

**5.1.11 LATE ITEM: Outcomes of Advertising – Draft Policy No. 7.1.1 – Built Form**

<b>Ward:</b>	Both	<b>Date:</b>	5 December 2016
<b>Precinct:</b>	All	<b>File Ref:</b>	SC2320
<b>Attachments:</b>	<p><u>1</u> – Advertised Draft Policy No. 7.1.1 – Built Form  <u>2</u> – Summary of Building Height Submissions  <u>3</u> – Summary of Submissions and Recommended Modifications  <u>4</u> – Revised Draft Policy No. 7.1.1 – Built Form (Track Changes)  <u>5</u> – Revised Draft Policy No. 7.1.1 – Built Form (Clean)</p>		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	<p>T Elliott, Strategic Planning Officer  S Smith, Coordinator Policy and Place  J O’Keefe, Manager Policy and Place</p>		
<b>Responsible Officer:</b>	John Corbellini, Director Development Services		

**RECOMMENDATION:**

That Council:

1. **ADOPTS** draft Policy No. 7.1.1 – Built Form included as Attachment 5 pursuant to Clause 4(3) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and
2. **RESCINDS** Policy No. 7.1.1 – Mount Hawthorn Precinct – Scheme Map 1; Policy No. 7.1.2 – Mount Hawthorn Centre Precinct – Scheme Map 2; Policy No. 7.1.3 – Leederville Precinct – Scheme Map 3; Policy No. 7.1.4 – Oxford Centre Precinct – Scheme Map 4; Policy No. 7.1.5 – Cleaver Precinct – Scheme Map 5; Policy No. 7.1.6 – Smith’s Lake Precinct – Scheme Map 6; Policy No. 7.1.7 – Charles Centre Precinct – Scheme Map 7; Policy No. 7.1.8 – North Perth Precinct – Scheme Map 8; Policy No. 7.1.9 – North Perth Centre Precinct – Scheme Map 9; Policy No. 7.1.10 – Norfolk Precinct – Scheme Map 10; Policy No. 7.1.11 – Mount Lawley Centre Precinct – Scheme Map 11; Policy No. 7.1.12 – Hyde Park Precinct – Scheme Map 12; Policy No. 7.1.13 – Beaufort Precinct – Scheme Map 13; Policy No. 7.1.14 – Forrest Precinct – Scheme Map 14; Policy No. 7.1.15 – Banks Precinct – Scheme Map 15; Policy No. 7.2.1 – Residential Design Elements; Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings; Policy No. 7.5.11 – Exercise of Discretion for Development Variations; and Policy No. 7.5.12 – Development Guidelines for Commercial and Mixed Use Developments, pursuant to Clause 6 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and
3. **NOTES:**
  - 3.1 The submissions received in relation to the advertising of draft Policy No. 7.1.1 – Built Form included as Attachment 2 and Attachment 3, and **ENDORSES** Administration’s responses to those submissions included in Attachment 3;
  - 3.2 That Administration will publish a notice of adoption pursuant to Clause 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
  - 3.3 That Administration will publish a notice of revocation pursuant to Clause 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and
  - 3.4 That Administration will **FORWARD** the landscaping provisions in Policy No. 7.1.1 – Built Form to the Western Australian Planning Commission for approval pursuant to Clause 7.3.2 of State Planning Policy 3.1: Residential Design Codes.

**PURPOSE OF REPORT:**

To consider the outcomes of community consultation relating to draft Local Planning Policy No. 7.1.1 – Built Form (Built Form Policy) and to consider the revised draft Built Form Policy.

**BACKGROUND:**

At its meeting on 20 September 2016 Council resolved to adopt the draft Built Form Policy, included as **Attachment 1**, for the purpose of advertising for public comment (Item 9.1.14).

The draft Built Form Policy was advertised between 11 October 2016 and 11 November 2016. A timeline of the development of the Built Form Policy is as follows:

Date	Comment
10 March 2015	Council resolved to adopt a suite of draft local planning policies for the purpose of advertising for public comment including five precinct policies and one development policy.
31 July 2015 – 11 September 2015	The suite of draft local planning policies were advertised for public comment.
20 September 2016	The outcomes of community consultation and a new draft Policy No. 7.1.1 – Built Form were presented to Council and the draft policy was adopted for the purpose of public consultation.
11 October 2016 – 11 November 2016	Draft Policy No. 7.1.1 – Built Form was advertised for public comment.

**DETAILS:**

The City received 42 written submissions during the consultation period. The comments received raised a range of issues which Administration has considered. A summary of the submission received and Administration’s response to each is included in **Attachments 2 and 3**.

