

## City of Vincent Submission on Draft Design WA

	Draft Design WA Proposal	City of Vincent Comment & Recommendation
<b>1.</b>	<b>General</b>	
1.1.	<p>The draft Design WA documents aim to ensure that good design is at the centre of all development in Western Australia, from the early stages right through to delivery. It aims to create cities, towns and neighbourhoods where people want to live, work and socialise, now and long into the future.</p> <p>The documents form part of the State Government's planning reform initiatives from Planning Makes It Happen – Phase 2 Blueprint for Planning Reform which intends to:</p> <ul style="list-style-type: none"> <li>• Increase consistency across local governments;</li> <li>• Provide greater flexibility for site specific design response;</li> <li>• Set a sensible benchmark for design quality;</li> <li>• Ensure a consistent approach to design review; and</li> <li>• Focus on improving design skills.</li> </ul> <p>Stage one of Design WA includes:</p> <ul style="list-style-type: none"> <li>• Draft State Planning Policy for Design of the Built Environment (SPP 7) – This is the lead policy that establishes the requirement for design quality across the whole built environment. It includes 10 principles for good design and sets up the requirement for expert design review as a part of the evaluation process.</li> <li>• Draft Apartment Design Policy (ADP) – This policy focuses on design guidance for apartments and mixed-use developments and will replace Part 6 of the Residential Design Codes (R Codes).</li> <li>• Draft Design Review Guide (DRG) – A guide to assist local governments to establish and operate design review panels, and improve the consistency of design review processes already in operation across the State.</li> <li>• Design Skills Discussion Paper – This discussion paper seeks public views on whether the State should apply requirements for skilled design practitioners to design complex developments.</li> <li>• Implementation and training program.</li> </ul>	<p>As a growing inner city local government the introduction of detailed State Government objectives and standards for medium and high density residential and mixed use development is strongly supported. The City supports the principles of good design, and has included all of these design principles in its new Built Form Policy. However, the City has a number of concerns with the current content and format of Design WA that are outlined below.</p> <p>If introduced Design WA would have a significant impact on the assessment and determination of multiple dwelling and mixed use development. It will set new standards for design of these types of development and will introduce a new state design review process, in addition to the City's existing design review process. It would also have significant implications for local planning policies including the recently adopted Built Form Policy.</p> <p>The City recommends that the Design WA suite of documents be adopted in a modified form to address the City's concerns that are outlined in this submission.</p>

