

## 12.2 Residential Character Study Area Review

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Michael Hancock
<b>Responsible officer</b>	Robert Cruickshank
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Attachment 1 Recommendations Report [<b>12.2.1</b> - 94 pages]</li><li>2. Attachment 2 Draft Character Retention Guidelines [<b>12.2.2</b> - 18 pages]</li><li>3. Attachment 3 2017 OCM Report [<b>12.2.3</b> - 36 pages]</li><li>4. A 73 Minister's letter [<b>12.2.4</b> - 1 page]</li></ol>

### Recommendation

That Council:

Acknowledges and receives the Review of Residential Character Study Area and Local Planning Policy 25 'Streetscape' Stage 4: Final Conclusions and Recommendations Report.

Requests the Chief Executive Officer for future reports to be presented to Council for further consideration as follows :

A Town Planning Scheme Amendment to identify the Residential Character Area as a Special Control Area – by no later than the July 2020 Ordinary Council Meeting.

A new Local Planning Policy 'Character Retention Guidelines' to apply to the Residential Character Study Area – by no later than the August 2020 Ordinary Council Meeting.

A process for community nomination of Heritage Areas – by no later than the December 2020 Ordinary Council Meeting.

Investigating incentives to encourage the retention of original dwellings – by no later than the December 2020 Ordinary Council Meeting.

### Purpose

For Council to receive the report 'Review of Residential Character Study Area and Local Planning Policy 25 'Streetscape' – Stage 4 Final Conclusions and Recommendations Report' (Recommendations Report) (Attachment 1), and to endorse recommendations for further progression.

### In brief

- In June 2016, Council initiated Amendment 73 to Town Planning Scheme No. 1 (TPS 1) to designate the Residential Character Study Area as a Special Control Area, with provisions requiring development approval to be obtained for demolition and/or development within the area. The intent was to reintroduce controls to provide a greater level of protection for the original dwellings in the area and ensure that new development was compatible with the existing character of the area.

- At its meeting in September 2017, Council considered the public submissions received on Amendment 73 and resolved to modify Amendment 73 (see Attachment 3). The Minister subsequently refused the Scheme Amendment in 2019.
- At the September 2017 Ordinary Council Meeting, Council also resolved to seek expressions of interest for an independent consultant(s) to undertake a community engagement project, review of Local Planning Policy 25 – Streetscape, and evaluate and recommend potential mechanisms for the retention of original dwellings and the protection of character streetscapes within the Residential Character Study Area.
- Council subsequently appointed Element to undertake the project. The work undertaken by Element included consultation with the community on their views and aspirations for the Residential Character Study Area. The overwhelming response was a supportive position of measures to protect and retain the character prevalent in the Residential Character Study Area.
- Based on the community sentiment, Element have prepared a recommendations report and draft Local Planning Policy – Character Retention Guidelines, which is presented to Council for receipt and endorsement of recommendations.
- Following the endorsement of recommendations by Council, staff will then undertake further work for future consideration by Council.

## Background

1. The Town first implemented the Residential Character Study Area (RCSA) in 2003 following a study being undertaken. The study recommended that the Town *"give priority to, and actively encourage, the retention and conservation of residential character for the longer-term benefit of the community and the owners of properties"*.
2. The RCSA identified that the 'original dwellings' within the area (dwellings generally constructed before 1945) form a unique and identifiable character worthy of protection.
3. Prior to 2015, all development relating to a single house or grouped dwelling, including demolition of an 'original dwelling', required development approval from the Town.
4. In 2015, the State Government introduced the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) which removed the need to obtain development approval to demolish single houses (including 'original dwellings') and for new works where compliant with the requirements of the Residential Design Codes.
5. As a result of the regulations, the level of protection for 'original dwellings' and maintenance of residential character was eroded.
6. Prior to the adoption of the regulations, the Town would often refuse applications that sought to demolish an identified 'original dwelling'.
7. The Town drafted Scheme Amendment 73 to TPS1, which sought to reinstate much of the provisions removed by the adoption of the Regulations through the designation of the RCSA as a Special Control Area (SCA).
8. Consultation on Scheme Amendment 73 resulted in a total of 69 submissions during the consultation period. Further details of the public submissions received are contained at Attachment 3.
9. Council resolved to modify Amendment 73 by removing the proposed planning controls.
10. Ultimately, Scheme Amendment 73 was refused by the Minister for Planning for the following reasons:
  - (a) The amendment does not include any planning controls to implement the objectives proposed to be inserted.

