

**URBAN DEVELOPMENT INSTITUTE OF AUSTRALIA
(WA DIVISION)**



**SUBMISSION RESPONSE TO DRAFT OPERATIONAL POLICY - LIVEABLE
NEIGHBOURHOODS EDITION 3**

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OPERATIONAL POLICY - LIVEABLE
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1.0 Introduction

This submission has been prepared by the Urban Development Institute of Australia (Western Australian Division) (UDIA) in response to the Western Australian Planning Commission's (WAPC) Draft Operational Policy - Liveable Neighbourhoods Edition 3.

UDIA is the peak body representing the urban development industry in Western Australia. UDIA developer and consultant members have had significant input and involvement in the preparation and trial of the Liveable Neighbourhoods operational policy since its inception in the mid 1990's and have both a high level of understanding of the policy's strengths and weaknesses and a strong interest in ensuring that the implementation of the policy is efficient, effective and results in high quality development outcomes for Western Australia.

UDIA would firstly like to congratulate the WAPC on the excellent work that has been undertaken to prepare and trial the draft Liveable Neighbourhoods Policy over the last decade. During this period the policy has been very influential in shaping new communities in Western Australia (including a number of state and national UDIA Awards for Excellence winners) and as been recognised for providing leadership in urban design both nationally and internationally.

UDIA further commends the WAPC, the Department for Planning and Infrastructure (DPI) and their consultant team on the comprehensive review that has been undertaken of the policy over the past 12 months. We believe that the review has provided a positive step forward in both updating the document and overcoming some of the implementation issues that have been identified through the trial period.

However UDIA has identified a number of issues which we believe require some further consideration prior to the finalisation of Liveable Neighbourhoods Edition 3. These include:

- **Governance Structures and Certainty of Outcome** – The need for the requirements of state and local authority regulations, schemes and policies to provide certainty through consistency with the requirements of Liveable Neighbourhoods.
- **Liveable Neighbourhoods as Policy** – UDIA considers Liveable Neighbourhoods to be an excellent design manual however there is some concern that the interpretation of it as policy may be too rigid if all aspects of the policy are mandated. We believe that there is a need for the policy to be separated into aspects which are 'mandatory requirements' and those that are 'design guidelines'.
- **Structure Planning Requirements and Process** – Need to clarify the level of detail that is required to be provided in structure plans with consideration to requirements for structure plans to be modified as projects progress without a requirement for readvertising.
- **Flexibility in Implementation** – UDIA members have identified a need for flexibility in the application of the policy to account for a current lack of market acceptance of some concepts.
- **Resource Requirements** - There has been an industry perception that assessment of applications under Liveable Neighbourhoods will be resource intensive. As such, there is a need to ensure that the DPI has sufficient resources to implement the policy effectively and efficiently.

These issues as well as some additional points regarding specific aspects of the policy are outlined in detail in the following text.

2.0 Industry Issues

2.1 BACKGROUND

UDIA has undertaken comprehensive consultation with our members in regards to current and previous editions of Liveable Neighbourhoods.

This has included a survey of members, the establishment of a Liveable Neighbourhoods Taskforce and member forums to obtain feedback on the policy.

This process has identified a number of key issues associated with the policy which require consideration through the current review process. These include:

- A reluctance to submit proposals under Liveable Neighbourhoods due to requirements for additional information.
- Lack of consistency between Liveable Neighbourhoods and local authority policy requirements causing delays in the planning process.
- A perceived lack of market acceptance for some of the elements of Liveable Neighbourhoods.
- Approval delays for projects assessed under Liveable Neighbourhoods.
- A perception that local authorities are not adequately resourced to assess Liveable Neighbourhoods applications.
- Inflexible approach to assessment by some DPI and local authority planning officers and local authority engineers.

The consultation process has also identified perceived advantages of project assessment under Liveable Neighbourhoods. This includes:

- A less rigid assessment of the project and allowance for greater flexibility in lot size and POS allocation.
- Potential for improved and more community focussed overall design outcomes.
- Improved general acceptance of applications by planning officers.

