

**DEPARTMENT OF PLANNING — REZONING — CITY OF STIRLING**

*Grievance*

**MR I.M. BRITZA (Morley)** [9.27 am]: My grievance is addressed to the Minister for Planning. I appreciate that I can make this grievance, albeit that it is aimed—for want of a better word—primarily at the Department of Planning rather than the minister, because I understand his predicament. My grievance concerns the minister's approval of the aforementioned rezoning in my electorate, in complete contrast to what was recommended and resolved under City of Stirling resolution 0415/008.

The amendment was advertised with a density code of R30. However, following receipt of adverse public submissions, the council resolved to reduce the density to R20. This occurred on 21 April, 2015, and was authorised and referred to the Western Australian Planning Commission and the Minister for Planning for consideration of final approval. It appears that the minister or his department disregarded this recommendation and supported rezoning at the higher density of R30, not the recommended R20 density, for the reasons that it was considered the most efficient use of infill land in close proximity to public open space and access to three roads; that it would provide housing choice in a predominantly R20 area, particularly for those who are looking to downsize but remain in the area; and that the proposed R20 density has the potential to yield approximately 11 dwellings compared with the R30 density, which has the potential to yield 17. This is in complete contrast with the public opinions received by submission to the council, which took those submissions on board and resolved to reduce the density to R20.

I know the minister has given his reasons for approving the R30 rezoning; however, I am perplexed why he would do this, given the council's recommendation and the opposition of the public. I understand how complex this matter is but at no time did the Western Australian Planning Commission or the minister's office contact me to ask for or inquire about my opinion and point of view, especially given that this issue is right in the middle of my electorate. Even if this may not be protocol or required by the department, it would have been a simple case of courtesy to communicate with me about this matter. I realise that the minister cannot be across every situation in Western Australia; however, I think his department should have known better than to advise him to sign off on a course of action that was, and still is, contrary to and in conflict with what so many people want. The use of the site for residential purposes, R20, would be consistent with the surrounding development, with the potential to yield 11 dwellings instead of the R30, 17 dwellings. The provision of smaller lots within the area would still give landowners the option to downsize as well as provide greater choice for those wishing to locate in the area. The City of Stirling planning and development committee reported that it had some concern about the transition between the abutting existing R20-coded residential lots to the north and the proposed R30 density, and the potential to adversely impact on the amenity of the adjoining lots. It was suggested that alternatives be investigated to provide a transition to the R30 density.

To say that I am sincerely disappointed with this decision is an understatement and assists me in determining, along with my constituents, that the department appears to not be paying attention to the community's views or even the local council and is simply going ahead with what it deems to be a right course of action. May I request, and highly recommend, that the Minister for Planning revisit amendment 55 to the local planning scheme and overturn his decision in alignment with the City of Stirling planning and development committee and its residents' recommendation, which has my full support. Thank you, minister.

**MR J.H.D. DAY (Kalamunda — Minister for Planning)** [9.31 am]: I thank the member for raising the issue and I acknowledge the concerns he has expressed. As the local member of Parliament for his area, he is doing the appropriate thing and expressing the concerns of some members of his community to the government and to me as the Minister for Planning. But as I will explain, I believe the outcome of this issue is appropriate and I will go through the background.

Amendment 55 to the City of Stirling's local planning scheme 3 relates to five lots that total 0.51 of a hectare and are bounded by Jervois, Wrigley and Seabrook Streets in Dianella. The subject land was previously zoned "civic" under local planning scheme 3 and surrounded by R20-coded residential land. So I guess it is understandable that residents around there believe that any redevelopment should be at the same density as the surrounding land. The subject land was developed by the city in the 1970s for a kindergarten and a preprimary school and operated as the North Morley Preprimary School until 2011. The land contains two kindergarten buildings, which the city advises are nearing the end of their building lives due to age and the presence of asbestos. The site is no longer required for kindergarten purposes and has been vacant for some time; therefore, the city proposed to rezone the subject land to facilitate its redevelopment. Amendment 55 was advertised by the city as having a density code of R30. That was its initial proposal; however, following public consultation and further consideration of the proposal, the council resolved to reduce the proposed density to R20. The WA Planning Commission advised that only five submissions were received when the City of Stirling advertised the proposed R30 amendment, including one that fully supported R30, one that supported the amendment to

preferred R20, one that objected and did not support any rezoning or residential development on the site, one that objected because it had previously not been able to subdivide its own R20 site because it was not large enough, and one of no objection from the Water Corporation. In short, there was no massive reaction from the local community at the time it was advertised.

Following an assessment of the proposed amendment by the Department of Planning and a recommendation from the WA Planning Commission, which come to me, the amendment was then presented to me for my determination. In making my determination, I considered the appropriateness of rezoning the site from “civic” to “residential” which I considered appropriate given the site was no longer being used. I then considered the appropriateness of either an R20 or R30 density coding. I make the point that it is not unusual for decisions that are ultimately made by me and recommended to me by the Planning Commission, following a careful and considered process of assessment by the Department of Planning, to be different from those recommended or requested by a particular local government. If, as Minister for Planning, I agreed with everything that was put forward by a local government in Western Australia, there would no need for the state to have a role in planning and that would be a completely unsatisfactory situation. In short, we would have an unholy mess if we did not have this high-level role in which we can take a broader view where necessary than individual local governments can on some occasions. That is not to criticise their role. Many local governments do a very good job with planning in Western Australia. Others, when amendments are put forward, for one reason or another might propose more than is desirable or, in other cases, less than is desirable. That is why we have the well-regarded process we have.

I approved the rezoning at the slightly higher density of R30 for reasons relating to the efficient use of infill land, given our need to accommodate a growing population as well as to provide housing choice and diversity, which also assists affordability. I note that R30 is not a high-density coding. As the member said, it has the potential to yield up to 17 dwellings if the five lots are amalgamated, compared to 11 dwellings possible under an R20 zoning. It is important to note, as did the City of Stirling’s own report, that if the site had remained zoned “civic” as it has been to this point, the council could have sold the land to a provider of housing for the aged. Under its local planning scheme, a retirement village of civic-zoned land could be developed at the much higher density of R80. Without any rezoning at all, there could have been an R80 development, which, presumably, would have been much less acceptable to those in the local community who are now expressing some concern.

With regard to the difference between R20 and R30, under the residential design codes, dwellings with an R30 code can be single or double storey, and this would be the same even if the R20 were applied. Also, the required number of car parking bays for an R30 development is the same number as required for an R20 development. Considering the traffic impacts, the R30 code will attract only a handful more cars than would have the R20, but it will certainly result in less traffic than the preprimary school that operated on the site until four years ago.

Based on these matters, I consider that an R30-density development will have a comparable impact on neighbourhood amenity to an R20 code. Therefore, although the member has requested that I revisit my decision, which is based on the advice of the WA Planning Commission and the Department of Planning providing a recommendation or advice to the Planning Commission, I stand by the decision I have made and, ultimately, it is my responsibility. I do not put responsibility onto the department or the Planning Commission for decisions that I ultimately have to take. There are plenty of cases in the time I have been Minister for Planning—no doubt too for all my predecessors—when I have had to make hard decisions. This is not a particularly extraordinary outcome, considering all the issues that have been taken into account. I think the rezoning and the outcome that has been achieved is logical and will allow for the redevelopment of unutilised land within an existing residential area in close proximity to public open space, public transport and community facilities. Future development will have little impact on the low density character of the locality and will increase the diversity of housing types provided for in the area. A maximum of 17 new households can be provided for families who have the opportunity to live in Dianella, which I am sure the member will agree is a very desirable area in which to live.