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

**ZONES**

This submission deals only with zones.

I request the Neighbourhood Centre zone be deleted and a Town Centre zone added – see Attachment for flow-on effects and justification.  When I say any use should be permitted on the ground floor in Mixed Use zones, this would be within reason and exclude all fast foods.

In addition, I recommend the Light Industry zone be deleted.  There are only four lots in this zone – two used for an electricity terminal and the other two by a fire station and the Autism Association. Permitted uses in the Light Industrial zone are similar to those in the Service Commercial zone and the two zones could be readily amalgamated.  Reducing the number of zones is in line with State Government policy.

At this stage I have no comment on the Private Community Purposes and Urban Development zones but may have a comments later.

Max Hipkins

6 March 2018

**Attachment**

**From:** Max Hipkins [mailto:hipkins@vianet.net.au]
**Sent:** Wednesday, 21 February 2018 3:17 PM
**To:** 'Colin Latchem' <clatchem@iinet.net.au>; 'eastie41@bigpond.net.au' <eastie41@bigpond.net.au>
**Cc:** Bill Hassell (hassell@arach.net.au) <hassell@arach.net.au>
**Subject:** RE: WAPC matters

Dear Colin and others

In relation to 1, the key words are:

The City nominated Waratah Ave as a Neighbourhood Activity Centre in its Local Planning Strategy which was endorsed by the WAPC.

It is not specifically named as such in Table 2 of SPP 4.2 as there are simply too many in WA to list them all.

Waratah Ave is only a Neighbourhood Centre because the City requested it.  It is not an obvious centre (or it would be listed).  It is borderline.  As far as meeting the criteria, it is definitely marginal.  In relation to providing daily and weekly needs, it does not now have a bank, bakery, butcher, hardware store or picture theatre, which it once had.  The IGA supermarket is small scale and a marginal operation, threatening closure when the City asked for work to be done.  There are currently vacant shops in the centre.  The centre has a bus route with a one hour service most of the day, rising to a 20 minute frequency during the evening peak – hardly a major transport spine.  Had the City known of the implications of naming it a Neighbourhood Centre - attracting higher surrounding density from the WAPC, it would have been designated a Local Centre.  With hindsight, that is what should have happened.

In relation to 2,

I agree that The land use permissibility associated with the Neighbourhood Centre zone in the Scheme is appropriate for the Town Centre.  My recommendation is to delete the Neighbourhood Centre zone and replace it with a Town Centre zone (R-AC0) on the south side of Stirling Highway, between the Windsor theatre and Stanley Street.  Flowing on from that, all other Neighbourhood Centre zones on the Highway should be changed to Mixed Use or Residential zones.  Neighbourhood Centre zones on Hampden Road and Broadway should be changed to Local Centres.  I propose allowing in Mixed Use zones, any use on the ground floor, with residential above.  Residential zones would be exclusively residential.  I am wary of policy provisions – they provide guidelines but are not law and are subject to appeal.  Key provisions should be included in the planning scheme.

In relation to 3,

I agree.

Max Hipkins

**From:** Colin Latchem [mailto:clatchem@iinet.net.au]
**Sent:** Tuesday, 20 February 2018 8:07 PM
**To:** hipkins@vianet.net.au; eastie41@bigpond.net.au
**Subject:** Fwd: WAPC matters

Hi Max

Do you agree with Mickleson or can you throw any more light on these issues?

Colin

Sent from my iPad

Begin forwarded message:

**From:** "Bill Hassell" <hassell@arach.net.au>
**Date:** 20 February 2018 at 3:33:13 pm AWST
**To:** "Colin Latchem" <clatchem@iinet.net.au>
**Subject:** **FW: WAPC matters**

I thought it worthwhile to ask the view of the Director on your points.

His comments are below.

Regards,

BH

**From:** Peter Mickleson [mailto:pmickleson@nedlands.wa.gov.au]
**Sent:** Tuesday, 20 February 2018 11:26 AM
**To:** Bill Hassell <hassell@arach.net.au>
**Subject:** RE: WAPC matters

Hi Bill….in response to Colin’s questions

1. The City nominated Waratah Ave as a Neighbourhood Activity Centre in its Local Planning Strategy which was endorsed by the WAPC.