Overall this process has identified a general enthusiasm for Liveable Neighbourhoods however this is tempered with considerable concern regarding the potential for approval delays, increased cost associated with increased application requirements and problems associated with a lack of consistency between local and state government policy requirements.

These and some additional issues are outlined in more detail below.

2.2 GENERAL ISSUES

Governance Structures and Certainty of Outcome

The lack of consistency between Liveable Neighbourhoods and local authority policy requirements is of major concern to UDIA members. This concern has heightened with the pending implementation of Liveable Neighbourhoods as statutory policy.

Inconsistencies between local and state policy requirements cause serious problems for proponents and result in delays in the planning process.

They also reduce certainty for both developers and local and state government and can detrimentally impact on the quality of development outcomes.

Over the Liveable Neighbourhoods trial period developers have largely overcome this problem through the development of hybrid designs.

However this flexibility is unlikely to be available following the implementation of Liveable Neighbourhoods as policy and developers are concerned that this could result in impassable conflicts over aspects of design between proponents, state and local authorities.

This could lead to a large number of applications requiring resolution through the Town Planning Appeals Tribunal – a costly, time consuming process for all parties and clearly not the policy's intention.

UDIA members would strongly support Liveable Neighbourhoods being provided with adequate power to be implemented as an overriding policy document across all local authority areas.

This would provide the development industry with a level of certainty that if industry members follow the Liveable Neighbourhood requirements they will achieve an outcome.

It would also give the state government a higher level of comfort regarding the quality of development outcomes that will be achieved across the state.

However we believe that, where possible, this should be achieved with the co-operation and support of local authorities.

UDIA understands that successful training programs on the policy have been initiated for DPI officers and we encourage the state government to implement similar training for local authority officers.

We also encourage the WAPC and DPI to work with local authorities to overcome differing interpretations and make suitable amendments to the policy to ensure that it meets the needs of different local authorities around the state. In this regard we commend the inclusion of opportunities for regional variations of the policy.

Liveable Neighbourhoods as Policy

As has been outlined in our previous submissions on Liveable Neighbourhoods, we believe that the policy provides an excellent design manual - however there is some concern among our members that the interpretation of it as policy may be too rigid if all aspects of the document are mandated.

There are some parts of the policy which appear to be provided as guidance on specific elements of urban design. Strict interpretation of this guidance as statutory requirements does not appear to be the intention of the policy.

However, there is potential for these guidelines to be interpreted rigidly by planning officers at local and state level if they are required to assess a proposal against all aspects of the Liveable Neighbourhoods policy.

UDIA would strongly support 'splitting up' the Liveable Neighbourhoods document to clearly identify what are mandatory requirements and what are simply design guidelines.

This would provide more certainty for developers and would allow for a simpler and less subjective approval process for planning officers.

UDIA suggests that this process is undertaken for all aspects of the policy document, including the specified information requirements for district and local structure plans.

Structure Planning Requirements and Process

A number of comments have been made by UDIA members in regards to the structure planning process under Liveable Neighbourhoods.

Firstly, some concern has been expressed that the requirements for local structure plans outlined in the document are too detailed and will add to the time and cost of the development approval process.

In this regard, UDIA understands that the policy document has been prepared to reflect the level of detail that has recently been provided in structure plans as common practice.

However UDIA members are concerned about this increased level of detail being mandated for the following reasons:

- more detailed structure plans cause difficulty and delays where variations to the detailed design aspects of a structure plan are required later in the development process and as a result they are required to readvertise the plan; and
- the increased level of detail in structure plans can set a level of expectation among purchasers that the detailed elements of the structure plan will not change. This can in turn lead to problems for developers resulting from purchaser concern where variations to the structure plan are required as the project progresses.

UDIA therefore requests that the level of detail provided in local structure plans for statutory approval purposes is reduced to a more basic 'road and blob' type plan showing proposed land uses and residential densities in each neighbourhood but not identifying the detailed design aspects outlined in the Liveable Neighbourhoods policy.

These would allow for the structure plan detail to be amended later in the development process without the need for readvertising and would also eliminate the concerns of purchasers if amendments are required to aspects of the detailed design.