The development and planning industry were generally supportive of the new format and structure of the draft policy. Many commented specifically that the improvement to the structure and inclusion of Part One would reduce inconsistent decision making and provide much more certainty to landowners.

With respect to comments relating to specific development provisions, the five key areas and Administration’s responses are summarised below.

Setbacks

The advertised draft Built Form Policy proposed setbacks which provide separation between higher density development and lower density established residential areas. The advertised policy also proposed minimal setbacks to the side and street in Town Centres, Activity Corridors and Mixed Use Areas, to allow development potential where it did not impact on established residential areas. Submitters were generally supportive of the approach to provide setbacks which require separation between established residential areas and higher density development.

The key issues relating to setbacks are outlined below.

*Boundary Walls in Town Centres / Activity Corridors / Mixed Use Areas*

The draft Built Form Policy was advertised with no side setback requirements for the first three storeys in these areas. During the consultation period, Administration reviewed these requirements and noted that this would allow three storey boundary walls adjoining existing single residential dwellings in some instances. This has the potential to create poor quality streetscapes and significantly impact on existing residential properties while these areas transition.

In order to better address these concerns, while still allowing a transition to higher intensity development in Town Centres, Activity Corridors and Mixed Use Areas, it is recommended that this deemed-to-comply standard be reduced to only allow two storey side boundary walls as-of-right unless there is an existing or simultaneously constructed boundary wall. In these instances higher boundary walls that match an existing boundary wall are permitted as-of-right.

This approach will create a more responsive streetscape, recognising existing built form and ensuring that buildings are providing adequate light and ventilation to all units regardless of their location within a building. Tall, long exposed boundary walls are considered a poor outcome for the existing streetscape, adjoining development and the local amenity of an area.

#### *Balcony setbacks*

Concerns were raised during the consultation period that the side and rear setbacks did not align with the privacy setbacks for balconies, creating an inconsistency between these two setback requirements. In order to address this inconsistency it is recommended that the policy be modified to apply the privacy setbacks of the R-Codes as the side and rear setbacks where balconies are proposed. Where balconies are not proposed the advertised side and rear setbacks of the policy will apply.

In addition, it was also noted that the setback illustrations that related to a right-of-way were incorrect. These illustrations stated that a maximum of 2 metres of the right-of-way could contribute to that setback measurement, when in fact the draft policy provisions stated that in this circumstance the setback is calculated from the midpoint of the right-of-way. These illustrations have been modified to correct this error.

#### Access, Garages and Carports

The advertised draft Built Form Policy sets out provisions which affect the location and design of garages and carports into the following three areas:

##### 1. *Vehicular access*

The advertised draft Built Form Policy proposed to use Clause 5.3.5 of the R-Codes to guide decisions on vehicular access. This Clause requires that access is to be provided from a right of way (ROW) where it exists, from the secondary street where no ROW exists, and from the primary street where no ROW or secondary street exists. This clause cannot be varied in a local planning policy without the approval of the Western Australian Planning Commission (WAPC).

##### 2. *Location and setback of garages and carports*

The advertised draft Built Form Policy required garages to be setback 500mm behind the building line of the dwelling. Carports were permitted in the primary street setback area subject to certain conditions.

##### 3. *Design of garages and carports*

The advertised draft Built Form Policy required carports and garages to be designed to match the existing dwellings predominant roof form, colour, scale and materials.

During the consultation period the City did not receive any specific feedback in relation to these provisions. On review, it is proposed that further clarity be provided on the design and functionality of carports in the street setback area. The changes will ensure future carport designs are suitable and responsive for a range of housing scenarios provided certain elements are incorporated into the final design.

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In summary, these elements include:

- The removal of the requirement for the roof form to match the existing dwelling provided the design is complimentary of and subservient to the dwelling;
- That the front windows and door are clearly visible from the street;
- That the carport is not attached to the dwelling, allowing opportunity for light and ventilation to the front windows; and
- That the width of the carport does not exceed 50 per cent the frontage of the lot (including strata lots) or 6 metres (consistent with Australian Standards), whichever is the lesser.

In addition, it is recommended that the setback of the carport structure be aligned with the R-Codes. The draft Built Form Policy did not contain a setback requirement for carports and also removed the previous requirement for carports to only be permitted where more than 50 per cent of the properties in the street had access from the primary street. This will potentially lead to poor streetscape outcomes, where carports are permitted as-of-right up to the front boundary where no other property in the street has any structures in the front setback area. Applying the R-Codes carport setback requirement will ensure that carports are setback appropriately for each street by applying a deemed-to-comply setback that is half the dwelling setback and allowing carports at lesser setbacks where they do not detract from the streetscape.