(b) Local planning policies are considered the appropriate planning mechanism to control streetscape design to protect local character.

(c) The regulations provide appropriate heritage controls.

11. At the September 2017 Ordinary Council Meeting, the Council also resolved to seek expressions of interest for an independent consultant(s) to undertake a community engagement project, review of Local Planning Policy 25 – Streetscape, and evaluate and recommend potential mechanisms for the retention of original dwellings and the protection of character streetscapes within the Residential Character Study Area.

12. The Town engaged Element to undertake an independent review of the RCSA in September 2018.

## Relevant planning framework

<b>Legislation</b>	<ol style="list-style-type: none"> <li>3. Planning and Development Act 2005</li> <li>4. Planning and Development (Local Planning Schemes) Regulations 2015</li> <li>5. Town Planning Scheme No.1 (TPS1)</li> </ol>
<b>State Government policies, bulletins or guidelines</b>	<ul style="list-style-type: none"> <li>• State Planning Policy 7.3 – Residential Design Codes Volume 1</li> <li>• State Planning Policy 7.3 – Residential Design Codes Volume 2</li> <li>• State Planning Policy 3.5 – Historic Heritage Conservation</li> </ul>
<b>Local planning policies</b>	<ul style="list-style-type: none"> <li>• Local Planning Policy 25 – Streetscape (LPP 25 – Streetscape)</li> </ul>
<b>Other</b>	Nil.

## General matters to be considered

<b>TPS precinct plan statements</b>	<p>The following statements of intent contained within the precinct plans are relevant to consideration of the application.</p> <p>Precinct Plan P5 – Raphael Precinct</p> <ol style="list-style-type: none"> <li>11. <i>The Raphael Precinct shall remain as a residential precinct containing many fine examples of houses from past eras.</i></li> <li>12. <i>Infill development and redevelopment of corner lots may be appropriate, although not to the detriment of the existing character of the area and of the existing quality housing stock.</i></li> <li>13. <i>The precinct should remain a visually attractive area and have a pleasant atmosphere characterized by low to medium scale architecture, buildings facing the street in the traditional manner and set in landscaped surrounds. The retention of structurally sound original houses and healthy mature trees will be a priority in order to maintain the existing residential character and streetscape.</i></li> </ol> <p>Precinct Plan P6 – Victoria Park Precinct</p> <ol style="list-style-type: none"> <li>14. <i>The Victoria Park Precinct will remain as attractive and essentially low to medium scale residential area set on some of the highest land within the locality.</i></li> <li>15. <i>The retention and rejuvenation of existing housing, particularly dwellings indicative of the era in which the locality was developed, and selective</i></li> </ol>
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*sensitivity designed 'infill' housing is the most favoured form of development and will be encouraged.*

*16. The precinct should remain a visually attractive area and the preservation of trees and the generous landscape planning of properties upon redevelopment will be required.*

Precinct Plan 10 – Shepperton Precinct

*17. The Shepperton Precinct should remain a pleasant, low scale, medium density housing area.*

*18. The retention of structurally sound houses and healthy, mature trees is an important aim for the precinct. Selective infill and the development of grouped dwellings is also encouraged. New development is to enhance the existing character of the area and have regard for remaining quality housing stock.*

Precinct Plan 12 – East Victoria Park

*19. The retention of existing structurally sound housing which generally contributes to the character of the area, and the selective redevelopment of other sites will be encouraged. The character of the precinct between Canterbury Terrace and Balmoral Streets, which consists of small cottages on small lots, should be preserved. Any redevelopment in this locality should adhere to strict design constraints governed by the existing scale and character of housing.*

