

## Submission on City of Nedlands Local Planning Scheme No. 3

# HOUSING DENSITY

### Recommendations

As a prerequisite to the adoption of LPS3:

1. Traffic studies should be undertaken to confirm that any proposed increase in residential densities can be accommodated on Stirling Highway and its feeder roads while maintaining an acceptable level of service.
2. In any event, R160 should be adopted as the highest density R-Code, provided that the number of units shall not exceed the R-Code number per hectare;
3. While existing non-residential floor space could remain, the amount of future non-residential floor space permitted adjoining Stirling Highway should be substantially reduced and limited to ground and first floor only, thereby alleviating the need for higher density codings to intrude into single family areas to the extent proposed;
4. Heritage precincts and areas immediately adjoining primary schools should be excluded from higher density codings;
5. Density around the Waratah Avenue centre should not be increased above that existing in TPS2. The proposed increased density to R20 in Mt Claremont could be accepted.
6. Precinct planning should be adopted, as permitted by the *Planning and Development (Local Planning Schemes) Regulations 2015*, Model provisions for local planning schemes, Schedule 1, General definitions, cl. 37, with a policy description of the precinct and its development requirements imbedded into LPS3;
7. Special effort should be made to tailor the policy description and site development requirements of each precinct to protect the local amenity, reflect the future desired character and ensure compatibility between extant and prospective development. In the case of high-rise development adjoining Stirling Highway, this means additional development requirements to combat noise and air pollution and control advertising signs;
8. A development contribution scheme should be included in LPS3, to require payment of a levy of say \$40,000 for every house in addition to the one replaced and \$10,000 for each new unit, to be paid to the local government for provision of additional hard and soft infrastructure;