#### Landscaping

The advertised draft Built Form Policy proposed a new approach to Landscaping.

The advertised provisions for Town Centres, Activity Corridors and Mixed Use Areas were as follows:

- Deep soil zones to be 15% of the site area with minimum area of deep soil zone corresponding to the size of the site. The 15% may be reduced to 12% where a mature tree is retained;
- 80% of the rear setback area to be provided as canopy coverage; and
- A landscape plan and landscape maintenance plan to be provided by a landscape architect.

The advertised provisions for the Transit Corridors were as follows:

- Deep soil zones to be 15% of the site area with minimum area of deep soil zone corresponding to the size of the site. The 15% may be reduced to 12% where a mature tree is retained;
- 50% of the front setback to be provided as soft landscaping;
- 30% of the site area to be provided as canopy coverage; and
- A landscape plan and landscape maintenance plan to be provided by a landscape architect.

The advertised provisions for the Residential Areas were as follows:

- Deep soil zones to be 15% of the site area with minimum area of deep soil zone corresponding to the size of the site. The 15% may be reduced to 12% where a mature tree is retained;
  - 30% of the site area to be provided as canopy coverage;
  - A landscape plan and landscape maintenance plan to be provided by a landscape architect for multiple dwellings only; and
  - Where any additions or alterations to a building is proposed, 30% of the front setback area is to be provided as canopy coverage, unless an existing mature tree with equivalent coverage is retained anywhere on the site.
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During the consultation period submitters raised concerns with the canopy coverage requirement, how it is to be measured and its ability to be enforced. The intent for this clause is for applicants to submit landscaping plans at the development application stage which demonstrate the ability for the proposed landscaping to provide 30% canopy coverage. This has been achieved in a number of recent development applications and is considered a reasonable approach that will deliver significant landscaping improvements to development undertaken in the City. For grouped dwellings, multiple dwellings and commercial developments, compliance with the approved landscaping plan will then be followed up by the City, as is the current industry wide practice. It is recommended that this intent is clarified through minor modifications to the provisions.

#### 4. Height

The advertised draft Built Form Policy sets maximum building heights for each lot to provide clear guidance on the scale of development that can be built throughout the City. Where an applicant is seeking additional height the Policy requires them to prepare a Local Development Plan, among other requirements.

Several submitters felt the requirement to prepare a Local Development Plan was too onerous and costly. Administration acknowledges that preparing a Local Development Plan is a comprehensive process, however, this is an important step in the planning and development process to determine what additional height, if any, is appropriate in the context of that location. On this basis it is recommended that the proposed position be maintained.

A range of submissions were received requesting individual changes to building heights. An itemised map showing the requested building height modifications and Administration's response is included as **Attachment 2**. The main issues are outlined as follows:

##### *Land Zoned Residential R80*

The draft Built Form Policy was advertised with the building height for all residential zoned land to be consistent with the R-Codes. Some concern was raised regarding the four storey height this would permit for land zoned Residential R80. These areas are largely single storey detached housing and so permitting four storeys in these areas at this stage would be a significant change and potentially have a significant effect on existing properties. It is therefore recommended that the height limit for the Residential R80 areas be reduced to three storeys which is consistent with current policy position. The City is focusing density on the major corridors and in town centres so the reduction in height for these areas is considered entirely appropriate and will not jeopardise the ability of the City to deliver density in accordance with State Government requirements.

##### *Mt Hawthorn – R60 Area*

The residential zoned land adjoining the Mezz Shopping Centre immediately west will be zoned R60 when draft Town Planning Scheme No. 2 (TPS2) is gazetted. A submission was received requesting that this land only be permitted to be developed to two storeys. Given the location of these properties immediately adjoining low density R30 sites to the north, it is proposed to include a provision to ensure that any changes to zones to R60 as a result of draft TPS2 in this area remains as a two storey height limit.

##### *Design Guideline Areas*

The City's Planning and Building Policy Manual contains a number of specific Design Guidelines which were drafted to guide re-development that required additional planning guidance. Where the draft Built Form Policy is inconsistent with these guidelines, the guidelines prevail. To this end, building height limits specified in these documents will continue to be enforced until or unless they are reviewed following the introduction of the draft Built Form Policy. These areas have been identified on the Building Heights map which has been included in the final draft of the Policy.

