

9.2 REVIEW OF DESIGN GUIDELINES

- Attachments:**
1. Design Guideline Review
 2. Summary of Submissions
 3. Schedule of Modifications
 4. Draft LPP Brookman & Moir Street Heritage Area
 5. Draft LPP Lacey Street Character Area
 6. Community and Stakeholder Engagement Policy - Tracked

RECOMMENDATION

That Council:

1. PREPARES:

- 1.1. An amendment to Appendix 6 – Brookman and Moir Streets Design Guidelines, included in Attachment 4, for the purpose of community consultation, pursuant to clause 5 of Schedule 2, of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
- 1.2. An amendment to Appendix 17 – Design Guidelines for Lacey Street, included as Attachment 4, for the purposes of community consultation, pursuant to clause 5 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
- 1.3. An amendment to Local Planning Policy No. 7.1.1 – Built Form to align building height requirements with the heights outlined in Appendix 18 – Design Guidelines for William Street, for the purpose of community consultation, pursuant to clause 5 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
- 1.4. A notice of revocation for the following appendices, for the purpose of community consultation, pursuant to clause 6 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:
 - 1.4.1 Appendix 3 – Design Guidelines for Richmond on the Park;
 - 1.4.3 Appendix 12 – Elven on the Park Design Guidelines;
 - 1.4.4 Appendix 14 – Design Guidelines for No. 95 Chelmsford Road;
 - 1.4.5 Appendix 15 – Joel Terrace Design Guidelines;
 - 1.4.6 Appendix 16 – Design Guidelines Perth; and
 - 1.4.7 Appendix 18 – Design Guidelines for William;
2. PREPARES a notice of revocation for Appendix 8 – Highgate Design Guidelines, for the purpose of community consultation, pursuant to clause 6 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
3. PROPOSES designation of Brookman and Moir as a Heritage Area, for the purposes of community consultation, pursuant to clause 9 of Schedule 2, Part 3, Clause 9 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
4. PREPARES, DETERMINES and PROCEEDS an amendment to the Community and Stakeholder Engagement Policy, included as Attachment 6, as a minor amendment and proceeds with this pursuant to clauses 4 and 5 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and

5. **NOTES** Administration will commence an administrative amendment to Local Planning Policy: Character Areas and Heritage Areas to move the Harley Street Heritage Area and Janet Street Heritage Area to a single, separate local planning policy relating to Heritage Areas along with the Brookman and Moir Streets Heritage Area.

PURPOSE OF REPORT:

For Council to consider the outcomes of preliminary consultation of the Design Guidelines.

BACKGROUND:

Design Guidelines

The Design Guidelines were originally adopted and amended as follows:

Design Guideline	Adoption and Amendments	Context	Number of lots
Appendix 3 Design Guidelines for Richmond on the Park	8 February 2000 24 April 2001	The site was previously the City of Vincent Depot. In September 1999 Vincent sought to purchase a portion of the City of Perth depot in Osbourne Park for relocation. The design guidelines were prepared for the development of the land to ensure it fit with the context and addressed Smiths Lake Reserve appropriately.	17
Appendix 6 Brookman and Moir Streets Development Guidelines	27 March 2001 11 May 2004 28 August 2012	The Brookman and Moir Streets area is a place of special significance. It is made up of two streets in Perth comprising 58 semi-detached residences and one detached residence in two variants of the Federation Queen Anne style, constructed of limestone and brick with corrugated iron roofs in 1897-98, during the Western Australian Gold Boom period for the Colonial Finance Corporation. The design guidelines were prepared to protect and enhance this heritage precinct.	59
Appendix 8 Highgate Design Guidelines	9 October 1995	The Western Australian Planning Commission (WAPC) granted conditional subdivision approval in 1995. Condition 9 of the preliminary approval required the preparation of design guidelines. The design guidelines were prepared to address elements including the interface to existing dwellings in the locality and the streetscape, height and bulk of buildings, setbacks and car parking.	58
Appendix 12 Elven on the Park Design Guidelines	13 September 2005	The City completed a five lot subdivision of Elven Street. There was no condition to prepare the design guidelines. The design guidelines were prepared for the development of the land to ensure it fit with the context and addressed Smiths Lake Reserve appropriately.	5
Appendix 14 Design Guidelines for No. 95 Chelmsford Road	28 June 2005	In 2004 the WAPC provided subdivision approval including condition 11 to create design guidelines. The design guidelines were prepared to address issues of building orientation, site coverage, setbacks, the location of driveway crossovers, location of party walls, common fencing and parking.	3