## City of Vincent Submission on Draft Design WA

Draft Design WA Proposal	City of Vincent Comment & Recommendation
<p>The draft Stage One documents set a new framework for the planning and design of development throughout Western Australia. The City understands that further documents on neighbourhood design, precinct design and house design will form subsequent stages of the proposed Design WA framework and will be developed and advertised for public comment in the same way as these documents.</p>	
<p><b>2. Local Development Standards</b></p>	
<p>2.1. Section 1.1 of the draft ADP sets out the relationship of Design WA with local planning policies. It states that local governments should ensure that local planning policies and schemes maximise consistency with the ADP but still allows appropriate local modifications where they are consistent with the guidance in the ADP and are approved by the Western Australian Planning Commission (WAPC). It suggests that local governments should review existing local planning policies where they are inconsistent with the ADP and states that the ADP provisions will supersede any inconsistent local government policy provisions once the ADP becomes operational.</p> <p>Under Design WA local level planning documents such as local planning policies, local development plans, structure plans and activity centre plans may amend, with the approval of the WAPC, the provisions of the ADP relating to:</p> <ul style="list-style-type: none"> <li>• Streetscape character types;</li> <li>• Plot ratio;</li> <li>• Building height;</li> <li>• Building depth;</li> <li>• Building separation;</li> <li>• Street setbacks;</li> <li>• Side and rear setbacks; and</li> <li>• Incentive based development standards.</li> </ul> <p>All other design criteria may also be amended through a local planning policy, local structure plan or local development plan where it can be demonstrated to the satisfaction of the WAPC that the proposed amendment:</p> <ul style="list-style-type: none"> <li>• Is warranted due to a specific local need;</li> </ul>	<p>The ADP proposes that on adoption, all of the ADP's development standards, such as building heights and setbacks, will automatically supersede any inconsistent standards set out by local government policy. If adopted this will significantly change the development standards that apply to the City's various Built Form Areas, such as the maximum deemed-to-comply height and setbacks. This is of serious concern to the City, given the detailed and robust process followed, including research, planning and community consultation, in setting the City's current development standards.</p> <p>The City acknowledges that the draft ADP seeks to provide consistency across local government areas. However, local communities where existing local planning policies exist will expect that the City's local development standards, such as the maximum height permitted in a particular area, will not be changed by a State policy such as the ADP. On this basis it is strongly recommended that local development standards, such as height and setbacks, set by local government policies continue to apply. In addition, a transitional provision should be included to give local governments the opportunity to review their local planning frameworks in light of the new ADP.</p> <p>The City is also very concerned with the requirement for all local planning policies which propose local development standards different to those included in the ADP to be approved by the WAPC. While it is useful to have some consistency between local governments it is absolutely necessary to have local development standards, such as area based maximum heights that respond to the local area and community and address local matters. The role of Design WA should be to address regional issues and establish a framework for local governments to develop local development standards in a consistent manner, without the need for approval from the WAPC.</p> <p>In addition, there is a potential inconsistency between the proposed ADP requirement for WAPC approval and Section 2, Clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations) which requires the local government to be the determining authority for local planning</p>

## City of Vincent Submission on Draft Design WA

	Draft Design WA Proposal	City of Vincent Comment & Recommendation
	<ul style="list-style-type: none"> <li>• Is consistent with the objectives of the ADP;</li> <li>• Can be implemented and audited by the decision maker as part of the building approval process; and</li> <li>• Augments the ADP with local objectives relating to other aspects of apartment development that is not provided for under the ADP.</li> </ul>	<p>policies. The local planning policy approval process in the Regulations is appropriate as it requires the City to notify the WAPC of inconsistencies with state planning policy, however maintains local government as the determining authority for local planning policies that address local matters.</p> <p>The City recently consulted with the WAPC in relation to an amendment to a local planning policy to vary the landscaping requirements of the R Codes. This policy requires the approval of the WAPC pursuant to Clause 7.2 of the R Codes. As a result of this consultation the City understands that there are no supporting processes or timeframes for the assessment and determination of local planning policies by the WAPC and the City is concerned that the implementation of this requirement is not resourced at a State Government level.</p> <p>The City recommends that the last paragraph in Section 1.1 of the draft ADP be removed to ensure that existing local planning policies continue to apply. The City also recommends that the requirement for the WAPC to approve local planning policies in Section 1.1 be removed. It is critical that these issues are resolved prior to the final adoption of the proposed documents.</p>
2.2.	<p>In some areas of the ADP requirements are in excess of the minimum requirements of the National Construction Code (NCC). For example, Design Criteria DC1 in Objective 4.20.2 which requires development to reduce greenhouse gas emissions through improvements in energy efficiency over minimum compliance with each part of Section J of the National Construction Code.</p>	<p>The City acknowledges that in some cases it is desirable to improve on the standards of the NCC and that the ADP is intended to work alongside the NCC. However, the City does not support introducing new minimum standards that are misaligned with the NCC at this is likely to create confusion at the building application stage. The City recommends amending the NCC to align with the design measures in the ADP before introducing these new standards and finalising the ADP.</p>
2.3.	<p>The draft ADP is intended to elevate the importance of design in planning. The City understands that the ADP is intended to be read into local planning schemes in the same way that the current R Codes are.</p>	<p>The City recommends amending the Regulations to introduce this requirement into the Schedule 1 – Model Provisions.</p>