It has been suggested by UDIA members that a more detailed plan (incorporating the design details outlined in the Liveable Neighbourhoods policy) could also be provided by proponents to local authorities and the WAPC to give an indication of the urban design intentions for the project but this document would not be statutory and could therefore undergo some amendments without the need for formal advertising.

UDIA would appreciate it if the WAPC could give consideration to these suggestions or consider other opportunities to allow for variations to detailed design aspects of the structure plan without the need for readvertising.

Flexibility in Implementation

UDIA members have identified a need for flexibility in the application of the policy to account for a current lack of market acceptance of some concepts.

This concern applies, for example, in regards to the increased emphasis on higher density targets and lot diversity around activity centres and public transport nodes.

UDIA members have recently experienced problems where they have provided higher density lots (such as lots for approx. four story town house/apartment development with basement parking) in some new estates however the market has not been willing to pay the higher building costs associated with higher density product.

We believe that the most effective implementation of opportunities for higher density development in areas where market acceptance for such product is currently low is to allow for flexibility both in the

interpretation of Liveable Neighbourhoods so that infrastructure and an appropriate lot layout can be in place to provide for the ultimate density to be retro-fitted to the estate when the market matures.

Resource Requirements

Industry members have been concerned that the assessment of applications under Liveable Neighbourhoods is more resource intensive than assessment under current policy, and that this will result in delays in the planning process.

UDIA is aware of that the DPI has been proactive in training Planning Officers on the requirements of Liveable Neighbourhoods and in restructuring the department to improve overall performance.

Industry commends the Department for this and encourages the DPI to ensure that planning officers are provided with efficient processes for assessment and the subjectivity of the process is reduced by splitting the document into 'mandatory requirements' and 'design guidelines'.

Industry would also support the hiring of additional planning officers for the implementation of Liveable Neighbourhoods if required.

2.3 SPECIFIC ISSUES

This section of our submission identifies any specific aspects of the Liveable Neighbourhoods policy that are of concern to UDIA members or that are supported by UDIA. Comments are made under each of the chapters/elements of the policy document.

Introducing Liveable Neighbourhoods

UDIA supports the inclusion of the State Sustainability Strategy requirements and objectives into the Liveable Neighbourhoods

policy. We believe that Liveable Neighbourhoods should be the primary avenue for the implementation of criteria for sustainable urban development in Western Australia.

Applications Under Liveable Neighbourhoods

UDIA supports the clarification of the relationship between Liveable Neighbourhoods and the R Codes and the opportunity for detailed area plans to be used in some cases to overcome the lack of flexibility in the R Codes.

Element 1 Community Design

As outlined previously in this submission there is some concern among UDIA members regarding the increased level of detail and emphasis on the local structure planning process in Liveable Neighbourhoods.

Concern regarding the level of detail in structure plans primarily relates to requirements for readvertising if changes are made to detailed aspects of the structure plan as well as problems that arise with purchasers if amendments are required to detailed elements of the plan.

Issues regarding the increased emphasis on structure plans stem from the lack of a formal process for DPI assessment and endorsement of structure plans. If more emphasis is to be placed on structure plans industry there is a need to ensure that the process for endorsement is clearer.

Additional concerns relating to this element relate to the need for flexibility in the implementation of density targets to allow them to be implemented over time as market acceptability of higher density housing increases (see 'General Issues' section of this submission).

Element 2 Movement Network

UDIA commends the inclusion of 'deemed to comply' street standards across all local governments. We believe that this will provide for a significantly more effective and efficient approvals system across Western Australia and provide a more consistently high standard of urban development, particularly in metropolitan areas.

However some members remain concerned that the engineering standards and resulting street reserve widths remain too high and that, as a result, streets are being over engineered for both the volume and speed of traffic that they are expected to accommodate.

UDIA members believe that the need for wide road reservations is partially a result of the inefficient use of verges and the lack of common trenching. UDIA supports common trenching as a goal and believes that this should stay on the agenda for the WAPC and DPI to identify efficient mechanisms for more common trenching to be undertaken.