Design Guideline	Adoption and Amendments	Context	Number of lots
Appendix 15 Joel Terrace Design Guidelines	27 September 2005 28 August 2012	Four lots were created from the subdivision of Nos. 128, 128A, 130 and 130A Joel Terrace, Mount Lawley. The design guidelines were prepared to control and guide future development of the site to ensure it considers its setting overlooking the Swan River, preserves the Camphor Laurel tree and integrates with and preserves the amenity of the surrounding area.	4
Appendix 16 Design Guidelines Perth	13 March 2007 2 December 2008 16 June 2020	A significant development application was submitted in 2005 for the sites. The design guidelines were prepared to guide the assessment.	19
Appendix 17 Design Guidelines Lacey Street	5 December 2006 12 February 2013	The design guidelines were prepared to provide developers and landowners with a set of guidelines and direction that reflect the City's expectations with respect to the protection and development of this street. The intent of the Guidelines is that the original building stock in Lacey Street be retained and conserved.	29
Appendix 18 Design Guidelines for William Street	2 December 2008 16 June 2020	The design guidelines were prepared to rejuvenate the area along William Street (all lots between Bulwer and Newcastle Streets, including corner lots to the north of Bulwer Street), to reposition the area (between Brisbane and Newcastle Streets) as a Town Centre, and to strengthen its role as a vibrant cultural precinct.	54

Community and Stakeholder Engagement Policy

The Community and Stakeholder Engagement Policy was adopted by Council on 14 September 2021. It currently has the same consultation requirements for a heritage and character area regarding minor variations to deemed-to-comply criteria.

DETAILS:

Guidelines Review

Administration has reviewed the Design Guidelines as detailed in **Attachment 1**.

This review was previously presented to Council Members in the 18 March 2022 Policy Paper. The below table includes a summary of the recommendations for each design guideline.

Design Guideline	Recommendation
Appendix 3 Design Guidelines for Richmond on the Park	Recommend revoke: - The provisions are suitably covered by Local Planning Policy No. 7.1.1 – Built Form (Built Form Policy) and Residential Design Codes (R-Codes). - The current built form aligns with the design guidelines, through the Built Form Policy this will be maintained.
Appendix 6 Brookman and Moir Streets Development Guidelines	Recommend initiating a Heritage Area: - Reclassify as a Heritage Area in accordance with the Regulations; - Regulations statement regarding the Heritage Area at the start of the Policy followed by provisions aligned with the R-Codes; - The provisions reformed into design principles and deemed to comply to differentiate between guidance and requirements; and - Send to the State Government for comment.

Design Guideline	Recommendation
Appendix 8 Highgate Design Guidelines	Recommend revoke: - The provisions are suitably covered by the Built Form Policy and R-Codes. - The current built form aligns with the design guidelines, this will be maintained through the Built Form Policy.
Appendix 12 Elven on the Park Design Guidelines	Recommend revoke: - The provisions are suitably covered by the Built Form Policy and R-Codes. - The current built form aligns with the design guidelines, this will be maintained through the Built Form Policy.
Appendix 14 Design Guidelines for No. 95 Chelmsford Road	Recommend revoke: - The provisions are suitably covered by the Built Form Policy and R-Codes. - The current built form aligns with the design guidelines, this will be maintained through the Built Form Policy.
Appendix 15 Joel Terrace Design Guidelines	Recommend revoke: - The provisions relate to the protection of a large tree in close proximity to the lots. As the tree is a registered tree of significance the tree it would already require development approval for removal. - The remaining provisions are covered by the Built Form Policy and R-Codes. - The current built form aligns with the design guidelines, this will be maintained through the Built Form Policy.
Appendix 16 Design Guidelines Perth	Recommend revoke: - The provisions are suitably covered by the Built Form Policy and R-Codes. - The current built form aligns with the design guidelines, this will be maintained through the Built Form Policy.
Appendix 17 Design Guidelines Lacey Street	Recommend initiating a Character Area: - Retain the character of the area through amended local planning policy provisions; - Review the significance of the place; and - Seek feedback as to the designation as a Heritage Area to enable the retention of dwellings.
Appendix 18 Design Guidelines for William Street	Recommend revoke: - The provisions are suitably covered by the Built Form Policy and R-Codes, except for building height, which was not reflected correctly in Amendment 2 to the Built Form Policy. Instead of showing 4-6 storeys, the Built Form Policy currently shows a building height of 4 storeys. This is proposed to be corrected by Administration unless any objections are received through advertising. - The current built form aligns with the design guidelines, this will be maintained through the Built Form Policy.

