesting a corner lot truncation (transferring the land into the Council verge area) as part of any future subdivision to ensure its ongoing health and protection.
10. The findings of the site feature survey and advocacy efforts were communicated to the WAPC in October 2020. The Town was advised that the amendment was due to be considered by the WAPC in Feb 2021. It was anticipated that the Town's recommended requirement for a LDP would not be supported (this modified version of the amendment then proposed a residential density of R30 for the Miller's Crossing land) based on prior Department of Planning, Lands and Heritage (DPLH) officers advice that the requirement for a LDP was considered unnecessary given:
- a. the WAPC's Local Development Plan Framework states that LDP's are to be used to guide and coordinate development outcomes, and are not generally to be used to inform subdivision layout;
  - b. with respect to access, landscaping and building envelope considerations, these matters are controlled via existing state planning policies (including the R-Codes and the WAPC's Development Control Policy 5.1), which would require access from the lower order roads, and specify setback and open space requirements; and
  - c. consideration of future subdivision and development applications provides for consideration of site conditions in the context of a subdivision or development plans. Conditions can be applied to future subdivision approvals having regard to the lot layout proposed in the application and comments provided by the Town.
11. Ministerial consideration of Amendment 56 was then delayed until August 2021, following the conclusion of the State Government election caretaker period. Town officers were not advised that DPLH officers or the Minister were considering the imposition of the higher density coding of R60 for the land prior to being informed of the Minister's decision requiring the amendment to be further modified.

## Summary of Modified Amendment

4. As a result of the decision of the Minister of Planning dated 2 August 2021, the Town was required to re-advertise further modifications to proposed Amendment No. 56 to the Town of Victoria Park Town Planning Scheme No. 1. The requested modifications result in the amendment being modified to the following:
1. *Classifying No. 2-8 (Lot 1002) Beatty Avenue, East Victoria Park as Town of Victoria Park Scheme Reserve "Parks and Recreation".*
  2. *Modify the Town Planning Scheme No. 1 Precinct Plan P10 Shepperton Precinct accordingly.*
  3. *Nos. 6 & 7 (Lots 1003 & 1004) Raleigh Street and No. 45 (Lot 1005) Bishopsgate Street, Carlisle being transferred to the 'Residential' zone with a density coding of R60.*
  4. *Classifying the portions of the Rutland Avenue, Raleigh Street and Bishopsgate Street road reserves that were formerly part of the Roberts Road Metropolitan Region Scheme "Other Regional Roads" reservation as "Residential R30" zone.*

5. *Modify the Town Planning Scheme No. 1 Precinct Plan P8 Carlisle Precinct accordingly.*

5. The major change proposed by the Minister's further required modification is the increase in density of the three lots comprising the land known as 'Miller's Crossing' (Lots 1003, 1004 and 1005) from R30 to R60. The Scheme Amendment Report and map of Amendment 56 (as further modified in accordance with the Minister for Planning's decision) are contained in Attachment 1 to this report.
6. The Western Australian Planning Commission has provided the Town with the following reasons for the proposed R60 density coding:
  - a. consistency with the urban consolidation principles of the WAPC Central Sub-regional Planning Framework which is broadly supportive of medium density development outcomes at appropriate locations, as part of meeting the dwelling targets of inner and middle-ring metropolitan local governments;
  - b. the opportunity to develop the subject land as a demonstration of a high-quality medium-density development, in the context of the Medium Density Codes being progressed by the WAPC as part of its review of State Planning Policy 7.3 Residential Design Codes – Volume 1;
  - c. the subject land's proximity to general amenities, including high-frequency public transport infrastructure and public open space;
  - d. densities currently permitted under TPS1 in the surrounding area allow for a range of medium density development. In this regard, it is considered that R60 is broadly consistent with densities permitted in the area; and development of the subject sites at R60 would supplement broader dwelling diversity in the locality;
  - (a) the opportunity to make the subject land a demonstration project for medium-density development has arisen in part due to it being under State Government ownership. In this regard, the WAPC's process for the sale of the land can be used to ensure a high-quality development outcome for the area is achieved; and
  - (b) it is envisaged that the subject land may be suitable for terraced housing.
7. The timeframe for re-advertising of Amendment 56 was delayed due to the Town awaiting confirmation and clarification of the above rationale from DPLH officers. The Town had additionally sought the following in response to several of the reasons put forward by DPLH officers to assist the local community in making submissions and understanding the intent and purposes of the R60 coding during the readvertising period:
  - a. an outline of the intent by the WAPC to potentially make the subject land a 'showcase' for high quality medium density development given the land is owned by the WAPC and the draft Medium Density Codes have been recently released for local government and public consultation;
  - b. any aspirational built form concepts that demonstrate the type and quality of built form that is likely to occur on the site; and
  - c. any design concepts or subdivision concepts that show tree retention opportunities, path network connections (especially from the Rutland Avenue Principal Shared Path to the emerging Mineral Resources Park Precinct).
8. Unfortunately, DPLH officers were unable to provide this requested detail, with the Town and community members having to rely only on the above general planning rationale.