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL2 - A community that is authentically engaged and informed in a timely manner.	The Town and Element undertook significant community consultation as part of the project. The community was engaged with a view to understand the built form priorities of the community and its attitude toward heritage and built form preservation. Further consultation was undertaken to ascertain if the community's aspirations had been adequately captured in draft recommendations prepared by Element.
CL3 - Well thought out and managed projects that are delivered successfully.	The level of engagement will assist in delivering a well-considered project that reflects the aspirations of the community. The purpose of this report is not to deliver the final project, but instead to seek Council endorsement on further work that will need to be progressed.

Social	
Strategic outcome	Intended public value outcome or impact
S4 - A place where all people have an awareness and appreciation of arts, culture, education and heritage.	The preservation and retention of the Town's built environment is highly valued by the community, as the results of consultation delivered. The proposed policy and Scheme Amendment will seek to further recognise the culture and heritage of the district.

Environment	
Strategic outcome	Intended public value outcome or impact
EN01 - Land use planning that puts people first in urban design, allows for different housing options for people with different housing need and enhances the Town's character.	Community consultation undertaken through this project has demonstrated a desire to retain and improve the built form of the Residential Character Study Area. The proposed recommendations will enhance the Town's distinct character.

## Engagement

Internal engagement	
Stakeholder	Comments
Urban Planning	<p>Element undertook an engagement process with Town officers to ascertain a day-to-day understanding of issues faced with residential character both generally and in relation to the existing LPP 25. The results of the consultation can be summarised as including:</p> <ul style="list-style-type: none"> <li>• Project and policy objectives.</li> <li>• Managing character through retention and desired future character.</li> <li>• Community and stakeholder communication and consultation.</li> <li>• Officer negotiation with applicants and associated outcomes using the prescriptive nature of LPP 25.</li> <li>• What's working well and not as well.</li> </ul>

External engagement	
Stakeholders	Town of Victoria Park residents
<b>Period of engagement</b>	<p>First period of consultation conducted between 22 October 2018 and 19 November 2018. A total of 5,524 letters were sent inviting people to participate in a survey.</p> <p>Second period of consultation conducted between 28 August 2019 and 25 September 2019. On this occasion, consultation was undertaken with those persons who responded during the first consultation phase.</p>
<b>Level of engagement</b>	Consult; Involve
<b>Methods of engagement</b>	<ul style="list-style-type: none"> <li>• The Town's 'Your Thoughts' online engagement hub</li> <li>• Survey</li> <li>• Correspondence</li> </ul>
<b>Advertising</b>	<ul style="list-style-type: none"> <li>• The Town's 'Your Thoughts' online engagement hub</li> <li>• Southern Gazette Newspaper notice</li> <li>• Direct correspondence to all Amendment 73 submitters</li> <li>• Town's 'Life in the Park' eNewsletter</li> <li>• Social media posts.</li> </ul>

<b>Submission summary</b>	A total of 357 responses were received in first period of consultation. A total of 12 submissions were received in the second period of consultation.
<b>Key findings</b>	The feedback is summarised as outlined below.

Community consultation was undertaken in a two-part process. Element, sought to engage with the community at the commencement of the project to gain the community's view on residential character and the importance of it to them. Element conducted a survey of owners and occupiers within the RCSA receiving over 350 public submissions. The recommendations report (Attachment 1) produced by Element includes the stage one community consultation outcomes, with the below summary capturing the general sentiment of the consultation.

