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

**DETAILED COMMENTS**

**Scheme Text**

The comments below are based on a submission to the City of Nedlands titled Draft LPS 3 Comments/Questions, dated 13 November 2016, lodged in response to release of the Draft LPS3 with WAPC modifications. The scheme text is analysed clause by clause.

1. 7. Contents of Scheme –

(1)(a) the deemed provisions should be reproduced in LPS3 so that it consolidates all development requirements in a single document;

 (c) there should be reference to structure and development plans for sites adjoining Stirling Highway, Waratah Avenue, Monash Avenue and elsewhere.

1. 9. Aims of Scheme – LPS3 is silent on implementing most of these aims, which should be rectified.
2. 14. Local reserves –

(3) a. Table 1 Environmental Conservation states an objective is to identify areas with biodiversity and conservation value. LPS3 fails to do this but should do so.

 b. Table 1 does not address commercial use or reserves, including advertising signs, but should do so.

 c. there should be included in Table 1 an additional reserve and objective - Priority Non-Vehicular Route – see separate submission.

1. 16. Zones –

Residential:

* 1. To provide for a range of housing and a choice of densities – this may not be desirable in all parts of the zone. There should be some exclusive low and high density residential areas, to protect existing residential development and vegetation from intrusive non-residential uses and advertising signs.
	2. To provide for a limited range of non-residential uses – this should be qualified.

Mixed Use (Stirling Hwy, Broadway)

1. To include a limited range of complementary non-residential uses – these should be limited to ground or ground and first floor only, so as not to displace residential use. Residential use should predominate.

Local Centre

1. To provide small-scale retail and service uses for daily household shopping, with active uses at street level – this is unrealistic and not guaranteed because of other permitted uses. Non-active uses should be permitted on the ground floor.

Neighbourhood Centre (Stirling Hwy, Hampden Road, Broadway and Waratah Ave)

1. To provide for daily and weekly household shopping needs, a wide range of employment opportunities and different types of residential accommodation, with active uses at street level – the area designated is excessive, unrealistic and not guaranteed because of other permitted uses. There is no identified focus. This category is not needed and should be deleted.
2. 17. Zoning Table –

Zones

Mixed Use, Neighbourhood Centre and Local Centre are all mixed residential/commercial/retail use – there should be one Mixed Use zone, which is predominantly residential, and a Local Centre zone, in addition to a Town Centre and Residential (exclusive) zones

Service Commercial and Light Industry – very similar in character and should be combined

Urban Development – deemed provisions [Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015] should be included in LPS3 so that the document contains all relevant land use and development information.

Special Use – if there are Special Uses, this category should be added to the Zoning Table, with reference to Table 6

Use and Development Class

Bed and breakfast - should be defined as short-term accommodation – rationalise\*

Bulky goods showroom - prohibited in Mixed Use and Neighbourhood Centre zones on Stirling Hwy – should be permitted in Mixed Use zones

Caravan park – this use is prohibited in all zones and is unlikely to occur in future - should be defined as short-term accommodation – rationalise\*

Civic use – this has its own reserve classification – it should be deleted

Freeway service centre (requires charging points for electric vehicles) – this is prohibited in all zones and is unlikely to occur in future – it should be deleted but charging points required elsewhere for all development where a large number of car parking bays are specified, say one for every 10 bays

Motor vehicle, boat or caravan sales – this use is prohibited in Mixed Use and Neighbourhood Centre zones on Stirling Hwy – it should be permitted in Mixed Use zones

Motor vehicle wash - prohibited in Mixed Use and Neighbourhood Centre zones on Stirling Hwy – it should be permitted in Mixed Use zones

Fast food outlet – this use is contrary to Nedlands character and should not be encouraged – it should be X in all zones

Holliday accommodation – this use should be defined as short-term accommodation – rationalise\*

Holiday house – this should be defined as short-term accommodation – rationalise\*

Motel – this is a prohibited use in all zones – it should be defined as short-term accommodation – rationalise\*

Road house – this use is prohibited in all zones - it should be deleted

Serviced apartment – this should be defined as short-term accommodation – rationalise\*

Service station - prohibited in all Mixed Use, Neighbourhood Centre and Local Centre zones; it should at least be permitted on Stirling Hwy in Mixed Use/Neighbourhood Centre zones

Tourist development – this should be defined as short-term accommodation – rationalise\*

\* All of these uses should be listed as “Short-term accommodation”, with a local planning policy distinguishing between premises where there is an owner or manager domiciled on-site and whether meals are provided. This agrees with WAPC policy of minimising the number of uses.

