

Development Application - Lot 572 (No. 200) West Coast Highway, Scarborough Proposed 27 Storey Mixed-Use Development

Prepared by Simon Wheeler 29th June 2023

Overview:

This development application is nonconforming with the intent and provisions of the Scarborough Beach Master Plan (SBMP) and the requirements of its associated design guidelines and development policies, it fails to comply with fundamental aspects of the SBMP to an extent renders the proposal as unfit for purpose and should not be seriously considered.

Page 9 of the proposal encapsulates much of what is wrong with this application and should be a red flag to any prudent decision maker.

“Some of the elements factored into the proposed project include avoiding superfluous amenities that only serve to justify the high rents charged by some BTR projects and excluding a basement which reduces the necessary build time and makes the project feasible in the midst of a rising construction cost environment”

When a proponent sees amenity as superfluous and goes further to consider such as secondary to concerns of cost considerations then clearly the Scarborough Beach Development Zone is simply not the right location for such a proponent.

Contents:

1. Precedence
2. Build to Rent (BTR) model / affordable housing
3. Built form requirements - variations
4. Built form requirements - building heights
5. Community benefits
6. DRP commentary
7. Summary

1:Precedence:

- Much of the proponents justification for the extent of the non conformity against the prevailing scheme relies almost entirely on claims that previous approvals set some precedent for the proposals non-conforming nature:

“The proposed development has been formulated as a direct response to the approved height, scale and mass of No. 194 West Coast Highway and the resultant

impacts to future occupant amenity.”

- The development guidelines however are unambiguous on precedence:
 - *“Each application for development approval will be assessed on an individual basis and the approval of an alternative solution **will not set a precedent for other development.**”¹*

Precedence can not be taken as reason to bypass the SBMP and variations or alternative design solutions can be considered only on any merit they may otherwise possess.

2:Build to Rent:

Build to Rent: is not a community benefit.

- The proponents proposal reads in part to suggest that the BTR model is of itself some form of community benefit and whilst metropolitan Perth is indeed in the midst of a housing crisis it is a crisis not in regard to a lack of housing, but of a lack of **affordable** housing.
- Among the main barriers to BTR schemes in Australia the Australian housing and urban research institute points to low returns, high risk, high management costs and a lack of institutional experience and according to Leith van Onselen²
 - *“Rather than fixing Australia’s housing problems at the source, ‘build-to-rent’ is another fake ‘affordability’ policy favoured by the rent-seekers for the rent-seekers and aimed at sucking more lifeblood from the catastrophic market failure of Australian housing”*
- EY Research similarly warns not to ‘confuse BTR with affordable housing’
 - *“The EY research found that BTR typically commands 10-15 per cent higher rents compared to private rentals.”³*

Build to Rent: is not considered under the scheme.

- The SBMP does not consider a BTR model, in part because BTR does not and can not by its very nature offer any guarantee of affordable housing which is a fundamental component of the intent of the Scheme and its development policies.

¹ Preliminaries - development guidelines 1.7 discretionary clause.

² Chief Economist at the MB Fund and MB Supe co-founder of MacroBusiness and having previously worked at the Australian Treasury, Victorian Treasury and Goldman Sachs - <https://www.macrobusiness.com.au/2022/04/beware-the-booming-build-to-rent-model/>

³<https://thefifthestate.com.au/columns/news-from-the-front-desk/on-build-to-rent-the-solution-to-the-smashed-avo-problem/>

Build to Rent: Affordable Housing: cash-in-lieu

- The development policies require cash-in-lieu payments to offset the lack of affordable housing.
 - *“Any multiple dwelling, group dwelling or mixed used development with 20 or more dwellings shall provide a minimum of 12% of dwellings as affordable housing for either social housing or affordable owner occupier housing”⁴*
- This requirement does not appear to be subject to variation or discretion yet neither the proposal nor DevelopmentWA’s correspondence to date notes any requirement for cash-in-lieu payments.

Build to Rent: Affordable Housing: No Legislative framework.