### Planning Justification

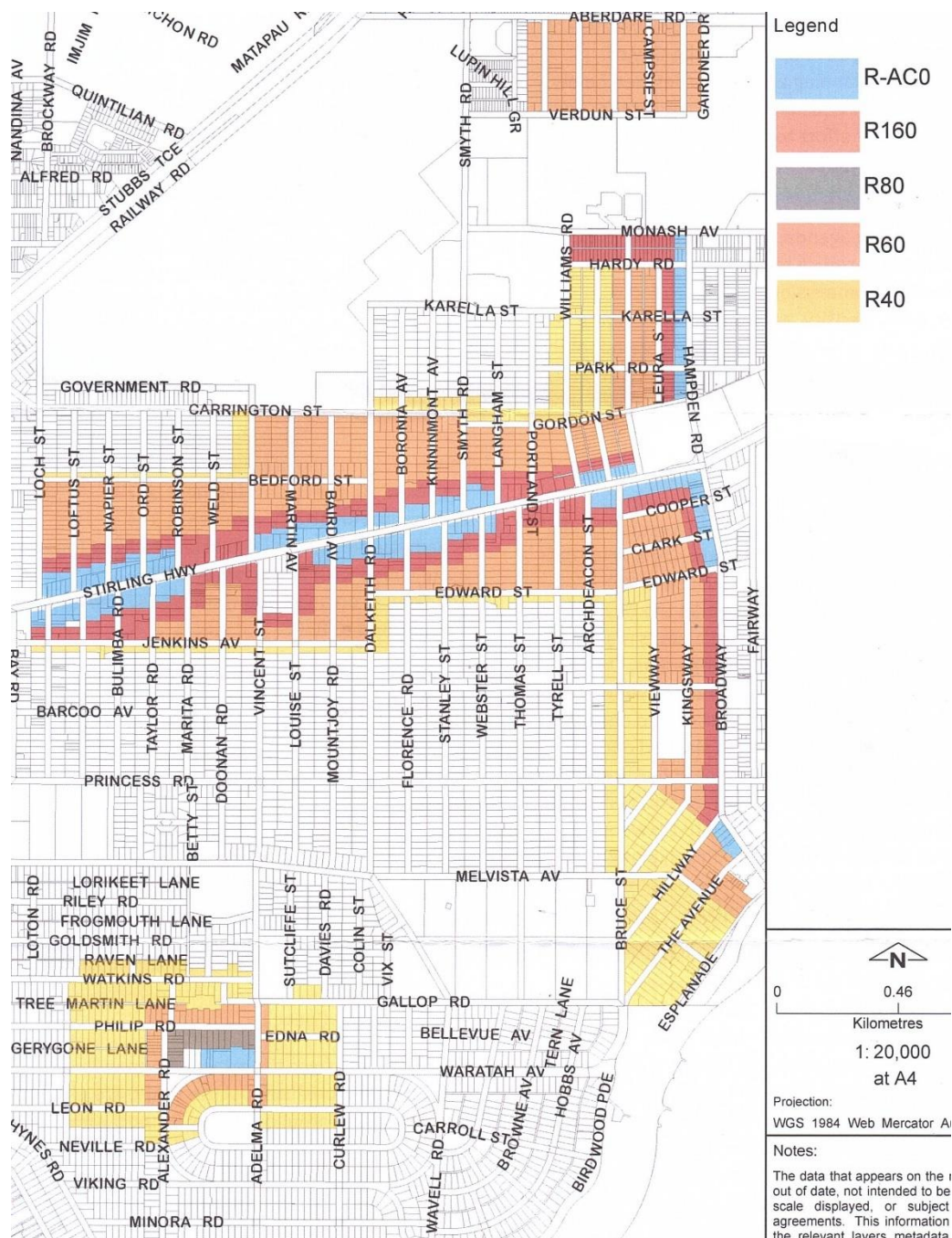
#### Background

The City's current Town Planning Scheme No. 2 was prepared in the mid-1980s and although it has been progressively up-dated with numerous amendments, the Council is looking to adopt a new scheme to accommodate anticipated increased residential density and recent changes to State Government planning policy.

After undertaking research and extensive public consultation, the City obtained State Government approval for a Local Planning Strategy in September 2017. This confirmed the basic direction for the new planning scheme.

Required by the State Government, the City accepted and planned for 4,400 additional dwelling units by 2050, assuming a 50% take-up rate, which is more than a 60% increase on the City's 7,140 households recorded in the last census. It concentrated the anticipated increase adjoining major transport routes, particularly along Stirling Highway, where existing residential zones were retained with significantly increased density. Further units were planned above commercial and retail in mixed use areas. Adjoining were low-rise town houses providing transition to low-density existing homes. This approach retained most of the City as single family detached houses, albeit with some spot increases in density that have occurred in the past in all wards of the City.

Greatly in excess of the approved Strategy, the City was directed by the Western Australian Planning Commission to rezone more extensive areas for higher densities before the new Scheme could be advertised for public comments. Using the same 50% take-up rate, it was estimated that the designated areas of higher density would accommodate many more units, almost 9,000, which is more than double the existing number. No reasons were given for this or why it is necessary to plan for all of these additional units now, when the scheme has to be reviewed every five years.



*WAPC density directive to the City of Nedlands*

## Present issues

No reason has been given for blanket high-density coding over existing low density residential areas. Is it because it is not possible to make use of the railway line that cuts through the middle of the City because of the existence of Karrakatta Cemetery, Irwin Barracks, Shenton College and adjacent health uses? Is it to increase the variation of housing types available? Is it to give developers plenty of choice to redevelop, in order to maximise population increase close to Perth CBD? Irrespective, there are significant implications that question the validity of this approach.

Whereas the City had limited most residential density increases to close to Stirling Highway, now with the draft LPS3, office, commercial and retail use here have been significantly expanded here, including behind the Captain Stirling Hotel. The more non-residential uses are allowed to increase along the Highway, the more potential residential use is displaced, requiring greater intrusion of higher densities into low density residential areas.