1. 19. Additional uses - these are legacy issues carried over from TPS2 that should have no place in LPS3 – they should be deleted

Child care premises is a X in the Service Commercial Zone – either change to A or consider as non-confirming use

Consulting rooms should be a D in the Residential zone

Motor vehicle sales, Bulky goods, Shops and Service stations should be D in the Stirling Hwy Mixed Use Zone

1. 20. Restricted uses – this is a legacy issue carried over from TPS2 that should have no place in LPS3. Aged care facility/nursing home is an A use in Residential Zone – they should be deleted
2. 21. Special use zones – this is a legacy issue carried over from TPS2. Most if not all of these zones could be accommodated as precincts within broader zones, perhaps within a structure or development plan. They should either be deleted or if retained, objectives for each special use zone and conditions should be specified.

It is noted that SU5 Bedbrook Place is the only site where setbacks and building height are specified. The land is environmentally sensitive, being within the waste water treatment plant buffer area (although not included in Schedule E) and within a conservation corridor linking Bush Forever sites. Apart from restrictions on residential use, there should be increased front and rear building setbacks, reduced building height and increased landscaping requirements within the precinct. Because of the area’s conservation values, there should be control of advertising signs. Attachment 1 indicates suggested precinct controls for this area.

1. 26. Modifications of R-Codes – these relate only to primary street setbacks and refer to Schedules A and B, which are not delineated on the scheme map. The R-Codes, both low and high density, are unsuitable for application in the City of Nedlands – see separate submission. Planning on a precinct basis is strongly recommended, with policy description and development requirements specified, tailored specifically to the needs of each precinct, which override R-Code requirements. Schedules A and B should be absorbed into the precinct format.
2. 32. Additional site and development requirements
3. There is reference to Table 7, which specifies land use and site development requirements, but no reference to Schedules A to E, which also specify requirements. The two should be brought together, which can be done if a precinct format is adopted.

32.1(5) Car parking – reference is made to Schedule F, which specifies provision of the number of parking bays according to use. Provision should be according to location, with the requirement being lower in precincts that are well served with public transport.

32.2 Cash-in-lieu - devoting over one page to this item is excessive. Where cash raised is to be spent should be identified in a planning control area illustrated on the scheme map or in a precinct description.

32.4 Ceding of Rights-of-Way – where ceding of land and construction as condition of development approval is required, it should be shown on the scheme map or a development plan referred to in precinct requirements.

32.6, 32.7, 32.8 Mixed Use, Neighbourhood Centre and Local Centre Zones

(1) Land use. Residential uses are not permitted on the ground floor and buildings are to have active frontages. This is restrictive, unrealistic and unnesessary. As stated earlier, the Neighbourhood Centre zone should be deleted. In the Mixed Use and Local Centre zones, Residential use on the ground floor should be discretionary and non-residential uses confined to the ground and first floor.

(2) Setbacks in Local Centre Zone

 (a) 3.0m street setback to all floors in all locations is inappropriate and would destroy the continuity of shopfronts. There should be a nil ground floor front setback, provided that in the case of comprehensive development, Council may require a street setback.

(e) this appears to be in conflict with 32.1(3). Where adjoining residential use, setbacks determined by R-Codes can be reduced. There should be 5.0m landscaped setback areas in accordance with 32.1(3) and (4). In fact, there should be a landscaping requirement for all uses in all zones, variable between precincts.

32.11 Light industry Zone

Add (4) Landscaping:of front and secondary street setbacks should be specified. Carparking should be permitted in this area. There should be a landscaping requirement for all uses in all zones, variable between precincts..