## City of Vincent Submission on Draft Design WA

	Draft Design WA Proposal	City of Vincent Comment & Recommendation
<b>3.</b>	<b>Performance Based Approach &amp; New Framework</b>	
3.1.	<p>Clause 5, Objective 2 in draft SPP 7 states that an objective of the policy is for good design outcomes that meet government and community expectations through a performance based approach to policy.</p> <p>The 'About This Document' section of the ADP states that planning is often focussed on compliance with specific standards and metrics, but there are limits to how these prescriptive controls can respond to site specific design requirements. It suggests that more flexible performance based controls promote positive development outcomes rather than simply defending against negative impacts.</p> <p>The provisions of the ADP are generally structured into four categories:</p> <ol style="list-style-type: none"> <li>1. Intent – Which provides an explanation of an elements role and importance;</li> <li>2. Objectives – Which describe the desired design outcome;</li> <li>3. Design Criteria – Which, where applicable, provide specific, measurable requirements for how an objective can be achieved (similar to the Deemed To Comply provisions in the current R Codes); and</li> <li>4. Design Guidance – Which provide advice on how the objectives and design criteria can be achieved through appropriate design responses, or in cases where the Design Criteria cannot be met (similar to the Design Principles in the current R Codes).</li> </ol>	<p>The City is concerned that a number of the requirements of the ADP do not include clear and measurable deemed-to-comply standards. Such an approach will result in all applications requiring the exercise of discretion by decision makers, removing certainty for developers, land owners and the community and allowing provisions to be open to interpretation which results in the potential for poor design outcomes.</p> <p>The City agrees that it is necessary to embed flexibility into the planning framework. However, the proposed approach fails to ensure a minimum standard of development and in so doing does not mandate good design and provide the certainty necessary to stop poor quality proposals from being approved, particularly where a developer does not seek to engage with the design review process. The strongly performance based approach may be successful where a developer is genuinely seeking an excellent design outcome. However, if the developer is driven by factors other than design, such as cost, then the performance based criteria may not be sufficient to enforce a satisfactory outcome.</p> <p>It is acknowledged that the current development assessment approach provided for under the R-Codes has resulted in poor development outcomes in some instances. However, these instances are not due to the current framework of the R-Codes but are rather due to a lack of expertise at the policy implementation stage and the difficulty for local governments in developing local development standards under the R-Codes. Neither of these issues can be resolved through the proposed performance based approach, which fails to address both the need to build capacity in policy implementation and restricts local governments from developing area based local development standards.</p> <p>The existing performance based approach in the R-Codes is considered more appropriate to mitigate against poor outcomes by providing a base standard for compliance whilst still allowing good innovative design that meets design principles. It is recommended that the revised ADP include Design Criteria for every objective; includes education on the implementation of the planning policy; and allows local governments to apply local development standards that align with the objectives of the ADP.</p>