## Strategic alignment

Environment	
Strategic outcome	Intended public value outcome or impact
EN01 - Land use planning that puts people first in urban design, allows for different housing options for people	Advocating to the WAPC that any future subdivision of Lots 1003, 1004 and 1005 for residential purposes occurs in accordance with an adopted Local Development Plan to ensure the retention of

with different housing needs and enhances the Town's character.	mature trees that are valued by the community and high quality design outcomes
EN07 - Increased vegetation and tree canopy.	The Millers Crossing open space contains mature trees that contribute to the Town's urban tree canopy and have been indicated through multiple consultation exercises to have a high level of value to the local community. The preparation of a Local Development Plan that seeks the retention of mature trees as part of future residential development of the land will seek to retain and conserve the contribution these make to the local tree canopy.

Social	
Strategic outcome	Intended public value outcome or impact
S02 - An informed and knowledgeable community.	The local community feels well informed that their concerns have been genuinely considered by the Town's administration and Elected Members as part of the decision-making process.

## Engagement

External engagement	
<b>Stakeholders</b>	Local residents and land owners
<b>Period of engagement</b>	25 November 2021 to 21 January 2022 (this exceeded the 42 minimum day statutory advertising, exclusive of the holiday period between the Christmas day and New Year's Day public holidays).
<b>Level of engagement</b>	2. Consult
<b>Methods of engagement</b>	Invitation to make submissions in writing via the Town's Your Thoughts engagement hub, email, post or in person.
<b>Advertising</b>	<ul style="list-style-type: none"> <li>• 3 x monthly advertisements in the Southern Gazette</li> <li>• Emails/letters to all prior submitters</li> <li>• Posted letter to all surrounding owners and occupiers previously consulted</li> <li>• Online advertising and submissions on Your Thoughts engagement hub</li> <li>• Public notices at Council's Library and Administration building</li> <li>• Display of 5 signs on site for duration of comment period</li> </ul>
<b>Submission summary</b>	<p>Total of 60 submissions:</p> <ul style="list-style-type: none"> <li>• 6 supporting;</li> <li>• 1 partial support;</li> <li>• 53 objections</li> </ul>
<b>Key findings</b>	<p>Summary of information/key messages resulting from engagement.</p> <p>Supporting submissions:</p> <ul style="list-style-type: none"> <li>• Land is surplus to open space requirements of immediate locality and</li> </ul>

well suited to medium density development.

Objections:

- The Miller's Crossing open space is highly valued by the local community as an area of passive open space that serves the needs of multiple users (mothers, small children, elderly residents, etc.)
- Council should stand up to the State Government and insist that that land remain as public open space for the local community.
- The trees contribute to the amenity, sense of place of the locality and serve as local wildlife habitat.
- Development of the lots may contribute to increased vehicular traffic on already congested local roads.

A schedule of the individual submissions received during the readvertising period is contained in Attachment 3 to this report.