- The previous approved proposal for a 24 storey B2R in Hastings street promised that renters could “age “securely (affordably) in place” - as long as they chose not to age more than 10 years, at which point rents would return to market rates.
- This proposal outwardly doubles that `security` to 20 years however there is simply no legal framework available that can provide any guarantee of such, relying instead on market forces and the intentions of the owners, even should the current owners overflow with altruistic good intentions, there remains no guarantee of a continuation of such moving forward, the `affordable housing promises` are not legally binding and must not be considered as a community benefit or be considered as `affordable housing`.

The proponents matrix claims that the affordable housing component is met, it is not, nor does the proponent propose cash-in-lieu of affordable housing.

3:Built form variations:

Podium Height:

- A significant amount of consultation and work went into the proposed design of the redevelopment area and a 5 storey podium height simply does not conform to the desired future built form of the area nor the expectations or intent of the design guidelines and should not be considered.

Floorplate:

- The development presents a significant bulk and scale as seen from street level, the requested variation to the guidelines appears small enough on paper but presents as overdevelopment of the site, I also note the Design Review Panels comments in relation to such.

⁴ Scarborough Beach Development Policies P86

Parking Shortfall:

- The proposed shortfall in visitor parking, even the consideration of such, is of significant concern. A shortfall in visitor parking is an *anti*-community-benefit and will adversely affect not only residents of the proposed development but the residents of the area at large.
- No amount of greenwash or car-share schemes will change the fact that Perth remains a car reliant City and a demonstrable fact is that one of the biggest problems associated with the otherwise welcome Scarborough Foreshore Redevelopment has been the increase in traffic and a lack of parking, a problem that festers proportionally with density.

Density:

- Probably not a valid planning consideration in the context of the scheme however orderly and proper planning requires a holistic view of not only what is being proposed but of the future built form of the surrounding area, and importantly, the available infrastructure.
- Scarborough Beach barely has the infrastructure to cope even if developed in line with the existing Master Plan yet this application, like all recent approvals, has included a significant increase in density that the locality is unable to support.

Solar Access:

- Across the 264 apartments, 83% meet the design guidelines for solar access, but claims are made that these are offset by “*enhanced internal amenity for residents*” which is in direct contradiction to “*avoiding superfluous amenities*” noted in the overview.

4:Building Heights:

Building Heights: bonus heights

To match the expectations of anti-NIMBY rhetoric, building heights merits its own section.

The proponents' justification for bonus heights as provided for under the scheme total 1 legitimate item (5 Star Green) , an item that as discussed in the DRP report should in fact be considered a mandatory requirement given the other requested variations, other 'justifications' provided are not valid in regard to achieved bonus heights.

5 Star Green rating:

- A 5 star green energy compliance should be the minimum requirement of modern responsible significant development.
- For consistency I must accept that a 5 star rating is considered under the scheme as contributing towards potential bonus heights but note that it is not a community benefit.

10% road widening:

- The road widening on WCH is non negotiable, the proponent can not *not* cede the land, this does not meet any additional storeys criteria, made up or otherwise, neither in full nor as suggested by the proponent “in part”.

Build to Rent:

- Not a community benefit nor a consideration or component of the prevailing scheme.

Car Sharing:

- Again with no legal framework to support it this alleged benefit is nebulous and only serves to underline the issues with the lack of visitor parking the application proposes and indeed undermines the proponents own arguments on the parking shortfall⁵

Net Zero:

- The proposal claims it *needs* the extra height to be able to get enough solar access to achieve net zero... it does not concern itself with what the extra height will do to the solar access of other nearby developments that will need, following the proponents own logic, to be even higher than this one, a rainforest of skyscrapers searching for the sun? Please....

Overshadowing:

- My inner cynic notes, from the general language used , '*looks to minimise overshadowing impacts*` and '*compares well*' with another development, that it is unlikely that overshadowing does not conform with the development guidelines and without more I have little confidence in such claims.
- Whilst required, and to be frank rather phallic overshadowing diagrams are included, there is little indication of the true impact of overshadowing and whilst the proposal notes compliance with 42% overshadowing of 'the public domain' I, and it appears the Design Review Panel, remain skeptical if this figure truly reflects the actual overshadowing.

