

**5.1.6 LATE ITEM: Outcomes of Advertising – Policy No. 7.5.15 – Character Retention Areas**

<b>Ward:</b>	Both Wards	<b>Date:</b>	20 January 2017
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	SC1343
<b>Attachments:</b>	<p><a href="#">1</a> – Draft Policy No. 7.5.15 – Character Retention Areas as advertised</p> <p><a href="#">2</a> – Summary of Submissions</p> <p><a href="#">3</a> – Amended Policy No. 7.5.15 – Character Retention Areas (with tracked changes)</p> <p><a href="#">4</a> – Amended Policy No. 7.5.15 – Character Retention Areas (without tracked changes)</p> <p><a href="#">5</a> – Proposed further amended Policy No 7.5.15 – Character Retention Areas (with tracked changes)</p> <p><a href="#">6</a> – Harley Street Heritage Area Assessment</p>		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	A Fox, Strategic Planning Officer J O’Keefe , Manager Policy and Place		
<b>Responsible Officer:</b>	J Corbellini, Director Planning Services		

**RECOMMENDATION:**

**That Council:**

1. **PROCEEDS** with the amendment to Local Planning Policy No. 7.5.15 – Character Retention Areas with modifications as shown in Attachment 4;
2. **NOTES** the submissions received in relation to the advertising of the amendment to Local Planning Policy No. 7.5.15 – Character Retention Areas and **ENDORSES** Administration’s responses to those submissions included as Attachment 2;
3. **PREPARES** an amendment to Local Planning Policy No. 7.5.15 – Character Retention Areas to designate Harley Street as a Heritage Area, as shown in Attachment 5; and
4. **NOTES** that the proposed designation of Harley Street as a Heritage Area and the amendment to Local Planning Policy No. 7.5.15 – Character Retention Areas (included in attachments) will be advertised for a period of 28 days pursuant to Clauses 4 and 9 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Policy No. 4.1.5 – Community Consultation.

**PURPOSE OF REPORT:**

To consider the outcomes of the public consultation period for the amendment of Local Planning Policy No. 7.5.15 – Character Retention Areas and whether to proceed with the amended Policy, and advise a further amendment to the policy to designate Harley Street as a Heritage Area.

**BACKGROUND:**

On 30 May 2016 the City received a petition signed by landowners representing 55% of the properties in Harley Street in support of a nomination of Harley Street as a Character Retention Area. Following the petition, the City engaged with Harley Street residents on two occasions to inform the preparation of a set of Character Retention Area Guidelines for Harley Street. A draft set of Guidelines, along with a number of other administrative and structural changes to the City’s Local Planning Policy No. 7.5.15 – Character Retention Areas, were presented to the Ordinary Council Meeting of 18 October 2016, where they were endorsed for the purposes of advertising.

The advertised amendment affected the following elements of the Local Planning Policy No. 7.5.15 – Character Retention Areas:

- Changes to the policy structure and various administrative changes, consistent with the City's new Built Form Policy; and
- Inclusion of draft Harley Street Character Guidelines as Appendix 2, to provide built form guidance for new development on the street.

The amendment to the Local Planning Policy No. 7.5.15 – Character Retention Areas was advertised from 14 November 2016 to 12 December 2016.

**DETAILS:**

Harley Street includes a level of original detailing, form and roofscape that results in an excellent representation of a Federation streetscape. The more detailed characteristics of the area are summarised as follows:

- The area is a highly intact example of late nineteenth to early twentieth century residential development comprising good examples of modest, single storey dwellings and two storey terrace houses constructed in the Federation style of architecture;
- The overall form, style, height and selection of materials of the dwellings contribute to the uniformity of the streetscape, providing a consistent and coherent character;
- A high level of retained original detail including street facing verandahs, decorative gables, chimneys, windows and front fences;
- Lot widths are generally consistent, with some half-width lots accommodating terrace housing built at the time of the Chatsworth Estate, many of which are now listed on the City's Municipal Heritage Inventory;
- Front setbacks are generally consistent, reinforcing the building edge, maintaining consistent pattern of development and allowing viewlines along the fronts of all dwellings;
- Front fences are low and or visually permeable with an absence of solid, obtrusive front fences; and
- The street has an absence of car bays and carports to property frontages due to access from a Right of Way and the abundance of on street parking.

The provisions contained in the draft Harley Street Guidelines are proposed to be used to assess development applications lodged for the area. The 'deemed-to-comply' requirements set out in the guidelines are proposed to replace those set out in the City's Built Form Policy and the State Government's Residential Design Codes (R-Codes). The Guidelines also established 'Local Housing Objectives' which will be considered as part of the assessment of development applications.