## Other engagement

Stakeholder	Comments
Main Roads WA	No objections in relation to the proposal.
Department of Biodiversity, Conservation and Attractions	No comments to make on the amendment.
DFES	Does not fall into an area designated as bushfire prone pursuant to the <i>Fire and Emergency Services Act 1998</i> (as amended) and therefore State Planning Policy 3.7 <i>Planning in Bushfire Prone Areas</i> (SPP 3.7) does not apply.
Heritage Council WA	As there are no State Heritage Places within or adjacent to the affected area, there is no objection to the proposed amendment.
Department of Education	<p>The properties fall within the student enrolment intake area of Lathlain Primary School. Based on projections, Lathlain Primary School is anticipated to be under enrolment pressure over the short to medium term. Whilst the proposed density increase is not expected to significantly increase the student enrolment yield, careful planning consideration needs to be given to ensure that accumulative residential growth over time is balanced with the provision of public schools in the locality.</p> <p>The Department would appreciate the opportunity to collaborate with the Town of Victoria Park to forward plans for the public education needs of the Town as development progresses in accordance with the with its Draft Local Planning Strategy.</p>



Department of Communities (Submitted via Your Thoughts)	<p>The Department of Communities owns several sites along Raleigh and Bishopsgate Streets. These assets will be impacted by the proposed zoning changes, in particular the rezoning of lots 1003 and 1004 Raleigh Street. The department wishes to register its support for the R60 coding subject to the following:</p> <p>1) Mixed housing outcomes: Grouped and single dwellings suitable for families are the predominant land in the area. The proposed R60 coding will provide an opportunity to deliver housing product that could support the needs of a range of households, including singles and aged people who wish to downscale in the area. The Town is encouraged to ensure the delivery of diverse housing outcomes. To this end it is suggested that the town prepare development guidelines that include requirements for mixed housing product.</p> <p>2) Tree retention: The established local open spaces and trees are valued by the local community and perceived to form part of the open space and pedestrian network in the area. The Town is encouraged to develop planning guidelines for the site that will ensure that trees are retained. It is noted that there are several mature trees at 7 Raleigh Street on the common boundary with the Department's neighbouring development. The department requests that all reasonable steps are taken to retain these trees.</p>
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## Risk management considerations

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	N/A				Low	
Environmental	N/A				Medium	
Health and safety	N/A				Low	
Infrastructure/ ICT systems/ utilities	N/A				Medium	
Legislative compliance	N/A				Low	
Reputation	Negative public perception if WAPC/Minister for Planning does not support requirement	Likely	Moderate	Medium	Low	Treat - Communication strategy outlining the reason for Council's decision and efforts made to advocate for a LDP and



	for a LDP.	retention of mature trees.
Service delivery	N/A	Medium

## Financial implications

<b>Current budget impact</b>	Sufficient funds exist within the annual budget to address this recommendation.
<b>Future budget impact</b>	It is considered that the landowner be responsible for preparation of a LDP for the land prior to subdivision or development occurring. This would then be subject to assessment and approval by the Town.

## Analysis

### Potential dwelling yields under current R-Codes

9. A comparison between the potential dwelling density yields for the lots under the current provisions of the R-Codes applying a maximum 5% variation that may be permitted with WAPC approval under the R30 and R60 density codes is provided in the below table. This does not take into account future vehicular access and internal driveways that would likely reduce this potential, or that the lots could be developed as a combination of dwelling types and as part of one or a number of development proposals/stages. Dwelling types typically fit within one of three categories as defined by the current R-Codes and summarised below:
- e. Single house – A single dwelling standing wholly on its own lot without any areas of land held in common property, typically served by its own dedicated vehicular access and connections to services (e.g. stand-alone houses and townhouses)
  - f. Grouped dwelling – a dwelling in a group of two or more dwellings on the same lot, which may be served by shared vehicular access, connections to utility services and/or includes any dwelling on a survey strata lot with common property (e.g. units, villas, townhouses).
  - g. Multiple dwelling – a dwelling in a group of two or more dwellings where one part of a dwelling sits vertically above a part of another dwelling (e.g. residential flats/apartments).