7. *Streetscape character is seen to play an important role in telling the story of the Victoria Park area.*
8. *While there are pockets of 'intact' streetscapes, the overwhelming description respondents used for the character of the area they live in is 'mixed'.*
9. *The majority of respondents recognised that the character of the area deserves protection.*
10. *There is a clear desire from respondents to retain original dwellings.*
11. *There is no clear perception of either positive or negative change in character over time.*
12. *A flexible approach to policy administration is desired to encourage the retention of original dwellings as well as new development within character, rather than enforcing it.*
13. *There is seen to be a need for an equal effort in protecting and enhancing the natural beauty of the area.*

Following their consideration of the initial public comments, Element prepared a series of draft recommendations which were the subject of further consultation. A second round of consultation was undertaken to determine if the community's comments were accurately captured. A total of 12 submissions were received, with eight generally supportive and four providing comment or concern.

<b>Other engagement</b>	
Elected members	On 10 December 2019 at a Concept Forum, representatives of Element provided elected members with a presentation on the recommendations report and background on the draft Local Planning Policy – Character Retention Guidelines.

## Risk management considerations

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<p><b>Reputational</b> Negative public perception towards the Town if the strong positive sentiment expressed by the community does not result in changes to the planning framework.</p>	Moderate	Likely	High	Adoption of the recommendations prepared by Element. Further community consultation.
<p><b>Reputational</b> If Council does not progress with the establishment of a SCA the possible further erosion of the Town's heritage will continue. This may lead to loss of character and identity that was outlined in community consultation.</p>	Moderate	Likely	High	Recommendation for Council to request future reports including the initiation of a Scheme Amendment and the adoption of Local Planning Policy – Character Retention Guidelines.

## Financial implications

<b>Current budget impact</b>	Nil. The work undertaken by Element has been funded through the 2019/20 budget.
<b>Future budget impact</b>	The recommendations put forward by Element (if endorsed by Council) will require further work to be undertaken by Town officers. One of the recommendations, being to consider the offering of incentives for landowners if endorsed by Council, may have future budget implications. This will be the subject of further consideration and a report to Council.

## Analysis

13. The recommendations report identifies the requirement of local governments to maintain a Local Heritage Survey, previously known as a Municipal Heritage Inventory (MHI), containing buildings of cultural heritage significance.
  14. Structures included in a Local Heritage Survey are afforded no statutory protection.
  15. Statutory protection for structures of heritage significance can be afforded when included as part of a Heritage List, which is a planning instrument adopted under the Town Planning Scheme.
  16. Work has recently commenced on the preparation of a new Local Heritage Survey which will then inform the preparation of a Heritage List.
  17. The recommendations report describes the difference between 'historic heritage significance' and 'urban character' as follows:
    - (a) Areas of historic heritage significance are described as "select areas with special qualities embodied in the built form, will generally be quite rare within a locality and will have some form of underlying aesthetic, social, scientific or historic cultural heritage value."
    - (b) Areas of urban character are described as "the built form and age of an area and its relationship with the surrounding streetscape, open space, land use and activity. Different combinations of these factors help create local distinctiveness and character."
  18. The recommendations report indicates areas of historic heritage significance can be protected under the statutory framework, whereas character is best protected through a local planning policy on a more area specific basis.
  19. Community feedback received during the community consultation period indicated broad recognition of the RCSA being an area of unique and identifiable character within the Town. The recommendations report indicates incentives may assist owners to retain and conserve original dwellings.
  20. The recommendations report highlights the changing nature of character within the Character Study Area over time. Although change has occurred through demolition and additions, the breadth of change has occurred evenly throughout the study area.
  21. The recommendations report outlines negative impacts which have occurred within the Character Study Area over time until the current and previous planning framework (both prior to and after the adoption of the State Planning regulations in 2015), these include:
    - (a) Demolition of original dwellings.
    - (b) Incompatible front fencing.
    - (c) Garage and carports within the front setback area.
    - (d) Second storey additions to original dwellings built forward of the ridgeline.
    - (e) New development that does not relate to the traditional streetscape
    - (f) New development that mimics historic styles of architecture.
  22. The recommendations report, at page 21, (see Attachment 1) outlines the following final conclusions and recommendations:
    - (a) *Introduce a Special Control Area Character Retention Area over the RCSA requiring development approval for demolition of original dwellings and development visible from the street (recommend review by a planning lawyer to ensure no unintended consequences).*
    - (b) *Revoke existing LPP 25 'Streetscape' and adopt new draft Character Retention Guidelines applicable to development within the SCA; a condensed version of LPP 25 focusing only on key design elements that affect streetscape character and encouraging sustainable and innovative design outcomes with an element of character education.*
    - (c) *Further investigate and facilitate a discussion regarding community-nominated Heritage Areas.*
    - (d) *Consider implementing incentives to encourage the retention of original dwellings.*
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(e) Invest in public domain improvements to enhance the natural beauty and character of the area.