The provisions of the Guidelines were drafted in consultation with the community to reflect and protect the prevailing character of the streetscape for any new development. There are no elements of these Guidelines which require the approval of the Western Australian Planning Commission.

In addition to the draft Harley Street Guidelines, the proposed amendment to the Local Planning Policy No. 7.5.15 – Character Retention Areas also includes a number of structural and formatting changes. These include:

- Splitting the policy into a Part 1 and Part 2, with Part 1 setting out the purpose and objectives of the policy and Part 2 setting out the framework and process for the nomination of a Character Retention Area and preparation of Guidelines;
- Clarifying the head of power for the policy, the relationship to other planning documents and removing any ambiguity regarding the purpose and application of the local planning policy. This is consistent with the City's new Built Form Policy, which is now considered best practice for the City's local planning policies; and
- Refining the 'Application of Policy and Development Standards' to ensure all terminology is correct and aligned with the Residential Design Codes (where appropriate).

### CONSULTATION/ADVERTISING:

The formal advertising of the amendment to the Local Planning Policy No. 7.5.15 – Character Retention Areas was undertaken for a period of 28 days from 14 November 2016 to 12 December 2016. Consultation was undertaken in accordance with Schedule 2, Part 2, Clauses 4 and 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the City's Policy No. 4.1.5 – Community Consultation and included:

- Written notification to landowners in affected areas;
- Adverts in the Guardian and the Perth Voice newspapers;
- Notice on the City's website; and
- Copies displayed at City of Vincent Administration and Civic Building and Library and Local History Centre.

The City received six submissions during the advertising period including:

- Two written objections;
- Two written submissions of support (one including a number of minor modifications);
- A petition in support containing 43 signatories; and
- A submission not stating a position but with recommended changes.

A breakdown of the petition in support of the proposed amendment has been provided below indicating who has signed the petition and what percentage of properties that represents.

Signatory	Total Number of Properties Represented (out of 33)	Percentage of Total Properties
Direct Owners	19	57.5%
Non-owner	12	36.4%
Absent	2	6.1%
<b>TOTAL</b>	<b>33</b>	<b>100%</b>

The main issues raised in the submissions related to:

- the Guidelines dictating specific styles and materials and reducing the ability to build modern style homes if desired;
- Concern that the Guidelines would create more red tape and go over and above the requirements of the R-Codes; and
- a number of minor amendments proposed for consideration by the City to further refine or clarify various provisions.

A summary of the submissions received and Administration's response to each is contained in **Attachment 2**.

### LEGAL/POLICY:

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- City of Vincent Town Planning Scheme No. 1; and
- City of Vincent Policy No. 4.1.5 Community Consultation.

### RISK MANAGEMENT IMPLICATIONS:

The risk of not progressing an adequate character retention policy framework is that the City will be unable to appropriately deal with development issues in the area and this may result in unintended development outcomes, resulting in the loss of character streetscapes that create attractive and desirable places to live.

### **STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2013-2023 states:

*"1.1.1 Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision.*

*1.1.2 Enhance and maintain the character and heritage of the City.*

*4.1.4 Plan effectively for the future.*

*4.1.5 Focus on stakeholder needs, values, engagement and involvement."*

### **SUSTAINABILITY IMPLICATIONS:**

Nil

### **FINANCIAL/BUDGET IMPLICATIONS:**

Expenditure to progress this policy amendment will be paid from the operating budget.

### **COMMENTS:**

#### Specification of styles and materials

Two letters of objection were received during the advertising period. They raised a number of concerns that the Guidelines would 'dictate' specific styles, materials and would reduce the ability to build modern style homes if desired. Concern was also raised that the Guidelines would create more red tape and go over and above the requirements of the R-Codes.

The proposed Guidelines do not 'dictate' styles or materials but rather sets several paths of assessment of a development application in the area. This includes a set of deemed-to-comply standards based on the existing character of the area. Where an applicant proposes a different form of development, assessment is to be made against the design principles contained in the R-Codes, the local housing objectives of the draft Guidelines and the Harley Street Character Objectives.

There is already a policy framework in place for all developments in Vincent and the draft Guidelines will replace certain elements of the existing framework not add to them. In addition the guidelines do not vary anything that is not permitted to be varied by the R Codes and does not require the approval of the Western Australian Planning Commission. On this basis it is considered that the proposed Guidelines operate within the planning framework of the R-Codes established by the State Government.