It is not specifically named as such in Table 2 of SPP 4.2 as there are simply too many in WA to list them all. It meets the criteria in Table 3 of SPP 4.2 for a Neighbourhood Centre. The terminology has evolved somewhat so that essentially any commercial centre is an Activity Centre and a Neighbourhood Centre is also an Activity Centre.

The City’s Activity Centre Planning Strategy which is appended to its Local Planning Strategy goes into much more detail on this and provides all the relevant details.

1. With regard to a Civic Hub, there is a ‘Town Centre’ indicated in the Local Planning Strategy along with statements about the City’s intentions for the Town Centre. However, these do not necessarily equate to any different / special zoning under a Planning Scheme.

The land use permissibility associated with the Neighbourhood Centre zone in the Scheme is appropriate for the Town Centre and there are development provisions proposed for the Town Centre location that differentiate it from the Waratah Avenue Precinct. The R-AC0 code also anticipates that Council will need to adopt policy provisions for those locations. Through Policy, Council can have further control around what other characteristics it may want to include in a Town Centre that could further differentiate it from other locations.

1. The WAPC has terminology that is defined through State Policy and these mean certain things within the Planning industry. However, definitions can be interpreted in varying ways and there can often be different opinions about how/when they apply.

Peter Mickleson
Director Planning & Development


**From:** Bill Hassell [mailto:hassell@arach.net.au]
**Sent:** Tuesday, 20 February 2018 10:21 AM
**To:** Peter Mickleson <pmickleson@nedlands.wa.gov.au>
**Subject:** FW: WAPC matters

Peter, are there any comments on these points, particularly the first one.

Does he have a point here?

If he does, please keep it quiet.

Regards,

BH

**From:** Colin Latchem [mailto:clatchem@iinet.net.au]
**Sent:** Monday, 19 February 2018 4:43 PM
**To:** 'Bill Hassell' <hassell@arach.net.au>
**Cc:** 'Ken Eastwood' <eastie41@bigpond.net.au>; 'Max Hipkins' <hipkins@vianet.net.au>
**Subject:** WAPC matters

Bill

Good talking to you today. Two matters I promised to follow up on:

1. Activity Centres. If you go to <https://www.planning.wa.gov.au/publications/1178.aspx>, you can read State Planning Policy 4.2 Activity Centres for Perth and Peel:
* [State Planning Policy 4.2 Activity Centres for Perth and Peel  (0.85 MB)](https://www.planning.wa.gov.au/dop_pub_pdf/activity_centres_policy_2.pdf)
* [Frequently Asked Questions  (0.02 MB)](https://www.planning.wa.gov.au/dop_pub_pdf/FAQ_Activity_Centres.pdf)

According to my reading of this policy document, Waratah Avenue Precinct does not meet the criteria for an Activity Centre and is nowhere named or identified as such. It is a neighbourhood centre which is the responsibility of the local council. On the other hand the civic hub envisaged in the Council’s LPS3 as being developed around the Stirling Highway and Dalkeith Road intersection, Windsor Cinema, Captain Stirling Highway, etc., would seem to me to meet or have to potential of meeting the Activity Centres criteria.

Q1. How and what basis did WAPC come to nominate the Waratah Avenue Precinct as an Activity Centre?

Q2. Why did WAPC fail to take account of what the Council’s plan identified as civic hub and treat it as an Activity Centre or potential Activity Centre?

Q3. Is the WAPC like Humpty Dumpty “"When I use a word it means just what I choose it to mean — neither more nor less."?

1. Planning principles. When WAPC Chairman Lumsden spoke to Council two weeks ago, he stated that regardless of the numbers opposing their changes all issues would be determined on “planning principles”.

If the WAPC Strategic Plan 2018-2021 Vision, Mission and Outcomes statements articulate the Commission’s mandate or “planning principles” these are pretty well all-encompassing. It would seem that submissions need not simply be for or against infill and high density but can legitimately address such issues the “creation of liveable cities and towns with quality public and private spaces”; “improved design of urban centres, corridors and stations, “improved design quality of the built environment; “protection and enhancement of the urban tree canopy across diverse communities”; “Sustainable development which protects, conserves and promotes natural assets (land and water) and biodiversity; “a planning system which addresses climate change; “planning to mitigate risks from natural hazards and events”.

  <https://www.planning.wa.gov.au/dop_pub_pdf/WAPCStrategicPlan.pdf>

Regards

Colin