*Existing commercial uses along Stirling Highway – allow more of the same?*



*Existing landscaped residential uses along the Highway – retain and intensify?*

In the worst case scenario, there are Nedlands lots that are currently zoned residential R10 that will go to R160, the highest density prescribed in the State-wide Residential Design Codes (R-Codes). This represents a sixteen fold increase in density, appearing to allow 16 units with 32 cars on a 1,000 m<sup>2</sup> property. In fact, the allowable density is even higher.

In 2015 the State Government amended the R-Codes for properties coded R40 and above. As a result, the designated code is meaningless as the number of units now depends on the specified plot ratio and number of bedrooms. The number of units that can be accommodated is much greater than the R-Code signifies.

The City of Nedlands has already experienced this with the Aria development in Swanbourne – applying the R80 code to a 6,550 m<sup>2</sup> site, a maximum of 52 units were theoretically permitted. Designed according to the plot ratio and bedroom requirements, over 200 units could be



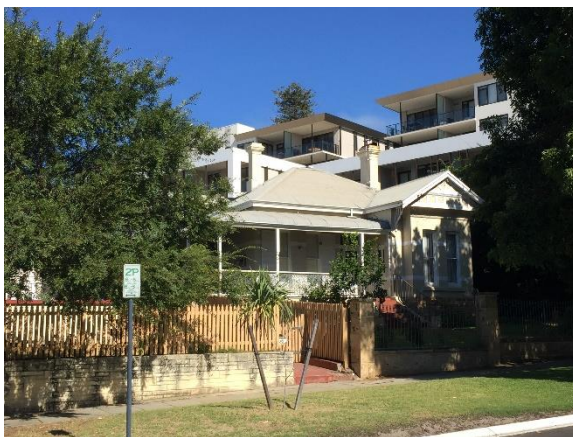
accommodated and this was applied for. After refusal by the Council and the Development Assessment Panel and an appeal to the State Administrative Tribunal, the end result was 156 units, the equivalent of R238 - when neighbours expected only 52 units on the site. Fortunately, in this instance, there were no single residential houses immediately adjoining the project.



*R80 Aria Development, Swanbourne*

The results when applying higher density codes to small lots is equally uncertain. Much of the eastern part of the City's Hollywood Ward comprises lots smaller than 500m<sup>2</sup> that are currently coded R25. For redevelopment of a single lot, highest and best use with a coding of R60 or R160, is probably a single house with two car spaces. However if lots are amalgamated, redevelopment potential rapidly escalates. Depending on the number of lots consolidated into a single land parcel, and with the virtually unlimited number of units possible with the R160 code, the end product could be massive in height and scale if no constraints are imposed, which is intended.

Over-development that results in conflicts of height and scale is the biggest concern with blanket zoning for higher density. Overpowering building bulk, overlooking and overshadowing are very valid concerns. The new scheme adopts transition zones, grading from low-density R10 coded areas through R40, R60 and R80 to R160, in an attempt to soften the conflicts. However the transition only occurs on paper. In reality large buildings will occur next to single family houses, as developers will be drawn to the most attractive and economically available sites, not necessarily the preferred locations from a servicing point of view.



*Overlooking, Town of Claremont*



*Conflict of scale, City of Stirling*

*Ad hoc* redevelopment will be the result, affecting many rather than the few, which would not be the effect if high density zoning was more targeted. Such an outcome inflates land values as

landowners have unrealistic expectations of the sale value of their property. It is divisive, encouraging redevelopment where it is more likely to be opposed, and deprives those areas where it should rightly occur. Better to rezone cautiously initially, with further rezonings later if objectives are not met and undesirable outcomes occur.



*Conflict of scale, R60, City of Vincent*



*Conflict of scale, City of Subiaco*

It is the uncertainty of redevelopment outcomes where lots are blanket zoned for high density that generates such strident and emotional opposition by existing residents and landowners.

Although Stirling Highway and areas immediately adjoining are the obvious choice for concentrating higher density, this is not without problems. Noise and air pollution are greater closest to the highway and care must be taken to ameliorate these adverse impacts. Landscaping and other means will have to be employed to achieve attractive living environments.