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### *Submissions Proposing Additional Height*

A number of submissions were provided to the City during the advertising period requesting that additional height be considered for certain properties or areas prior to the final adoption of the policy. These include:

- Residential Built Form Area increasing from two storeys to three storeys;
- Residential R50 sites increasing from two storeys to three storeys;
- Newcastle Street north mixed use area increasing from four storeys to six storeys;
- Oxford Street increasing from four storeys to six storeys;
- North Perth Mixed Use Area increasing from four storeys to seven storeys;
- One site on Charles Street increasing from four to six storeys; and
- One site on Wright Street increasing from four storeys to eight storeys.

The proposed increases in height are not supported for inclusion in the final Built Form Policy. It is considered that the proposed height limits reflect the current built form and intended future built form for these areas, noting any additional height can be considered by the City through the assessment of a Local Development Plan.

### *Submissions Requesting a Reduction in Height*

The City also received submissions requesting the reduction of building height in some areas. These were provided by adjoining residents who may be affected by future built form in these locations. The areas include:

- Mt Lawley Town Centre reduced from six storeys to four storeys;
- Charles Street (between Newcastle Street and Carr Street) reduced from six storeys to four storeys;
- Newcastle Street North reduced from six storeys to four storeys; and
- Newcastle Street South reduced from seven storeys to six storeys for lots fronting Newcastle Street.

Although these comments are noted, it is not proposed that any building height limits in these areas be modified. These areas are in close proximity to the Perth CBD and are situated in the context of commercial and mixed use zones. Administration does not consider it suitable to reduce the heights in these contexts.

In addition to the maximum height limits proposed, the draft Policy has been designed to ensure that buildings adjoining residential zoned land have adequate and sophisticated setback and landscaping provisions which when working in conjunction, will significantly reduce the impact of any development on adjoining properties.

### *Claisebrook*

The Claisebrook area is currently guided by the East Perth Redevelopment Authority Scheme 1992 (EPRA Scheme). None of the City's planning policies yet apply to this area, but will if and when the City's draft Town Planning Scheme No. 2 is gazetted.

In anticipation of this, the City advertised a range of heights in this area which will come into effect upon gazettal of the new scheme. The intention was to ensure the same heights which apply under the EPRA Scheme would be either carried over into the draft policy, or increased where appropriate.

The heights west of Claisebrook Road were increased from four storeys to six storeys with no submissions in support or objection to this being received.

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In order to ensure the heights east of Claisebrook Road are also consistent some amendments are proposed as follows:

Road	Current	Advertised	Proposed
Caversham Road (north)	10 storeys	6 storeys	10 storeys
Caversham Road (south)	8 storeys	6 storeys	8 storeys
Edward Street (north)	4 storeys	6 storeys	No change
Edward Street (south)	8 storeys	6 storeys	8 storeys
Claisebrook Road	4 storeys	6 storeys	8 storeys

The proposed height increases for Caversham Road, Claisebrook Road and Edward Street from what was advertised is considered to be appropriate as they reflect the current height limit set under the EPRA Scheme. This will ensure that the precinct continues to be incentivised as a major re-development precinct within the City.

#### Environmentally Sustainable Design

The advertised draft Built Form Policy proposes to require development to obtain a sustainability rating in accordance with the Green Building Council of Australia's Green Star rating system, life cycle assessment methodologies or equivalent.

Submitters generally agreed with this approach, however, the level of detail (such as glazing and plumbing detail) required to complete these assessments at such an early stage in the development process is of concern. Because environmentally sustainable design is such an important consideration and should be incorporated into the policy, it is recommended that minor amendments be made to the environmentally sustainable design provisions to ensure that applicants can 'demonstrate' that they are able to meet the requirements required by the policy. Slightly changing the language will ensure that there are no inconsistencies or conflicts between any planning approval and the Building Code of Australia.

Further to the submissions received Administration identified several minor editorial modifications and it is recommended that these be included in the final Built Form Policy. A full summary of the submissions, Administration's response to each and the recommended modifications is included as **Attachment 3**. A tracked change version of the revised draft Built Form Policy is included as **Attachment 4** and a clean version is included as **Attachment 5**.

#### **CONSULTATION/ADVERTISING:**

Required by Legislation:	Yes, required by Schedule 2, Part 2, Clauses 4 and 5 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .
Required by City of Vincent Policy No.:	Yes, required by the City's Policy No. 4.1.5 – Community Consultation.
Consultation Period:	11 October 2016 – 11 November 2016
Consultation Type:	<ul style="list-style-type: none"> <li>• Two community information sessions;</li> <li>• Discussion with the Environmental Advisory Group;</li> <li>• A workshop with the Design Advisory Committee;</li> <li>• Advertisements in the local newspapers;</li> <li>• Advertisement on the City's website;</li> <li>• Notice in the City's Planning Newsletter and E-Newsletter;</li> <li>• Notices on Social Media.</li> </ul>
Submissions	The City received 42 submissions.