## City of Vincent Submission on Draft Design WA

	Draft Design WA Proposal	City of Vincent Comment & Recommendation
<b>4.</b>	<b>Application</b>	
4.1.	<p>Section 1.1 of the ADP states that it applies to multiple dwelling and mixed use development and activity centres. It also states that the decision maker shall have regard to the policy objectives in assessing and determining proposals for apartment development and residential components of mixed use development. This is consistent with the Regulations, which require decision making to have regard to all applicable state planning policies.</p>	<p>The City understands that the draft ADP is not intended to apply to commercial development outside of activity centres. The City recommends that the ADP be modified to apply to both commercial and residential development to ensure that consistent built form standards are applied to both commercial and residential/mixed use development.</p>
4.2.	<p>Section 2.2 states that the development standards are organised into categories relating to context and intended development intensity. This includes several streetscape character types including:</p> <ul style="list-style-type: none"> <li>• Neighbourhood detached;</li> <li>• Medium-density detached;</li> <li>• Higher-density detached;</li> <li>• Neighbourhood attached;</li> <li>• Medium-density attached; and</li> <li>• Higher density attached.</li> </ul> <p>Detached development emphasises landscaping between buildings. Buildings have a more informal relationship with the street. In these streetscape types side setbacks should be enforced to create building breaks along the street. Privacy and overshadowing should be carefully managed.</p> <p>Attached development is designed to create a contiguous building frontage. Side walls are built on the lot boundary and windows are oriented to the street or rear. Allowing boundary wall development is offset by larger rear setbacks. This approach should only be applied through precinct planning.</p> <p>Certain provisions in the draft ADP apply to specific streetscape character types including:</p> <ul style="list-style-type: none"> <li>• Street setbacks;</li> <li>• Side and rear setbacks;</li> <li>• Orientation;</li> <li>• Public domain interface;</li> <li>• Mixed use; and</li> <li>• Awnings and signage.</li> </ul>	<p>The City is supportive of addressing design to ensure that development addresses the specific streetscape character type and acknowledges that there is a significant body of work associated with detailed precinct level design which is not currently resourced.</p> <p>The City recommends that other design elements should also be responsive to the streetscape character type including:</p> <ul style="list-style-type: none"> <li>• Building envelope;</li> <li>• Building depth;</li> <li>• Building separation; and</li> <li>• Site analysis and design response.</li> </ul>

## City of Vincent Submission on Draft Design WA

	Draft Design WA Proposal	City of Vincent Comment & Recommendation
<b>5.</b>	<b>Discretion &amp; Bonuses</b>	
5.1.	<p>Table 1 – Primary Controls Table, in the ADP provides a plot ratio limit and height limit. It also provides a further plot ratio limit and height limit where bonuses are applicable, similar to the City’s former Exercise of Discretion for Development Variations Policy. The bonus plot ratio and building heights included in the ADP are a suggested range only and do not apply unless they are formalised by local governments in a planning instrument such as local planning policy, local development plan or activity centre plan.</p> <p>The provisions in Section 2.11 set out considerations for local governments when establishing a new local planning instrument or reviewing an existing local planning instrument in relation to incentive based standards. Incentive based standards are intended to establish the terms by which flexibility can be applied to primary controls in exchange for an exemplary design outcome that delivers a significant community benefit. This approach is intended to facilitate negotiation of development outcomes with higher standards than the State Government considers can realistically be mandated.</p> <p>The ADP suggests that local governments set these incentive based height and plot ratio bonuses through detailed precinct planning in order to achieve unrelated outcomes such as affordable housing, removing vehicle access from a major road, vegetation retention, public art, energy efficient design or water sensitive design. Where these bonuses apply, advice from a design review panel or an equivalent process is required by the ADP to determine if the exemplary achievement of the ADP’s design principles has been achieved by the proposed development.</p>	<p>The development bonus/incentive based approach proposed by the ADP is at odds with the operation of the City’s existing planning framework and is not supported. The City’s previous local planning framework did allow for development bonuses in a similar way to that suggested by the ADP. It provided that where an application was granted Design Excellence from the City’s DAC and did not impact the amenity of the locality it would be able to gain additional building height under the Exercise of Discretion for Development Variations Policy. However, in practice, the incentive based bonuses and requirement for Design Excellence resulted in several issues for the City.</p> <p>The broad flexibility of the City’s previous policy requirements for exercising discretion, similar to those proposed by the ADP, meant that land owners and developers assumed bonus development standards such as height were permitted as-of-right. This was reflected in land values and investment decisions and resulted in developers expecting the bonus height to be granted to make their investment viable. In addition, it resulted in proposals for additional building height being assessed against requirements, such as sustainable design features, that did not ensure the additional building height impacts were addressed. This has resulted in poor development outcomes for the community.</p> <p>The City reviewed the impact of the Exercise of Discretion for Development Variations Policy on height and discretion in planning decisions at the City. The review showed that prior to the adoption of the Exercise of Discretion for Development Variations Policy, development proposals were generally either equal to or within two storeys of the permitted as-of-right height. Following the introduction of the Policy applicants generally applied for bonus heights set by the policy, which were generally within two storeys of the maximum permitted in the local planning framework. This resulted in significantly higher buildings than intended in certain local areas.</p> <p>An example of this is the development at 330 Charles Street North Perth. This development was for the construction of a seven storey mixed use development comprising of four offices and 47 multiple dwellings. The maximum height provided for in the local planning framework for this area was five storeys, with the Exercise of Discretion for Development Variations Policy allowing an additional two storey bonus where the development received design excellence, did not impact on the amenity of the locality and achieved one of the set sustainability standards. Administration recommended refusal of this application as the proposed building height was higher than the five storeys provided in the local planning framework, the development did not meet the requirements of the R-Codes and the height,</p>