Lots developed for single houses or grouped dwellings	R30 code	R60 code
Lot 1003 (2081m <sup>2</sup> )	7	14
Lot 1004 (1343m <sup>2</sup> )	4	9
Lot 1005 (1157m <sup>2</sup> )	4	8
Total	15 dwellings	31 dwellings
Lots development for multiple dwellings (apartments)	R30 code	R60 code

Lot 1003 (2081m <sup>2</sup> )	7	No site area per dwelling restriction – dwelling yields constrained by building height, setbacks and plot ratio requirements.
Lot 1004 (1343m <sup>2</sup> )	4	
Lot 1005 (1157m <sup>2</sup> )	4	
Total	15 multiple dwellings	Design dependent but anticipated 30+ dwellings

### Potential dwelling yields under Draft Medium Density Codes

10. While the timing and extent to which the WAPC's Draft Medium Density Codes will be further refined prior to gazettal is unknown (anticipated to be finalised end of 2022), the current draft provisions introduce a sliding scale (three categories) of density provisions based on parent lot area and whether the proposed development is facilitated through the amalgamation of two or more lots. Based on these draft provisions and the arrangement of the lots, they would potentially be able to be developed to meet the density requirements of all three categories, noting that as per the draft provisions development at *Site Category 3* would first require a local development plan to be adopted by the Town. It should be noted that the proposed introduction of the three site categories is a significant shift in the density controls of the R-Codes that have been formulated to date, and it is unknown if or to what extent they will be introduced or modified by the WAPC in response to submissions received from local governments and the public during the public advertising period.

Lots development for single houses or grouped dwellings - R60 code	<i>Site Category 1</i> (no minimum parent lot size with)	<i>Site Category 2</i> (1200m <sup>2</sup> or more parent lot area)	<i>Site Category 3</i> (1500m <sup>2</sup> or more parent lot area with)
<i>Average site area per dwelling requirement</i>	150m <sup>2</sup> (same as current R-Codes)	120m <sup>2</sup>	No minimum (yields constrained by building height, setbacks, deep soil and private garden area requirements)
Lot 1003 (2081m <sup>2</sup> )	14	18	18+ (design dependent)
Lot 1004 (1343m <sup>2</sup> )	9	21 (achieved through amalgamation or boundary realignment of Lots 1004 and 1005 to achieve minimum parent lot sizes)	21+ across both lots (achieved through amalgamation of Lots 1004 and 1005 to achieve minimum parent lot size)
Lot 1005 (1157m <sup>2</sup> )	8		
Total	31 dwellings	39 dwellings	39+ dwellings
Lots developed for multiple	<i>Site</i>	<i>Site Category 2</i>	<i>Site Category 3</i>

dwelling - R60 code	Category 1 (no minimum parent lot size with)	(1200m <sup>2</sup> or more parent lot area)	(1500m <sup>2</sup> or more parent lot area with)
<i>Average site area per dwelling requirement</i>	85m <sup>2</sup>	<i>No minimum</i> (yields constrained by building height, setbacks, plot ratio, deep soil, private and communal open space area requirements)	
Lot 1003 (2081m <sup>2</sup> )	25	25+	
Lot 1004 (1343m <sup>2</sup> )	16	30+ across both lots (achieved through amalgamation or boundary realignment of Lots 1004 and 1005 to achieve minimum parent lot sizes)	
Lot 1005 (1157m <sup>2</sup> )	14		
Total	55 multiple dwellings	55+ multiple dwellings	

11. The potential dwelling yields increase significantly (potentially double) under the proposed R60 density coding based on raw site area calculations without taking into account other constraints such as setbacks, plot ratio, building height, vehicular access, open space and deep soil area requirements that would reduce the likelihood of this development potential being achieved. Notwithstanding, the transition in scale and density from surrounding lower density R30 development will require careful design consideration and appropriate planning controls to ensure appropriate streetscape and neighbouring property amenity outcomes. Relevant considerations include the transition in and overall building bulk and scale, street setbacks and how they relate to existing neighbouring development, height and location of boundary walls, the location and number of vehicle access points, and overshadowing. Without suitable development controls, future development may also result in the removal of mature trees considered by proponents to restrict development potential due to their size, number or location.