Higher densities mean more traffic. Stirling Highway is the major arterial road between Perth and Fremantle and provides the main access for Nedlands and Dalkeith. There is already congestion at traffic lights to cross or gain access to the Highway, sometimes with queues of cars for several blocks outside peak hours. And already Stirling Highway is one of the two worst arterial roads for congestion in the metropolitan area.



*Stirling Highway already congested*



*Access already difficult at Broadway*



No thought appears to be given to the increase of traffic on local roads leading to the Highway, or of the impact on Highway traffic, of increased densities.

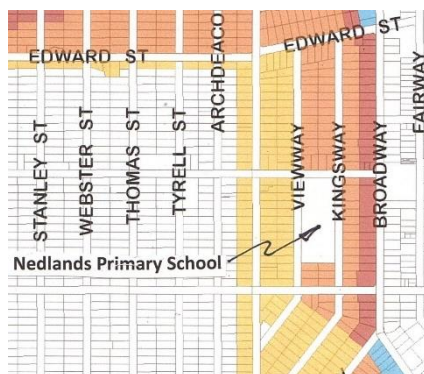


*Heritage, Stirling Highway*



*Heritage, Broadway*

No thought appears to be given to the impact of higher densities on heritage protection, of which there is also no mention in the proposed new Scheme. There are numerous heritage places in all wards of the City. Many of those, particularly on or near Stirling Highway and located in the eastern part of the City, would be under threat with increased densities. Heritage places are deserving of precinct recognition where clusters occur.



Legend

- R-AC0
- R160
- R80
- R60
- R40

No thought also appears to be given to safety concerns around local schools where increased traffic would be an obvious danger to children's safety. There are concerns about "stranger danger" from transients in high-density rental accommodation. Nedlands Primary School is significantly impacted in this respect, surrounded by higher density, but other schools are also affected.

There are already parking pressures from the QEII Medical Centre and UWA but not only does the proposed Scheme do nothing to alleviate these pressures, with increased densities it adds to the problems..

And what of the impact of higher density zoning on new small-scale investment and maintenance by individual landowners? These are the people most affected - who have just made a lifetime commitment to a new house. In areas now proposed for higher density, building of single houses is likely to dry up because the land will never be worth more than block value. Maintenance will be neglected; planning blight will result. Developers will become very choosy and only seek out properties fit for demolition, preferably at prominent locations in attractive treed areas, to maximise their sales appeal. With extensive blanket zoning it would be a buyer's market. In such a situation landowners will not know if they will be able to sell at a time that suits them. They will not know if a neighbour is considering selling and there are significant impacts looming for their property that will seriously affect its value. This is very divisive in the community. There are winners and losers and this conflict is not needed.

Blanket zoning of high densities does not consider additional capital and operating expenditure required to turn the plans into reality. Future infrastructure requirements, both hard and soft, are unknown. It is accepted that there is a shortage of public open space immediately north and south of Stirling Highway, where higher densities are centred. What other requirements are there from

the different demographic that lives at high density, compared with those of the existing residents they will replace, that will fall on the local government to provide? Recreational facilities, bikeways, aged person's facilities? Are there additional road maintenance and drainage works required because of the added traffic and incidence of hard surfaces? Is this further cost-shifting to local government? There is no provision for a development contribution scheme in the proposed LPS to lighten the burden that will fall on the City when higher densities become a reality.

High density areas are not all alike. For the same R-Code, the presence of heritage places, topography and particularly lot size can result in significantly different built environments. Blanket zoning of standard R-Codes rides roughshod over these local variations and produces insensitive redevelopment results, common to generic solutions elsewhere, helping to eliminate local character and identity. There are different categories of height that can be applied within the higher density Codes to assist compatibility with existing development and this should be done, certainly where mid-density redevelopment is expected immediately next to existing houses.