Element 3 Lot Layout

UDIA supports the proposed mechanism to achieve density targets and lot density using dwellings per site hectare and detailed area plans to override the impost of the R Codes where a minimum lot size restricts the achievement of yield targets and diversity in lot product.

In regards to the proposed guidelines for achieving target densities, UDIA supports the provision of flexibility in regards to allowing for the initial provision of lower density development with the appropriate layout and infrastructure to allow for incremental intensification over time to achieve the target density.

Element 4 Public Parkland

UDIA supports the revision of public open space credits to acknowledge sustainability initiatives such as the retention of environmental features and adoption of water sensitive urban design principles. However UDIA believes that the limitation of credits to 2 per cent of the minimum ten per cent public open space is insufficient and this should be raised to up to 5%.

UDIA members have also expressed concern regarding clause R34 which proposes that the WAPC will require developers to develop public open space to a minimum standard. As you are aware, it has always been at the option of the developer to develop public open space as a marketing tool. While the large majority of developers do develop public open space a number of our members believe that imposing this as a statutory requirement is a retrograde step and will lead to additional costs being imposed on the industry for works which are the responsibility of local government.

Element 5 Urban Water Management

UDIA supports the proposed changes to Element 5 in regards to the improved integrated of urban water management measures into the urban form and public open space.

UDIA believes that Liveable Neighbourhoods should be the primary policy for the assessment of urban water management in new subdivisions in both state and local government. In particular, in order to be successful we believe that this policy should be implemented by all local authorities and where inconsistencies occur, Liveable Neighbourhoods should have overriding authority over local policies.

Element 6 Utilities

As previously outlined, UDIA members believe that the need for wide road reservations is partially a result of the inefficient use of verges and the lack of common trenching. UDIA supports common trenching as a goal and believes that this should stay on the agenda for the WAPC and DPI to identify efficient mechanisms for more common trenching to be undertaken.

Element 7 Activity Centres and Employment

UDIA supports the introduction of increased flexibility in regards to the need to provide neighbourhood shops in all neighbourhoods and the recognition that this may not always be appropriate.

UDIA also supports the increased flexibility in regards to the location of shops on busier streets, not hidden away within 'residential cells'.

Element 8 Schools

While UDIA members welcome the increased guidance on this issue there is concern that the size requirements for schools are still excessive and we request that the WAPC and DPI work with the Education Department to identify more innovative opportunities for the sharing of infrastructure and facilities to reduce required school sizes.

UDIA also asks the WAPC and DPI to consider the implementation of POS credits for subdivisions which have provided significant recreation areas as part of a school site and which has the capacity to meet a significant proportion of local recreation requirements.

3.0 Conclusions & Recommendations

This submission has been prepared by the Urban Development Institute of Australia (Western Australian Division) (UDIA) in

response to the Western Australian Planning Commission's (WAPC) Draft Operational Policy - Liveable Neighbourhoods Edition 3.

UDIA commends the WAPC, DPI and the consultant team for undertaking a comprehensive review which has successfully responded to many of the urban development industry's concerns with Edition 2 of the policy document.

However UDIA has identified a number of issues which we believe require some further consideration prior to the finalisation of Liveable Neighbourhoods Edition 3. These include:

- **Governance Structures and Certainty of Outcome** – The need for the requirements of state and local authority regulations, schemes and policies to provide certainty through consistency with the requirements of Liveable Neighbourhoods.
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- **Flexibility in Implementation** – UDIA members have identified a need for flexibility in the application of the policy to account for a current lack of market acceptance of some concepts.

- **Resource Requirements** - There is a need to ensure that the DPI has sufficient resources to implement the policy effectively and efficiently.

In addition we request that further consideration of:

- POS credits for sustainability, environmental conservation and water sensitive urban design measures.
- Engineering standards for street widths.
- Requirements to develop public open space.
- Requirements for school sizes.
- Introducing POS credits for schools.

Thank you for the opportunity to provide comment on this policy, please contact UDIA on 9321 1101 if you have any queries in regards to this submission. We look forward to your response.