Submitter	Number of Submissions
Landowners	23
Consultants	10
Government Agencies	8
Town Teams	1
<b>Total</b>	<b>42</b>

**LEGAL/POLICY:**

- *Planning and Development Act 2005;*
- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- City of Vincent Town Planning Scheme No. 1;
- R Codes;
- Policy No. 4.1.5 – Community Consultation;
- Policy No. 7.1.1 – Mount Hawthorn Precinct;
- Policy No. 7.1.2 – Mount Hawthorn Centre Precinct;
- Policy No. 7.1.3 – Leederville Precinct;
- Policy No. 7.1.4 – Oxford Centre Precinct;
- Policy No. 7.1.5 – Cleaver Precinct;
- Policy No. 7.1.6 – Smith’s Lake Precinct;
- Policy No. 7.1.7 – Charles Centre Precinct;
- Policy No. 7.1.8 – North Perth Precinct;
- Policy No. 7.1.9 – North Perth Centre Precinct;
- Policy No. 7.1.10 – Norfolk Precinct;
- Policy No. 7.1.11 – Mount Lawley Centre Precinct;
- Policy No. 7.1.12 – Hyde Park Precinct;
- Policy No. 7.1.13 – Beaufort Precinct;
- Policy No. 7.1.14 – Forrest Precinct;
- Policy No. 7.1.15 – Banks Precinct;
- Policy No. 7.2.1 – Residential Design Elements;
- Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings
- Policy No. 7.5.11 – Exercise of Discretion for Development Variations; and
- Policy No. 7.5.12 – Development Guidelines for Commercial and Mixed Use Development.

**RISK MANAGEMENT IMPLICATIONS:**

Nil.

**STRATEGIC IMPLICATIONS:**

The City of Vincent Corporate Business Plan 2016/17 – 2019/20 states:

*“4.1 Review the local planning policy framework.”*

The City’s Strategic Community Plan 2013-2023, Objective 1.1 states:

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

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

The cost of the notice to advertise the adoption of the policy and rescission of the existing ones will be met through the existing operational budget.



**COMMENTS:**

Many of the City's current local planning policies relating to development requirements are outdated and due for review. The imminent approval of the City's draft Town Planning Scheme No. 2 also requires that a new planning document be introduced to better manage corridor and town centre development and protect the residential character of adjoining areas.

The revised draft Built Form Policy will provide a much improved and effective decision making framework for statutory planning and improve development outcomes generally throughout the City.

As part of the review, 19 of the City's existing planning policies are proposed to be rescinded which includes all of the precinct policies and four development policies. This will streamline the way the City, developers and residents interact with the planning framework and create more consistency in decision making, regardless of the determining authority. The policies proposed to be rescinded include:

- Policy No. 7.1.1 – Mount Hawthorn Precinct;
- Policy No. 7.1.2 – Mount Hawthorn Centre Precinct;
- Policy No. 7.1.3 – Leederville Precinct;
- Policy No. 7.1.4 – Oxford Centre Precinct;
- Policy No. 7.1.5 – Cleaver Precinct;
- Policy No. 7.1.6 – Smith's Lake Precinct;
- Policy No. 7.1.7 – Charles Centre Precinct;
- Policy No. 7.1.8 – North Perth Precinct;
- Policy No. 7.1.9 – North Perth Centre Precinct;
- Policy No. 7.1.10 – Norfolk Precinct;
- Policy No. 7.1.11 – Mount Lawley Centre Precinct;
- Policy No. 7.1.12 – Hyde Park Precinct;
- Policy No. 7.1.13 – Beaufort Precinct;
- Policy No. 7.1.14 – Forrest Precinct;
- Policy No. 7.1.15 – Banks Precinct;
- Policy No. 7.2.1 – Residential Design Elements;
- Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings
- Policy No. 7.5.11 – Exercise of Discretion for Development Variations; and
- Policy No. 7.5.12 – Development Guidelines for Commercial and Mixed Use Development.

The revised draft Built Form Policy proposes new landscaping that depart from the R-Codes. Pursuant to Clause 7.3.2 of the R Codes the City will be forwarding the relevant provisions to the WAPC for approval, following the adoption of those provisions by Council.

Administration recommends that Council:

- Adopts the draft Built Form Policy in its final form; and
  - Rescinds the abovementioned local planning policies.
-