Building Heights: `Bonus` bonus height

Noting that this proposal does not qualify for the bonus heights considered in the scheme;

- The proponents logic of overriding the scheme with calculations of 1 extra storeys per \$166,666 is at least novel, it is also quite ludicrous and would not test the credulity of a child representing a fallacy that is an insult to the intelligence of the panel and should as such be dismissed, with prejudice.
- The community benefits, which are few and far-fetched are discussed further below.

⁵ “...This is particularly apparent given the lack of public transport linkages other than buses in Scarborough.” Page 50 of the Planning Report

Summary: Building heights:

The applicant accepts on page 51 of its proposal that it relies **entirely** on the proposed 5 star green energy rating to achieve the 6 bonus stories yet as noted, were the SBMP created today I, and I believe the panel would agree, am confident that a 5 star rating would be a *minimum* requirement for development approval.

It is inequitable to consider any alleged benefits without also considering shortfalls of the other requirements of the scheme and if a `point` is to be gained for a 5 star rating then a point must be deducted for the podium height, another for the oversize floor plate and associated bulk and scale and yet another , perhaps 2, for the parking shortfall, another for the lack of affordable housing and yet another for the lack of cash-in-lieu payments to cover that shortfall.

This application does not qualify for bonus height and none of the alternative design solutions come close to justifying bonus heights.

5: `Community Benefits`:

Public Art:

- Public Art may fit within the taxonomy of community benefits but is a minor consideration for residents of the area when compared to the adverse effects of increased height, density, traffic and general reduction in amenity that this application proposes.

Retail Space:

*"It is noted that Meadpoint is willing to offer the retail (Shop) tenancy space to startups and collectives as a community benefit **if not rented out to a local business in the first instance.**"⁶*

- This is not a community benefit of relevance - even in the unlikely scenario that commercial retail clients could not be found.

Electric Vehicle Parking and Charging facilities:

- Should be a standard component of any significant modern development yet this application only proposes that the design will `allow` for such, this is not the same thing and it is unclear exactly what facilities are to be provided `out of the box`.

Public Plaza: – 340m²

- Public Open space and deep soil space is welcomed however the \$1.27 million noted as forgone is in fact required for a provision of the scheme and this figure is as such is both irrelevant and misdirection.

⁶ P32 Proponents Planning Report

Design:

- Whilst I am not sure the design fits my personal interpretation of Art Deco I could, with a squint, imagine such, and were the development not so grossly over sized it might otherwise represent a welcome street frontage.

Community consultation:

- Non existent, no community consultation for such a significant project is unconscionable.

6:Design Review Panel:

Lacking any planning qualification or experience myself I will however note that the DRP appears to raise similar concerns over;

- building heights,
- excessive bulk and scale and overshadowing,
- design excellence (lack of),
- solar access,
- concerns with vehicle charging infrastructure,
- concerns with viability of car share scheme, and
- ... car parking shortfalls, etc

The DRP also sensibly notes that the 5 Star Green energy rating should be considered mandatory given the amount of proposed variations to built-form requirements.

Summary:

BTR is not a community benefit, BTR can not provide secure long term affordable housing, this is a *fundamental* requirement of the scheme that can be varied only through cash-in-lieu payments that would significantly affect the economic feasibility of the proposal.

The fact that development conditions remain problematic for the industry is not a valid planning consideration, nor would it represent orderly and proper planning for decision makers to bypass best practice in urban planning and decision making for otherwise unapprovable development.

The shortfalls in visitor parking alone demonstrate a significant misunderstanding of the locality and the proponents' justifications to building heights border on the surreal in a proposal which at its core represents a dishonest misdirection in justifications for its departures from the overall vision for the scheme area , a vision that it can not fulfill.

The panel proposal should refuse this application.

I would welcome the opportunity to make a presentation to the LRC.

Simon Wheeler.

7/22 Pearl Parade, Scarborough, WA 6019.

0403358160