23. Each recommendation is discussed below.

### Recommendation 1 – Scheme Amendment – Character Retention Area Special Control Area

24. Previous Scheme Amendment 73 proposed to introduce a Special Control Area (SCA). While this was refused by the Minister, Element are of the view that the Minister's previous refusal was not based upon an opposition to the creation of a SCA over the area, but rather based upon the removal of associated development controls (as per Council's resolution of September 2017) and other factors.
25. The recommendations report reaffirms that a SCA is the most appropriate mechanism to retain and conserve the character of the area.
26. The recommendations report stipulates the SCA be introduced in accordance with Appendix 5 of the recommendations report (Attachment 1). The recommendations report also recommends a planning lawyer review the draft final amendment.
27. Town staff agree that establishment of a SCA over the Character Study Area is the most appropriate and efficient way of maintaining the historic heritage significance and urban character of the study area.
28. The SCA would apply to all development within the nominated area, as defined in appendix 5, resulting in the need for development approval for works impacting upon the streetscape character.
29. A SCA, as outlined in the recommendations report, will provide control over the demolition of original dwellings and out of character new dwellings and additions. Further, the SCA will allow landowners increased freedom and certainty with respect to development which is not visible from the street.
30. The recommendations report outlines the potential for an increased workload for Town officers due to the added complexity and removal of existing exemptions.
31. Town staff recognise the significant community support demonstrated in the consultation periods, particularly the feedback relating to the desire to protect the character of the area, but also increasing the opportunity for contemporary structures to be built in appropriate locations.

### Recommendation 2 – Local Planning Policy – 'Character Retention Guidelines'

32. The recommendations report recognises the Minister's comments at the time of refusing Scheme Amendment 73, that a Local Planning Policy is an appropriate planning instrument to control streetscape design.
33. The recommendations report suggests that the Town's existing LPP 25 'Streetscape' is inflexible and difficult to navigate.
34. The report notes a general shift in the WA planning system to performance-based assessments and away from a deemed-to-comply based approach. The existing LPP 25 – Streetscape is largely a deemed-to-comply based policy.
35. The draft Local Planning Policy – Character Retention Guidelines (draft Policy) (see Attachment 2), proposes a substantial shift toward current planning practices and focuses on a performance-based outcome.
36. In their report, Element describe the *"guidelines as a condensed version of LPP 25 which provides for ease of implementation both in assessment by Town officers and understanding by the community. The provisions have been tailored from community feedback and aim to provide a clear set of development controls which protect streetscapes within character areas of the Town of Victoria Park while having imbedded flexibility through a guided design principle approach."*

37. Town staff were consulted in regard to their experience and professional views on the current LPP25 and it was agreed that a performance-based policy with a clearer focus would be appropriate.
38. The draft policy (see Attachment 2) has been extensively reviewed and critiqued by the Urban Planning team and is supported, albeit potentially requiring some further modifications before the commencement of the formal process of adopting the new policy. This will be addressed in a future report to Council.
39. The recommendations report outlines the implementation process for the draft policy. It is important to note, should Council proceed with the draft policy as part of a future report to Council, the revocation of the existing LPP 25 – Streetscape would be necessary.
40. Noting that LPP25 'Streetscape' currently applies to residential development in all areas of the Town, the revocation of LPP25 would result in there being no streetscape controls for those areas of the Town outside the Character Study Area. Any development within these areas will just revert to the development controls contained in the Residential Design Codes, which largely do not have controls relating to aesthetics and streetscape character. A decision will need to be made as to whether there still needs to be a Local Planning Policy containing some level of streetscape controls for the other areas of the Town. This will be considered as part of a future report to Council.
41. While there may be an increase in application workload due to the SCA and draft policy, the draft policy is expected to result in superior development, character and streetscape outcomes, and provide scope for more innovative and contemporary designs (in appropriate situations).