Design Guideline Preliminary Consultation

As a result of the review, preliminary consultation was undertaken for Appendix 6 – Brookman and Moir Streets Design Guidelines, Appendix 8 – Highgate Design Guidelines and Appendix 17 – Design Guidelines for Lacey Street.

This consultation occurred between 17 May and 7 June 2022. The engagement included letters to the residents in the guideline areas inviting them to an on-street meeting in their guideline area and inviting comments on the City's webpage, Imagine Vincent.

The key discussion points resulting from on-street and online consultation are outlined below.

Appendix 6 – Brookman and Moir Streets Design Guidelines:

- Beautiful street with history and connection to many, a street of social and aesthetic heritage significance;
- A great community feel because people meet on the street when coming out to their cars;
- Debate regarding additions to the rear of the homes – Suitable in only one location due to the slope of the land & discussion about how a second storey addition may be suitable on Wellman street - however do not want this to dominate the existing heritage facades;

- Drainage continues to be an issue, especially in the middle of the street and is eroding the heritage structures and needs to be considered; and
- Discussion around car parking and its future in terms of battery storage in front car ports. Residents park on the street due to limited on-site parking. Would appreciate being included in the underground power program.

Appendix 8 – Highgate Design Guidelines

- Concerned about surrounding large scale development, did not want this to happen in the guidelines area or changes to the guidelines to facilitate this; and
- With an increase in people living in the dwellings and some being rented, car parking is becoming difficult.

Appendix 17 – Design Guidelines for Lacey Street

- A great community feel and friendly neighbourhood;
- There is so much history in the place and many people have connection to it, it should be retained; and
- Do not want to see demolition and may be open to heritage listing the street.

A full summary of submissions is included as **Attachment 2**.

Draft Local Planning Policies

The key changes proposed are as follows:

Appendix 6 – Brookman and Moir Streets Design Guidelines and Appendix 17 – Design Guidelines for Lacey Street are proposed to be modified to ensure the provisions can be implemented suitably within the Local and State Planning Framework. The reform of the provisions is to remove terms which are inconsistent with the planning framework and replace these with Local Housing Objectives and Deemed to Comply Criteria.

A schedule of modifications is included in **Attachment 3**.

Discretion wording has been removed as it is perceived as providing a loophole to otherwise complying with the provisions. Discretion remains as all development would be subject to a planning approval and would need assessment against the policy.

Draft Amended Local Planning Policy - Brookman and Moir Heritage Area

Community consultation is proposed on the designation of Brookman and Moir Streets as a Heritage Area, based on the provisions in the current Brookman and Moir Design Guidelines which aim to retain and conserve the existing dwellings. Preliminary consultation undertaken with the community noted the interest in protecting the precinct and for the existing guidelines to be updated to reduce ambiguity.

Befitting Brookman and Moir's inclusion into the State Register of Heritage Places, it is appropriate that development should occur in accordance with provisions contained within a Heritage Area Local Planning Policy.

The draft Local Planning Policy: Brookman and Moir Streets Heritage Area is included as **Attachment 4**.

Draft Amended Local Planning Policy - Lacey Street Character Area

Community consultation is proposed on the designation of Lacey Street as a Character Area, based on the provisions in the current Lacey Street Design Guidelines which aim to conserve the existing dwellings. There was interest from residents through preliminary consultation to protect the character of existing dwellings.

As Lacey Street does not have a heritage designation, the existing design guidelines provisions which do not permit complete demolition of the existing dwellings are not enforceable. Preliminary consultation indicated support for designation as a Heritage Area. Administration will investigate the significance of the area by engaging a heritage consultant and seek feedback regarding the designation during the formal consultation period.

The draft Local Planning Policy: Lacey Street Character Area is included as **Attachment 5**.