City of Vincent Submission on Draft Design WA

Draft Design WA Proposal	City of Vincent Comment & Recommendation
	<p>bulk and scale of the proposal was not considered to align with the current or future planning framework for the area. The Metro West Joint Development Assessment Panel approved this application at seven storeys despite the City's recommendation for refusal based in part on the building height permitted by the Exercise of Discretion for Development Variations Policy, which was considered by some DAP members to establish a seven storey height as the planning framework for the area. This was despite the fact that the development was never granted Design Excellence and was considered by the City to impact on the amenity of the community.</p> <p>The City is of the view that good design should be inherent in all development and that the incentive for good design should be to gain development approval, rather than seek development bonuses. If implemented correctly using both deemed-to-comply provisions and design principles, the existing planning framework is capable of ensuring good design without the need for development bonuses or incentives. This approach provides sufficient certainty to developers and the community on the development standards for an area and ensures that applications which seek to depart from the deemed-to-comply provisions relating to height are assessed against design principles that address that element of the development, rather than being assessed against unrelated provisions such as sustainable design.</p> <p>Elements such as sustainable design are considered a necessary element of good design and should be required as deemed-to-comply requirements with associated design principles, as is set out in the ADP. This will ensure these outcomes are mandatory and assessed in isolation of any other requirements rather than provided as 'trade-offs' for additional building height.</p> <p>An example of this is a three storey multiple dwelling development application proposed at 18 Turner Street, Highgate. The maximum height provided for in the local planning framework for this area was two storeys, with an additional two storeys permitted under the Exercise of Discretion for Development Variations Policy. The original development approval included conditions requiring the building to achieve a sustainability rating and to implement several construction elements such as recycled brick paving, roof gardens and grey water systems. The landowner later applied to remove this condition and replace it with a new condition relating to the provision of affordable housing. Neither of these elements mitigate the effect of the additional building height and ideally the City would require both elements to be included in the development rather than be 'trade-offs'</p> <p>The City recommends that the bonuses provided for in Table 1 – Primary Controls Table and all of Section 2.11 of the draft ADP be removed.</p>