### Recommendation 3 - Community Nomination of 'Heritage Area(s)'

42. The recommendations report has identified the option of community nominated character streets or areas as part of a wider heritage area.
43. Element specifically mention the City of Vincent as an example of community-led character protection areas as an example for the Town.
44. The ability for the Town or the community to identify areas as heritage areas already exists, although based upon the recommendations from Element, this matter will be explored further particularly in terms of the best way to promote the community to nominate areas for inclusion.

### Recommendation 4 - Incentives to Encourage the Retention of Original Dwellings

45. The recommendations report introduces the prospect of various incentives to encourage the retention of original dwellings, such as:
  - a. *Waiver/refund of development application fees – either or both planning and building fees where the streetscape contribution Original dwellings is retained and appropriately managed through development.*
  - b. *Maintenance grants - local government financial assistance for maintenance of original dwellings (e.g. dollar for dollar up to an agreed cap) (typically used for places on a Heritage List).*
  - c. *Rates concessions – owners of properties containing original dwellings could apply for a conditional rates concession to assist with the maintenance of their property (typically used for places on a Heritage List).*
  - d. *Sustainability retrofit package – a number of environmentally sustainable products offered at discounted value (e.g. solar panels, rain water tanks, high performance glazing) where an application retains an original dwelling and demonstrates it achieves exceptional character contribution in line with policy objectives (potential inequality).*

- e. *Relaxation provision – the express ability for the local government to relax any standard within the policy where an original dwelling is retained (similar to existing heritage provision within the regulations).*
  - f. *Transferrable development rights – bonuses in density or similar to other property within the Town for proposals that retain original dwellings.*
  - g. *Technical advice – the provision of subsidised pre-lodgement professional advice for properties containing Original dwellings to assist with the design solutions.*
  - h. *Smaller infill development – similar to City of Fremantle’s recent Amendment 63 where smaller site areas are permitted for certain lots, in return for retaining an original dwelling (can be further investigated following community consultation).*
46. Element outline the desire of some landowners to demolish a dwelling rather than renovate an original dwelling to a contemporary standard. The implementation and options for incentives (as listed above) are discussed in the recommendations report located in Attachment 1.
47. The Town has previously not offered incentives to landowners for the retention and improvement of dwellings, instead opting for retention through regulation.
48. Town staff intend to further investigate the recommended implementation of incentives for original dwellings, which amongst other things may have financial implications for the Town. It is recommended that Council requests a future report further assessing the opportunity for incentives to be introduced.

#### Recommendation 5 - Public Domain Improvements

49. The recommendations report highlights the importance of public domain improvements, such as street tree planting, themed furniture and public art installations.
50. The Town has existing mechanisms to address public domain improvements.
51. The Urban Forest Strategy is a key strategy to increase the tree canopy coverage within the district. Significant amounts of planting within the public realm will help achieve public domain improvements as outlined in the recommendations report.
52. An existing Local Planning Policy relating to public art operates within the Town, with the option to include cash-in-lieu contributions to public art which the Town can use to install in areas nearby the development the payment originated from.
53. Recently, the Town adopted Local Planning Policy 39 – Tree Planting and Retention (LPP 39), which will take effect on 1 July. The newly adopted LPP 39 seeks to retain existing tree canopy coverage and further increase tree planting for each new dwelling.
54. Element’s recommendation regarding the undertaking of public domain improvements by the Town is noted, and other relevant services areas such as Place Planning, Street Improvement and Parks will be advised of this recommendation for their future consideration.