#### Minor Amendments

Two written submissions in support of the Guidelines were received with one containing a number of minor amendments to be considered by the City to further refine or clarify various provisions. Another submission was made which did not disclose a position but suggested a range of amendments to be considered.

As a result of the submissions received, minor changes are proposed to both the substantive policy and the Guidelines. These are summarised below and highlighted in **Attachment 3**:

- A number of minor wording changes to the policy to clarify the application and objectives of the policy;
- Changes to Clause 1.7 so there is no roof pitch requirements where the roof cannot be seen from the street;
- Inclusion of a new objective to encourage a high standard of architectural and sustainable design solutions for additions to existing buildings and new buildings;
- Relocation of O1.2.1 from a Local Housing Objective to a 'Deemed to Comply' provision;

- Relocate wording from the 'note' into the Deemed to Comply' provision for C1.3.1 relating to plate height;
- Increasing building heights by one metre to accommodate the height permitted through the previous provision relating to plate height;
- Removal of the word 'habitable' from C1.5.2;
- Reduction of visually permeable fences from 50% to 40%;
- Increase in the maximum width of piers to 470mm;
- Improvements in the wording of clause 1.8 – Building Design;
- Correction to remove reference to Part 6 of the R-Codes which does not apply to Harley Street.

### Heritage Areas

Following the advertising of the draft Character Retention Area Guidelines and as part of a separate initiative, the City met with Harley Street residents again in late January 2017 to discuss whether there was an appetite for the street to be designated as a 'Heritage Area' which is empowered by state planning regulations.

Heritage Areas are places that need special planning controls to conserve and enhance the cultural heritage significance and character of that area, similar to Character Retention Areas, with the only difference being that buildings within a Heritage Area may require development approval prior to demolition occurring. This provides a greater level of protection to selected buildings which contribute to the heritage value of the area but are not individually registered on the City's or State's Heritage List.

A total of 14 residents attended the meeting, representing approximately one third of the properties in Harley Street. Two attendees did not provide an opinion on the proposal, 12 attendees stated their strong support and one attendee stated they did not object to the proposal but was there to seek further information.

The City has undertaken a heritage assessment of Harley Street and is satisfied it meets the criteria to be included as a 'Heritage Area', in accordance with the *State Heritage Office Criteria for the Assessment of Local Heritage Places and Areas*, Clause 9 (1) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Clause 6.3 of the City's Policy No. 7.6.2 – Heritage Management – Assessment. This assessment is contained in **Attachment 6**.

The City's heritage assessment identifies that the street has *moderate aesthetic value* through its dominant display of single storey residences constructed in the Federation style of architecture and has *moderate historic value* as an almost complete example of a 19<sup>th</sup> century streetscape, with residences that were predominantly built in the late 1980s – 1910s providing a rare historic record of the accommodation of people in this period. Each dwelling within the area is considered to have *moderate contribution* to the significance of Harley Street, with the exception of Nos. 1A-1C Harley Street, Nos. 15A-15B Harley Street and No. 30 Harley Street. In addition Nos. 2 and 14 Harley Street also have no contribution as they are vacant sites.

Given the results of the heritage assessment and the high level of community support provided in the recent workshop, it is recommended that the designation of Harley Street as a Heritage Area be advertised for public comment. It is also recommended that a draft amendment be prepared to the Harley Street Character Retention Area Guidelines to include the proposed Heritage Area designation, as included in **Attachment 5**. In relation to those properties not considered to contribute to the significance of Harley Street, being Nos. 1A-1C; 2; 14; 15A-15B; and 30 Harley Street it is recommended that the Guidelines still be applicable to these identified properties in order to guide future built form in the area, but that demolition of these properties be exempt from requiring development approval.

Under the state planning regulations, the proposed designation of a Heritage Area is required to be initiated and advertised by the local government to affected property owners. Administration will undertake this process in accordance with the Regulations to ensure all owners have the opportunity to provide comments on the proposal.

### Conclusion

The consultation relating to the character retention area displayed a high level of engagement and support by the local community guidelines for the area. On this basis, it is considered that there is adequate support for the guidelines as presented. A number of modifications are proposed to the draft amended policy as a result of the feedback received during the consultation period. Given the above, it is recommended that the advertised amendment to the Local Planning Policy No. 7.5.15 – Character Retention Areas be adopted with modifications.

The City has also discussed a proposal to designate Harley Street as a Heritage Area with the community and given the level of support shown it is recommended that the proposal be formally advertised. It is recommended that a Heritage Area amendment be prepared for Local Planning Policy No. 7.5.15 – Character Retention Areas and be advertised together with the proposal to designate Harley Street as a Heritage Area.