Planning on a precinct basis can tailor site development requirements to local variations and needs but this approach has not been adopted for LPS3. The *Planning and Development (Local Planning Schemes) Regulations 2015* allow precinct planning – see Model provisions for local planning schemes, Schedule 1, General definitions, cl. 37 – Terms used<sup>1</sup>.

Perhaps in applying widespread blanket standard R-Codes, there is reliance on different lot sizes and other local variations to provide choice of housing type? This is a blunt instrument with many adverse side-effects. Precinct planning is a preferred approach to head off proposals for unrealistic alternatives to increase population numbers, such as cutting lots in half. This is often advocated as a means of allowing people to age in place. However when the block value of a 1,000m<sup>2</sup> lot is around \$1.5 million and a new house on 500m<sup>2</sup> can cost \$2+ million, most people capitalise on their asset and move out. Not only does two-lot subdivision fragment land ownership but fewer people live on smaller lots. The City already has over 1200 lots smaller than 500m<sup>2</sup> in the Hollywood ward alone. And if corner lots could be cut into two, why couldn't three lots be subdivided into two? Where would the line be drawn? There is already low-density housing choice, not only in Hollywood but throughout the City, from subdivisions that have occurred in the past. Rather than looking to what has been done in the past, there needs to be evaluation of new forms of housing that increase density with low impacts on neighbours.

LPS 3 in its present form lacks vision. There is no indication of how increased density can be satisfactorily accommodated in harmony with existing residents.

### Proposal

A conservative approach to high-density zoning should be adopted to minimise disturbance to existing residents. Density can always be increased later but is almost impossible to reverse.

Higher density development should be located in areas suited to it, where infrastructure has the spare capacity or mechanisms are adopted to ensure their provision. It should not be evenly distributed to "spread the burden", to allow all to share windfall profits.

Studies of the impact of different densities on traffic flows on Stirling Highway and its feeder roads and child safety around schools should determine the upper limit of increased density. From what is already known about the capacity of the Highway, new adjoining commercial development should be constrained. Apart from development in the Town Centre Zone and existing multi-storey office buildings that could remain, all new buildings adjoining the Highway should be either in exclusive residential zones or in mixed use zones, which are predominantly residential use, with

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<sup>1</sup> *precinct* means a definable area where particular planning policies, guidelines or standards apply;

only non-residential use on the ground and first floors. This would have the advantages of minimal disturbance to existing businesses, who mainly occupy ground floor premises, of not encouraging employment drain from the Perth CBD that is better served with public transport and of minimising density intrusion into low-rise residential areas.

Building design with R-Codes of R40 and above should no longer be according to the plot ratio and bedroom requirements but the number of units permitted should be determined by the R-Code number. If the State Government wants to encourage development in excess of R200, it should be obvious, rather than it be obtained through subterfuge. This would provide certainty for developers, landowners and residents.

When high-density codes are applied to existing low-density areas, there should be suitable building setbacks, height limits and landscaping requirements next to existing houses to ensure a compatible interface. For example, specification of R-Code Category B maximum building height (which allows undercroft car parking, two habitable floors plus use of a level within a pitched roof). If there is a harmonious transition of urban form, transition zones could be reduced in number and complexity.

Where clusters of heritage places occur, they should be excluded from higher density zoning and redevelopment pressures.

Blanket zoning of high densities with standard R-Codes should be avoided in favour of precinct planning within zones, where there could be subtle changes in site development requirements to suit local circumstances and needs. These requirements can be finely adjusted to achieve different dwelling types and increase the limited range of options that would otherwise be available with use of standard R-Codes.

There should be a development contribution scheme to enable the local government to provide additional hard and soft infrastructure required by the increased population. When new dwellings in the western suburbs are commanding prices of \$2+ million for house and land and \$500,000+ for units, it would not be unreasonable to require a development contribution of \$40,000 for every house in addition to the one replaced and \$10,000 for each new unit. It is proposed that this be paid to the local government for provision of additional public open space and cycleways, maintenance of roads and drainage and provision of social services and car parking to relieve congestion around the QEII Medical Centre and UWA..