## City of Vincent Submission on Draft Design WA

	Draft Design WA Proposal	City of Vincent Comment & Recommendation
<b>6.</b>	<b>Design Review</b>	
6.1.	<p>Section 6 in SPP 7 requires local governments to establish and operate design review processes to review applications of certain thresholds set out in the draft DRG. Design review is intended to be a complementary process to performance based assessment approach and is a way of gaining expert advice on the interpretation of design principles and objectives. The draft DRG provides guidance on the establishment and operation of design review panels. It intends to provide clarity on:</p> <ul style="list-style-type: none"> <li>• Role definition;</li> <li>• Membership;</li> <li>• Timing and number of reviews;</li> <li>• Meeting format and procedures;</li> <li>• Reporting; and</li> <li>• Funding and remuneration.</li> </ul>	<p>The City is supportive of incorporating design review into the development assessment process to improve the quality of design in development. The City has recently reviewed its existing design review process, which has been operating since 2011, and has several comments on the design review process proposed in the draft DRG, which is similar to the City's current approach.</p>
6.2.	<p>Section 5 of the draft DRG states that the number of reviews needed will vary depending on the complexity of a proposal and suggest that three reviews are typically needed for the process to be effective.</p>	<p>The City's current Design Advisory Committee Policy does not provide certainty on the number of times that an application should be considered at a design meeting. In practice, this has caused confusion for applicants and resulted in applicants frustrated by the number of meetings necessary to address the design experts concerns and applicants who do not wish to engage at all. The City supports the ARG's suggestion of three design review meetings, with the first two being voluntary pre-lodgement meetings and the third being a required meeting following lodgement. This will more closely align with the development approval process and timeframes in the Planning and Development (Local Planning Schemes) Regulations 2015 and recognises that the pre-lodgement process is voluntary.</p> <p>Although design review is an important element of the development assessment process it is not currently provided for in the development assessment process set out in the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>. The City recommends incorporating the design review process in the development assessment process through an amendment to the Regulations to recognise and elevate the importance of design and align it with the development assessment process.</p> <p>The City recommends that Section 5 – How to Establish Design Review Processes be amended to clarify that the first two design review meetings are voluntary pre-lodgement meetings and the third meeting is a required meeting following lodgement.</p>



## City of Vincent Submission on Draft Design WA

	Draft Design WA Proposal	City of Vincent Comment & Recommendation
6.3.	Section 5 of the draft DRG states that the chairperson should be a member of the design review panel.	Clauses 4 and 7.3 of the City's current DAC Policy outlines the role of the DAC chairperson and implies that the chairperson will be a DAC member. The DRG also recommends that the chairperson of the design review panel be a panel member and not a representative of the local government. However, as the role of the design review panel is to provide the local government and decision maker with advice on a proposal, it is considered more appropriate for chair of a meeting to be a representative of that local government. This ensures that the local government receives the advice needed and that all relevant issues are considered by the design review panel. This is also supported by Clause 4 of the City's Advisory Groups Policy, which requires a senior city officer to be the chairperson for advisory groups. The City recommends that Section 5 – How to Establish Design Review Processes be modified to clarify that the design review panel chairperson is a local government representative.
6.4.	Section 6 of the DRG allows panel members to provide individual comments on proposals, engage in discussion during the meeting and provide advice and recommendations directly to the applicant. Section 6 also requires the 'report writer' to prepare a design review report that is approved by the chairperson, who is a DRP member.	<p>The provision of expert design advice to local government and decision makers is considered essential for the delivery of positive development outcomes. However, the role of the design review panel should not be to provide design advice directly to applicants, nor should it be to negotiate with applicants on their proposals. This impacts on the independence of the design review panel and misrepresents their role as providers of advice rather than the responsible assessing, reporting and decision making authority.</p> <p>There is a need to regulate the information that is provided to applicants throughout the development assessment process. It is very important that the chair of the Design Review Panel is an officer from the City to ensure that the process is facilitated correctly and aligned with the City's development assessment and determination process. While it is essential that Design Review Panel provide comments and engage in discussion with applicants on design matters it is also important that the role of the Design Review Panel as an independent panel providing advice to the City is maintained. It is considered that providing direct advice and recommendations to an applicant through a Chairperson who is also one of the Design Review Panel members undermines this role. This does not restrict the panel from asking questions and engaging in detailed discussions with applicants regarding the design of proposals and ideas/options for improvements. However, any final advice and recommendations should be provided directly to the City who can then provide a full list of comments to the applicant including the statutory planning requirements and other technical advice. This allows applicants to then consider their changes within the full context and streamlines the process.</p>