### **Recommended requirement for Local Development Plan**

12. A local development plan (LDP) is considered the most appropriate local planning framework instrument to address these matters and maximise opportunities for the retention of mature trees on the lots. While the number of the trees is less than a third of the total identified under the site feature survey, several are of significant size with the largest tree identified as part of the survey (T37) being located centrally within Lot 1004, which may pose a significant risk to its future retention. Fortunately, many trees located within the lots are located around their periphery so could potentially be retained in light of street and building setback requirements. Notwithstanding a high number of these trees may be at risk of removal due to the potential location of vehicular accessways/internal driveways along the eastern boundary of the lots which neighbour the existing R30 properties on Raleigh and Bishopsgate Streets, and the increased likelihood that the future development will include walls built up to side boundaries.
13. A LDP can set out a range of development standards applying to a specific site or parcels of land to ensure it is carried out in a manner that protects and enhances local amenity, ensures a high standard of and site-response design and addresses issues of vehicular access, tree retention, and building envelopes (setbacks, building height, etc). The requirement for a LDP must be set out in a higher order statutory planning instrument such as the Scheme Text or Precinct Plans, which comprise the Town's

local planning scheme or receive the approval of the WAPC to prepare. The requirements of a LDP supplement and/or vary the requirements of the R-Codes that would otherwise apply to the land. Council officers consider the most timely and likely ability for the requirement of a LDP to be favourably considered is concurrently as part of a further requested modification to Amendment 56, to be considered as part of the Minister for Planning’s final determination.

14. The requirement for a LDP would also assist in ensuring that future development of the sites could indeed be a “showcase” for high quality medium density housing as per the stated intention of DPLH officers. Unfortunately, such intentions do not guarantee such an outcome, with the future development being subject to the whims, financial and other motives/constraints of any future developer or landowner in future. A LDP would facilitate a higher quality outcome by requiring a site and context-specific design response that factors in local amenity, and the location and definition and of building envelopes and vehicular access points to ensure retention of mature trees on the site. This approach is also aligned with the provisions of the Draft Medium Density Codes which anticipate the preparation of LDPs for land where ‘Site Category 3’ (higher density) requirements apply, which could conceivably be applicable to the Miller’s crossing lots in future.
15. LDPs have been prepared by the Town for several other areas of the Town including the former Australian Archives site in East Victoria Park, Cohn Street, Carlisle, and Belmont Park.
16. Relevant alternative local planning framework instruments to a LDP that could be developed and adopted by the Town to address the above are listed below with accompanying commentary from Council Officers on the appropriateness and benefits/disbenefits of each approach.

Local planning framework instrument	Officer comments
Local planning scheme amendment	Would require the Town to initiate a further amendment to TPS1 to insert site specific provisions into Precinct Plan P8 – Carlisle Precinct. This would be subject to WAPC and ministerial determination and considered unlikely to be supported.
Precinct Structure Plan	Inappropriate instrument. Time and resource intensive planning process appropriate for far larger areas of land usually within or surrounding activity centres. Requires WAPC approval (not anticipated would be supported) and its implementation would require further amendment(s) or creation of one or more of the other listed local planning framework instruments.
Local Planning Policy	A stand-alone local planning policy (LPP) for the land could be adopted by the Town to supplement the provisions of the R-Codes applying to the future development of the land. LPPs are constrained in the matters they can vary from the R-Codes and require WAPC approval. The limited scope of such an LPP is considered inadequate to address the Town or community’s concerns with respect to the future development of the land.

**Strategic planning alignment and WAPC/DPLH rationale**

17. The Miller’s Crossing lots are in Carlisle on the Roberts Road border with Lathlain. On the opposite side of Roberts Road, between Mineral Resources Park and the Armadale rail line/Rutland Avenue is an area of R40/R60 coded land in Lathlain that has been developed with medium density grouped dwellings and single houses. Additionally on the southern side of the railway line lies the R80 coded Sunbury Park Estate. In this respect, the rationale provided by the WAPC/DPLH officers that the R60 coding of

the Miller's Crossing land is broadly consistent with the surrounding area that allows for a range of medium density development is correct. These areas are also located near the Principal Shared Path (PSP) network and Victoria Park and Carlisle railway stations, further supporting the case for medium density development, given their accessibility to high quality public transport and cycling infrastructure.