It is possible to achieve high densities in a spacious landscape setting, which is likely to be more acceptable than what is currently proposed. Other cities have shown the way in what can be achieved.



*Vancouver*



*Singapore*



*Milan*

Special effort will be required to tailor the site development requirements of each precinct to protect the local amenity, reflect the future desired character and ensure compatibility between extant and prospective development.



Attachments 1 and 2 indicate suggested precinct controls for the mixed use and high density residential zone precincts along Stirling Highway, outside the town centre.

By acknowledging the need for and accepting increased housing density with appropriate safeguards to protect the local environment for existing residents in LPS3, the City of Nedlands clearly demonstrates it is playing its part in accommodating *Planning for Perth and Peel @ 3.5 Million*.

Max Hipkins  
28 March 2018

# Attachment 1 - Suggested Stirling Highway Mixed Use Precinct Controls

## # Name

### Policy Description:

Primarily a mixed use business and residential area, accommodating optional ground and first floor non-residential uses within a locality converting to predominantly residential use, for both permanent and short-term living. The intention is to create a high quality landscaped and spacious residential area.

### Development Requirements:

Minimum lot area (m <sup>2</sup> )	1,500
R Code	R160, provided that the number of units shall not exceed the R-Code number per hectare
Minimum building setbacks (m)	
– Primary street	
○ basement	2.0
○ ground and first floor	9.0
○ second floor and above	12.0
– Side	
○ basement	5.0
○ ground and first floor	5.0
○ second floor and above	10.0
– Rear	
○ all	6.0
Maximum building height (m)	In accordance with R-Codes, provided that
	a) non-residential uses may not extend above first floor level
	b) height may be increased by 3.0m where there is no direct access to Stirling Highway
	c) height may be increased by a further 3.0m where land is provided for a public access way
Minimum landscaping	20% of site area, with attention to front setback and roofs
Minimum dwelling unit size (m <sup>2</sup> )	70
Sound attenuation	In accordance with Clause XXXX
Minimum car parking	
– Residential	2 covered bays per dwelling unit
– Non-residential	1 bay per 15m <sup>2</sup> gross leasable area
Advertising control	Maximum size of sign 4.0m <sup>2</sup> per unit/tenancy, not located more than 3.0m above natural ground level; no flashing, animated, tower or roof signs



## Attachment 2 - Suggested Stirling Highway Residential Precinct Controls

### # Name

#### Policy Description:

Primarily to retain and intensify multiple dwellings, including short-stay accommodation, in an exclusive residential area along Stirling Highway, within a spacious green environment and may include other incidental uses provided they are not developed to such an intensity that they disturb the precinct.

#### Development Requirements:

Minimum lot area (m <sup>2</sup> )	1,500
R Code	R160, provided that the number of units shall not exceed the R-Code number per hectare
Minimum building setbacks (m)	
– Primary street	
○ basement	2.0
○ ground and above	9.0
– Side	
○ basement	5.0
○ ground and above	5.0
– Rear	
○ basement	6.0
○ all other	6.0
Maximum building height (m)	In accordance with R-Codes, provided that
	a) height may be increased by 3.0m where there is no direct access to Stirling Highway
	b) height may be increased by a further 3.0m where land is provided for a public access way
	c) height shall be a maximum of 6.0m within 12m of a boundary of an area with a lower R-Code
Minimum landscaping	20% of site area, with attention to front setback and roofs
Minimum dwelling unit size (m <sup>2</sup> )	90
Overshadowing control	As per R Codes
Sound attenuation	Where adjoining Stirling Highway, in accordance with Clause XXXX
Minimum car parking	
– Residential	2 covered bays per dwelling unit
– Non-residential	1 bay per 10m <sup>2</sup> gross leasable area
Advertising control	Maximum size of sign 0.2m <sup>2</sup> per dwelling unit, no illuminated, animated, tower or roof signs