Remaining Appendices

The review of Appendix 8 – Highgate Design Guidelines included a site visit to deliver consultation letters and an on-site meeting with residents. Through this review and the comments received through the preliminary consultation it was clear that there was a variety of building styles in the area and the guidelines contained outdated features which are no longer relevant. Due to this it is recommended that the policy be revoked as the Built Form Policy recognises the context of the area through the requirement of an urban design study and the remaining requirements of the current guidelines are suitably covered through the Built Form Policy.

The remaining appendices are proposed to be revoked as there is suitable planning controls in the existing planning framework, through the Built Form Policy.

Community and Stakeholder Engagement Policy

To differentiate between character and heritage it is proposed to separate the consultation requirements for these within the Community and Stakeholder Engagement Policy.

Developments which do not meet any deemed-to-comply requirements, are currently required to be advertised to their entire Character Area. This is considered unnecessary in many situations where a proposal only affects a small number of landowners or residents. An amendment to the Community and Stakeholder Engagement Policy is proposed to require advertising of such proposals in a Character Area to be only to those neighbours who are impacted by the proposal. For instance, a patio that proposes a variation to a setback requirement should not be advertised to the entire area, instead this should be advertised to the impacted properties.

Developments in Heritage Areas are not proposed to change. In those circumstances, any development proposing not to meet the deemed-to-comply requirements will be advertised to the entire Heritage Area.

The proposed modification is shown tracked in **Attachment 6**.

Structure of Policies

The Harley Street Heritage Area and Janet Street Heritage Area are guided by the City's Local Planning Policy: Character Areas and Heritage Areas. Administration proposes to restructure Local Planning Policy: Character Areas and Heritage Areas such that it only applies to Character Areas, helping to further differentiate between character and heritage. All Heritage Areas would then be contained within a single separate policy.

This will be prepared during advertising subject to this report and will not require further advertising.

CONSULTATION/ADVERTISING:

In accordance with the City's [Community and Stakeholder Engagement Policy](#), community consultation of all new and significantly amended policies must be provided for a period exceeding 21 days in the following ways:

- notice published on the City's website;
- notice posted to the City's social media;
- notice published in the local newspapers;
- notice exhibited on the notice board at the City's Administration and Library and Local History Centre; and
- letters distributed to relevant local businesses and community groups.

The above will be undertaken for each of the proposed revoked policies and the proposed amendment to the Built Form Policy.

In addition to the items above, an information evening and discussion will be undertaken for Draft Local Planning Policies for Brookman and Moir Streets Heritage Area and Lacey Street Heritage Area.

The draft amendment to the Community and Stakeholder Engagement Policy is minor in nature and maintains the intent of the policy. Advertising is not considered to be necessary under clause 5 of the policy.

LEGAL/POLICY:

The City's [Policy Development and Review Policy](#) sets out the process for the development and review of the City's policy documents.

The *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) provide the criteria for creating, amending, and reviewing Local Planning Policies.

Development controls are contained within the City's Local Planning Scheme No. 2 and State Planning Policy 7.3 – Residential Design Codes of Western Australia (R-Codes). The draft policies operate by augmenting and amending the R-Codes, which provides two pathways to achieve development approval, a prescriptive 'deemed to comply' standard (right hand column) and a performance-based 'design principle' and 'local housing objective' (left hand column).

RISK MANAGEMENT IMPLICATIONS

Low: It is low risk for Council to undertake community consultation of the proposed local planning policies.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Sensitive Design

Our built form is attractive and diverse, in line with our growing and changing community.

Our built form character and heritage is protected and enhanced.

Our planning framework supports quality design, sustainable urban built form and is responsive to our community and local context.

SUSTAINABILITY IMPLICATIONS:

This is in keeping with the following key sustainability outcomes of the City's *Sustainable Environment Strategy 2019-2024*.

The preparation of local planning policies aims to achieve sustainable development outcomes in the future by encouraging the retention and renovation of older building stock through flexible guidelines.

PUBLIC HEALTH IMPLICATIONS:

This is in keeping with the following priority health outcomes of the City's *Public Health Plan 2020-2025*:

Increased mental health and wellbeing

Increased physical activity

Reduced injuries and a safer community

FINANCIAL/BUDGET IMPLICATIONS:

The cost of advertising and implementing the local planning policies will be met through the City's existing operational budget.

COMMENTS:

Administration recommends rescinding and modifying the design guidelines and policies to simplify the planning framework within the City whilst ensuring development is in keeping with the City's *Strategic Community Plan 2018-2028*.