18. The Town's Local Planning Strategy (LPS) (currently with WAPC for final approval) identifies the Miller's Crossing lots as located within 'Neighbourhood 8 – Carlisle Residential'. The LPS recognises the objectives of the WAPC's Central Sub-Regional Planning Framework for this area as being appropriate for densities of R40 to R60 along local corridors and up to R80 on arterial corridors. However, the LPS notes the already extensive development at R30 densities within this neighbourhood which limits the potential for this to occur. The proposed R60 coding of the Millers Crossing lots along the arterial corridor of Roberts Road represents a rare opportunity where such additional medium density may occur. It is noted however that the LPS did not recommend an increase to existing density codes in the area as a desire for this was not expressed as part of the informing strategic visioning and engagement exercises with the community.
19. While the local community has continually expressed a desire for the land to remain as publicly accessible open space, the analysis as part of the Public Open Space Strategy identified that local accessibility to open space is not lacking in this area of Carlisle, and did not foresee the retention of the Miller's Crossing land as part of the Town's open space network in the longer term, with the immediate locality already well served with access to Mineral Resources Park (limited), Lathlain Park Zone 2, John Bissett Reserve and Koolbardi Park.
20. On balance, having regard to the medium and long term strategic planning objectives of both the State and local planning frameworks, the development of the lots for medium density development is considered the most appropriate strategic planning outcome, if the lots are to be developed for residential purposes. Development of the lots at a R30 density would represent a potential missed opportunity to contribute meaningfully to local housing diversity, potential housing affordability and infill targets, resulting in relatively low dwelling yields and building stock of the same type and format as already exists in the immediate locality. The strategic planning framework has evolved significantly since the original initiation of Amendment 56 in 2011, accompanied by substantial Council investment and delivery of multiple public open space projects within the local vicinity of the Miller's Crossing land.
21. It should be noted that this position does not reduce the value of the existing mature trees on the land that contribute to local ecology, amenity and environmental comfort. As per the provisions of the existing R-Codes, Draft Medium Density Codes, and the Town's Local Planning Policy 39 'Tree Planting and Retention', the retention of mature trees on residential land is a key planning objective for which multiple provisions and incentives exist. Notwithstanding, these planning instruments still permit the removal of mature trees provided they are replaced by one or more trees as part of future development. In this regard it is also noted that if the lots are developed for single houses or grouped dwellings in a terrace housing typology as suggested by DPLH officers, that the total number of trees on the lots would be near to that currently existing on the lots based on tree planting requirements of at least 1 tree per dwelling.
22. In view of the above, it is not recommended that Council oppose Amendment 56 to TPS1 as further modified by the Minister for Planning. Council is advised to instead recommend to the WAPC that the amendment proceed, subject to a further modification requiring a LDP to be adopted by the Town prior to subdivision or development of the land occurring.

## Relevant documents

[Public Open Space Strategy](#)

[Draft Medium Density Codes](#)

[Local Planning Policy 39 'Tree Planting and Retention'](#)

## Further consideration

23. The following information was requested at the Agenda Briefing Forum held on 5 April 2022.

24. *What is the composition for dwellings if it is zoned R80?*

An R80 zoning is not being proposed by the WAPC and does not form part of the modifications that were required to be made to the Scheme Amendment in accordance with the Minister for Planning's decision dated 2 August 2021. The Town could make a further recommendation supporting an R80 density coding for the lots, however this would constitute a significant change, requiring the further approval of the Minister and likely requirement for a further period of public advertising, assessment/comment from the Town of Victoria Park administration and formal resolution of Council.

Nonetheless, if an R80 zoning designation was to be applied then the built form could include housing types such as apartments, terraces, maisonettes etc (as for the currently proposed R60 coding) but at a potentially greater density/number of dwellings depending on the proposed layout and subject to site-specific access, building height and open space constraints. The composition of dwellings could be considered as part of a Local Development Plan if the Minister were to support its use as outlined in this report, otherwise dwelling location would be subject to the applicable Residential Design Codes and assessed as part of a future development application(s).

In the unlikely event that an R80 site is developed for single or grouped dwelling, the three lots could accommodate up to 38 dwellings.

As there are no minimum lot sizes for the development of multiple dwellings with an R80 zoning, the number of dwellings is determined by the design (e.g. height, setbacks and plot ratio).