## Summary of Final Recommendations and Next Steps

55. The below table quantifies the above section and the final recommendations contained in Element's recommendations report, and summarises the Town's position on each recommendation.

Element's recommendation	Town's comment
Introduce a Special Control Area Character Retention Area over the RCSA requiring development approval for demolition of original dwellings and development visible from the street (recommend review by a planning lawyer to ensure no unintended consequences)	Agreed. Recommended that Council endorse this recommendation with a future report to be presented to Council to initiate a Scheme Amendment to establish a Special Control Area over the Residential Character Study Area.
Revoke existing LPP 25 'Streetscape' and adopt new draft Character Retention Guidelines applicable to development within the SCA; a condensed version of LPP 25 focusing only on key design elements that affect streetscape character and encouraging sustainable and innovative design outcomes with an element of character education.	Agreed. Recommended that Council endorse this recommendation with a future report to be presented to Council Recommendation to commence the process to adopt the Draft Local Planning Policy – Character Retention Guidelines.
Further investigate and facilitate a discussion regarding community-nominated Heritage Areas.	Agreed. Further investigation to occur.
Consider implementing incentives to encourage the retention of original dwellings.	Agreed. Recommended that Council endorse this recommendation with a future report to be presented to Council to consider the merits of incentives.
Invest in public domain improvements to enhance the natural beauty and character of the area.	Noted, with other relevant service areas to be informed of this recommendation.

## Relevant documents

[Local Planning Policy 25 – Streetscape](#)

[Town of Victoria Park Town Planning Scheme No.1](#)

[State Planning Policy 7.3 – Residential Design Codes Volume 1](#)

[State Planning Policy 7.3 – Residential Design Codes Volume 2](#)

## Further consideration

As a result of items raised at the Agenda Briefing Forum (ABF) on 5 May 2020, the following information is provided:

56. Some Elected Members had concern that the use of the word "endorse" in part 2 of the recommendation contained in the report to the ABF, may be considered an endorsement of the actions identified in 2(a)

to 2(d) of the recommendation ie. an endorsement to initiate a Scheme Amendment etc. While this was not the intention, to address any concerns the wording of recommendation 2 has now been amended to clarify that Council is only being requested at this stage to agree to the preparation of further reports for future consideration.

57. The preparation of further reports for Council consideration will require additional work to be undertaken by staff. If Elected Members are of the view that the consultants' recommendations should only be noted and should not be progressed any further, then it is recommended that Elected Members provide direction on this now, rather than require staff to undertake additional work.
58. In relation to part 2(d) of the recommendation requiring further work to be undertaken on incentives for the retention of original dwellings, this is proposed to occur by December 2020. It is considered that this timeframe is appropriate acknowledging:
  - (a) There are a number of matters requiring further consideration and the preparation of reports by Council Officers.
  - (b) Commencing the necessary statutory processes detailed in items 2(a) and 2(b) are the higher priority.
  - (c) Investigating incentives can occur after the priority work as per items 2(a) and 2(b) so as to spread the workload.
  - (d) The need for liaison to occur with other Service Areas, in particular the Finance area noting potential financial implications of providing incentives.
59. There are some isolated examples of commercial properties located within the Residential Character Study Area, typically being old corner stores. A number of commercial properties of heritage significance are listed on the Town's Municipal Heritage Inventory, which is non-statutory. The Municipal Heritage Inventory (now called a Local Heritage Survey) is currently being reviewed, and is about to be the subject of community consultation. It is anticipated that a new Local Heritage Survey will be adopted next financial year, and this will be used to inform the preparation of a formal Heritage List protecting those buildings in the Town of the greatest heritage significance.
60. A copy of the Minister's letter rejecting Amendment 73 is now provided as an attachment.
61. There are a number of privately owned properties currently listed on the Town's Municipal Heritage Inventory (now called a Local Heritage Survey), which is under review with community consultation about to start. There is scope for the community to nominate new properties for consideration as part of this project, which is separate to this report relating to the Residential Character Study Area.
62. The anticipated cost for having a lawyer review the draft Scheme Amendment is around \$2000-\$3000.
63. While Officers encourage photographic records of original dwellings to be taken where they are to be demolished, as development approval is not required for the demolition of single dwellings, there is no basis for the Town to require landowners to do so.
64. In response to questions as to what would be the impact if Council were to only note the consultant's report and recommendations (as per part 1 of the recommendation) but not progress any further with them (ie. not adopt part 2 of the recommendation) the following comments are made :
  - (a) The status quo would remain, that being that demolition of single dwellings in the area could occur without development approval, and some forms of development would not require development approval.
  - (b) The impact of this being an incremental erosion in the quality of the streetscapes in the area through both the demolition of 'original dwellings' and potential new development not being in keeping with the character of the area.
  - (c) As outlined above, there may be a reputational risk of community dissatisfaction, noting the community engagement undertaken (with 357 submissions received as part of the stage 1 consultation) and the following comments summarising the general community sentiment:

- a. The majority of respondents recognised that the character of the area deserves protection.
  - b. There is a clear desire from respondents to retain original dwellings.
65. A statement from a member of the public criticised the Urban Planning Service Area for revisiting the issue of residential character following consideration of Amendment 73 by the Council and the Minister for Planning, and suggested that the Town's Officers had influenced the current review process. In this respect:
- (a) The Council's resolution of September 2017, when resolving to modify Amendment 73, included a resolution to seek expressions of interest for an independent consultant(s) to undertake a community engagement project, review of Local Planning Policy 25 – Streetscape, and evaluate and recommend potential mechanisms for the retention of original dwellings and the protection of character streetscapes within the Residential Character Study Area. This was on the basis that the Council was unclear whether the 69 submissions (with 51 objecting) received on Amendment 73 out of around 5000 letters sent, was truly representative of community opinion. Therefore the further engagement with the community on the issue of residential character and the preparation of recommendations by the consultant, was in accordance with a Council resolution.
  - (b) The process undertaken by the consultant in reviewing community feedback and developing recommendations was undertaken independently by the consultant without influence from Town Officers.
66. In relation to potentially heritage listing properties within the area, the appropriate instrument for identifying individual properties that have heritage significance is through the Local Heritage Survey, which has commenced community consultation. Many of the properties within the RCSA do not in their own right have heritage significance, but rather the existence of a high proportion of 'original dwellings' results in an area that has a distinct and identifiable character. The mechanism proposed by the consultant for addressing the matter of character rather than heritage is a Special Control Area. The majority of the dwellings in their RCSA are not considered to have heritage significance in their own right, and the exercise of assessing each property for heritage significance would incur significant expense for the Town.

*Cr Luana Lisandro and Cr Vicki Potter left the meeting at 7.23pm.*

#### **COUNCIL RESOLUTION (395/2020):**

**Moved:** Cr Bronwyn Ife

**Seconded:** Cr Wilfred Hendriks

That Council:

1. Acknowledges and receives the Review of Residential Character Study Area and Local Planning Policy 25 'Streetscape' Stage 4: Final Conclusions and Recommendations Report.
2. Requests the Chief Executive Officer for future reports to be presented to Council for further consideration as follows :
  - (a) A Town Planning Scheme Amendment to identify the Residential Character Area as a Special Control Area – by no later than the July 2020 Ordinary Council Meeting.
  - (b) A new Local Planning Policy 'Character Retention Guidelines' to apply to the Residential Character Study Area – by no later than the August 2020 Ordinary Council Meeting.
  - (c) A process for community nomination of Heritage Areas – by no later than the December 2020 Ordinary Council Meeting.
  - (d) Investigating incentives to encourage the retention of original dwellings – by no later than the December 2020 Ordinary Council Meeting.

**CARRIED (7 - 0)**

**For:** Mayor Karen Vernon, Cr Claire Anderson, Cr Ronhhda Potter, Cr Brian Oliver, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

**Against:** nil

*Cr Luana Lisandro and Cr Vicki Potter returned to the meeting at 7.33pm.*