## City of Vincent Submission on Draft Design WA

	Draft Design WA Proposal	City of Vincent Comment & Recommendation
		The City recommends that Section 5 – Roles and Responsibilities and Section 6 – Running a Successful Design Review Panel of the draft DRG be modified to clarify that the role of the design review panel is to provide expert design advice to the determining authority rather than negotiate with and provide advice directly to applicants.
6.5.	<p>The Design Review Threshold Table in the draft DRG indicates the types of development that requires review and the level of review that is required. Projects of state significance and public works of state significance are recommended for review from the state design review panel. Public works of regional significance may be required to undertake state and/or local design review. The following application types are recommended for review by a local design review panel:</p> <ul style="list-style-type: none"> <li>• Commercial development;</li> <li>• Apartment development that meets the Development Assessment Panel (DAP) threshold;</li> <li>• Apartment development equal to or greater than 10 dwellings; and</li> <li>• Activity centre plans and structure plans.</li> </ul> <p>The DRG also suggests that a City architect or 'as required' design review consultant may be used for other development, or where a design review panel does not exist.</p>	The City is also concerned with the lack of detail provided on the proposed state design review process. It is unclear which projects of State significance will be required to undertake the State design review process and how this review will integrate with the local design review process. Further detail on the state design review process must be provided.

## City of Vincent Submission on Draft Design WA

	Draft Design WA Proposal	City of Vincent Comment & Recommendation
<b>7.</b>	<b>Implementation</b>	
7.1.	<p>The draft ADP is intended to be implemented by local governments when assessing and determining development applications for multiple dwelling and mixed use development in a similar way to the current R Codes. This includes an assessment of development application against 90 individual Planning Objectives.</p> <p>Some Planning Objectives, such as the solar and daylight access Planning Objective in Section 4.1, will be complex to calculate and implement.</p>	<p>The draft ADP will have a significant resource impact on the City in administering the policy provisions and undertaking intensive detailed precinct based planning to determine detailed development standards. In the City's experience with its Character Retention Area Policy this requires a significant level of detailed planning research; comprehensive engagement with the local community; and the development of prescriptive and detailed planning provisions. This precinct based approach is highly resource intensive and the State Government has not provided any information regarding how the funding and resourcing of this implementation will be met. On this basis it is assumed that local governments will provide the resources necessary to implement this precinct based approach set out in the draft ADP.</p> <p>In addition to the resource implications the City is concerned with the logistics of implementing the proposed development assessment approach within the statutory timeframe required under the Regulations given the significant increase in number and complexity of planning requirements and the requirement for design review for many proposals. The City recommends reviewing the draft ADP to find opportunities to consolidate provisions and simplify processes where possible. This will streamline the development assessment process for local governments and applicants.</p>
7.2.	<p>Section 5 in the draft DRG states that local governments are responsible for the funding and remuneration of design review panels. Entitlements for design review panel members include remuneration and the payment of expenses. The document suggests that the operating costs for a design review panel vary from \$12,000 to \$120,000, depending on the number of proposals that require review and the frequency of meetings.</p> <p>There are three funding models proposed in the draft DRG:</p> <ol style="list-style-type: none"> <li>1. Local government appropriated funds;</li> <li>2. Proponent funded; and</li> <li>3. A balance of local government appropriated funding and proponent fee.</li> </ol> <p>The document suggests paying panel members standard professional rates per hour for the duration of the design review, plus one hour of preparation. The chairperson, a design review panel member, is suggested to be paid an above standard fee</p>	<p>The City is concerned that the State Government is suggesting that local governments operate and fund design review panels without State Government funding or resources. This is at odds with the City's current Design Advisory Committee (DAC) process, which requires applicants to pay the cost of the DAC meetings. The City recommends that the State Government provide funding and/or resources to assist local governments in implementing the policies and process that they put in place.</p>