*Where would the road reserve be within those lots?*

In accordance with the Residential Design Codes, vehicular access to any future development on the lots is required to be provided from the lowest order road available. This is very likely to be from the local roads available to the lots, being Bishopsgate Street, Raleigh Street and/or Rutland Avenue. Roberts Road is a higher order road, and its level/topography rises at the approach to the Miller's Crossing bridge so would be inappropriate for vehicular access and contrary to the R-Codes provisions. Notwithstanding, there could potentially be future dwellings with a frontage to Roberts Road (with rear-loaded garages/car parking accessed from an internal common property driveway/communal street) that would be expected to provide suitably articulated elevations to all street frontages, in order to provide visual interest, and legible entry/exit points for residents and visitors, including potential pedestrian access directly to Roberts Road. The exact layout of future vehicular and pedestrian access points/networks is unknown and would be assessed as part of a future Local Development Plan (if supported by the Minister as part of this amendment) or later as part of a future development application(s).

Mayor Karen Vernon tested an alternate before the officer's recommendation.

## COUNCIL RESOLUTION (77/2022):

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Luana Lisandro

That Council:

1. Continues to support the original intention of Amendment No 56 for Lots 1003 and 1004 Raleigh Street, Carlisle and Lot 1005 Bishopsgate Street, Carlisle (known as Millers Crossing) to be reserved as "Parks and Recreation";
2. Requests the Mayor and the Chief Executive Officer to advocate to the Minister for Planning and the Member for Victoria Park for Millers Crossing to be reserved as "Parks and Recreation";
3. Requests the Chief Executive Officer to report to Council by July 2022 as to the progress of that advocacy.
4. Should the Minister for Planning determine to proceed with the Residential R60 zone currently proposed to also support the following modification:

A Local Development Plan is required to be adopted by the local government prior to the subdivision or development of the Residential R60 zoned land comprising Lots 1003 (No. 7) and 1004 (No. 6) Raleigh Street, and Lot 1005 (No. 45) Bishopsgate Street, Carlisle, that were formerly partly located within the Robert's Road 'Other Regional Road' reservation under the Perth Metropolitan Region Scheme. The Local Development Plan shall address issues of vehicular access, environmental sustainability, landscaping (including replacement of trees lost), building setbacks and the retention and conservation of mature trees on and surrounding the land as part of any future development.

**Carried (8 - 0)**

**For:** Mayor Karen Vernon, Deputy Mayor Claire Anderson, Cr Luana Lisandro, Cr Peter Devereux, Cr Jesse Hamer, Cr Vicki Potter, Cr Wilfred Hendriks and Cr Bronwyn Ife

**Against:** Nil

### **Reason:**

In March 2022 the City of Melville (with assistance from local MPs) successfully persuaded the Minister for Planning to reverse her decision to require 13 parks within the City to be rezoned as residential, and to agree to their rezoning as public open space in response to strong community support for the parks to remain.

Amendment No 56 was originally intended to result in additional public open green space within Carlisle specifically, and the Town more generally.

The local community has always supported, and continues to support, the retention of Millers Crossing as public open green space.

The Public Open Space Strategy 2019 assessed Carlisle as having the least public open space in the Town. Notwithstanding the opening of Koolbardi Park, Carlisle in December 2019 adjacent to Millers Crossing, the loss of any public open space in Carlisle which has been enjoyed by the community for decades, should be prevented wherever possible through rezoning.

In light of this recent decision for the City of Melville, Council owes it to our community to make a final concerted effort to persuade the Minister for Planning to change her mind about Millers Crossing and agree to its rezoning as Parks and Recreation, without financial impost on the community. We should also engage the new Member for Victoria Park in the fight to rezone Millers Crossing, for its obvious long term environmental and social benefits for our whole community.



## PROCEDURAL MOTION

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Vicki Potter

That the meeting be adjourned for 10 minutes at 8.40pm.

**Carried (8 - 0)**

**For:** Mayor Karen Vernon, Deputy Mayor Claire Anderson, Cr Luana Lisandro, Cr Peter Devereux, Cr Jesse Hamer, Cr Vicki Potter, Cr Wilfred Hendriks and Cr Bronwyn Ife

**Against:** Nil

*The meeting adjourned at 8.40pm.*