32.12 Public Community Purpose Zone

(1)(b) Setbacks: 6.0m on the primary street is too low. The building setback should be 20m, with car parking permitted with the landscaped setback area.

(c) Building Height. The proposed building height is excessive. There should be a plot ratio limit. Much tighter controls are highly desirable because of likelihood that land will be subdivided and sold off.

Add (d) Landscaping: of front and secondary street setbacks should be specified. Car parking should be permitted in this area. There should be a landscaping requirement for all uses in all zones, variable between precincts.

1. 33. Additional site and development requirements – this refers to Schedule E, which illustrates only part of the buffer area and is not shown on the scheme map. It does not make sense to allow residential development of any density on one side of an arbitrary boundary and none on the other side. There should be a “soft” boundary, with a grading of discretionary uses.

Clauses 32 and 33 should be combined, using the precinct format, and shown on the scheme map.

1. 34. Variations to site and development requirements
2. the local government may approve an application that does not comply ie. DAP may approve non-compliance. This clause is unfair, results in uncertainty and undermines confidence in the planning scheme. It should be deleted.
3. 35.(1) Restrictive covenants, the extinguishing of which allows increased density. This may be contrary to the desired outcome. This clause should be deleted.
4. 36. Special Control Areas

There are no special control areas included but Schedules A to E specify controls in particular areas, which do not appear on the scheme map. This is confusing. Within each of the zones, precincts should be delineated on the scheme map where there are differences in the policy description and development requirements. For example in TPS2 there is a Controlled Development Area requiring additional boundary setbacks in areas of steeply sloping land to ensure views. In LPS3, these requirements should be applied in precincts covering the areas concerned.

**Scheme Map**

1. Reduce Activity Centre zoning on Stirling Highway and increase the Residential component.
2. Change zoning on Stirling Hwy from Neighbourhood Centre to Mixed Use, Town Centre and Residential – see separate submission.
3. Change zoning on Hampden Road and Broadway from Neighbourhood Centre to Mixed Use.
4. Change zoning on Waratah Avenue from Neighbourhood Centre to Local Centre.

1. Amalgamate the Light Industry and Service Commercial zones.
2. Delete Additional and Restricted Uses and spot rezonings, including Local Centres on Edward Street.
3. Define precincts within zones where appropriate – including areas adjoining the river which could be subject to inundation requiring minimum floor levels for habitable rooms

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1. Reduce the extent of R40 to R80 coded residential areas by about 50 percent.
2. Delete R40 and R60 coding adjoining and opposite Nedlands and Dalkeith Primary Schools; retain existing R10 and R12.5 coding

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1. Areas of biodiversity value are not adequately represented - identify additional MRS and LPS3 reserves for Environmental conservation at Point Resolution, Allen and Bold Parks, Swanbourne, Mount Claremont and Hollywood, Shenton, Lemnos and Underwood Bushlands.
2. Lawler Park in Floreat – separate notations are an overkill – it should all be designated Public Open Space
3. Priority pedestrian and bicycle routes should be added to the list of LPS3 Reserves – see separate submission.

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28 March 2018

**Attachment 1 - Suggested Bedbrook Place Precinct Controls**

**# Name**

**Policy Description**:

Primarily an institutional area, with Crown grants to health related uses and pharmaceutical manufacturing. Situated in close proximity to a waste water treatment plant, residential use is not permitted. Located on a conservation link between the Shenton and Underwood Avenue Bushlands, spacious development should occur within a park-like setting.

**Development Requirements:**

Minimum lot area 1 hectare

Minimum building setbacks (m), in the absence of a structure or development plan

* Primary street 20
* Side 5
* Rear 10

Maximum building height (m) 6, in the absence of a structure or development plan

Minimum landscaping 25% of site area, with attention to front and rear setback areas

Minimum car parking

* Residential nil

 - Non-residential 1 bay per 10m2 gross leasable area, which may be located within the front building setback area

Advertising control Maximum size of sign 4.0m2 per unit/tenancy, not located more than 3.0m above natural ground level; no illuminated, animated, tower or roof signs