## City of Vincent Submission on Draft Design WA

Draft Design WA Proposal		City of Vincent Comment & Recommendation
	due to the additional responsibility of the role, plus preparation and time spent advising and reporting. The Office of the Government Architect is to be contacted for guidance on current recommended rates.	
7.3.	The draft ADP introduces new terminology including “Planning Objectives”, “Planning Guidance”, “Design Criteria” and “Design Guidance”.	For consistency with the R Codes, and ease of implementation the City recommends using consistent terminology including “deemed-to-comply”, “design principles” and “local housing objectives”.
<b>8.</b>	<b>Specific Design Standards</b>	
8.1.	Table 1 in the draft ADP sets out plot ratio limits. It proposes to increase the current plot ratio requirements in the R Codes for lots coded R100 from 1.25 to 1.3.	<p>The City’s Policy does not stipulate plot ratio requirements which means that plot ratio requirements do not apply to non-residential land uses. The plot ratio requirements of the R Codes still apply to residential development as they are not able to be varied under Clause 7.3.1 of the R Codes.</p> <p>The City has experienced a number of issues with plot ratio requirements where developers reduce the floorspace of the habitable areas of a building and increase non-contributing floorspace such as corridors to comply. This results in smaller dwellings and increased common areas while not reducing the overall size and scale of the building.</p> <p>The City does not support including plot ratio requirements in the ADP. Building height, setback requirements and the proposed apartment size provisions provide adequate guidance on the size and scale of development without the need for plot ratio.</p>
8.2.	<p>The draft ADP provides building heights in Table 1. The building height limits differ depending on whether the proposed development is within a detached streetscape pattern or an attached streetscape pattern. The detached streetscape pattern building heights would automatically apply to land zoned Residential and coded R40 – R160. This includes the following heights:</p> <ul style="list-style-type: none"> <li>• R40, R50 and R60 – Three storeys;</li> <li>• R80 and R100 – Four storeys;</li> <li>• R160 – Five storeys.</li> </ul> <p>The attached streetscape pattern type would automatically apply to land coded R-AC and zoned as Commercial or Mixed Use, as well as any locations specifically designated by local</p>	<p>The City’s Built Form Policy provides building heights based on location. The relevant design principles and local housing objectives stipulate that the City may approve development which exceeds maximum height where it is set through an approved Local Development Plan, Activity Centre Plan or Structure Plan. In some circumstances the heights in the Built Form Policy are inconsistent with Table 1.</p> <p>Although the proposed heights may be generally appropriate in certain situations, the City does not support their application to areas where local height requirements currently apply. An example of this in the City of Vincent is in the Highgate area, and local streets such as Wright Street. This area is predominately low density residential development with heritage and character homes, despite being coded R80. In these locations it is not considered appropriate to have a four storey development directly adjacent to low density single storey residential development as it is not suitable in this context.</p>

## City of Vincent Submission on Draft Design WA

Draft Design WA Proposal	City of Vincent Comment & Recommendation
<p>governments through the local planning scheme. This includes the following heights:</p> <ul style="list-style-type: none"> <li>• R40, R50 and R60 (where designated as attached streetscape type) – Three storeys;</li> <li>• R80 and R100 (where designated as attached streetscape type) and R-AC3 – Four storeys; and</li> <li>• R160 (where designated as attached streetscape type) and RAC2 and RAC1 – Six storeys.</li> </ul>	
<p>8.3. The draft ADP provides building setbacks in Table 1. The building setbacks differ depending on whether the proposed development is within a detached streetscape pattern or an attached streetscape pattern. The detached streetscape pattern building setbacks are:</p> <ul style="list-style-type: none"> <li>• Minimum street setback – 4m;</li> <li>• Minimum side setback – 3m; and</li> <li>• Minimum rear setback – 6m.</li> </ul> <p>The attached streetscape pattern type would automatically apply to land coded R-AC and zoned as Commercial or Mixed Use, as well as any locations specifically designated by local governments through the local planning scheme. This includes the following setbacks:</p> <ul style="list-style-type: none"> <li>• R40, R50 and R60 (where designated as attached streetscape type): <ul style="list-style-type: none"> <li>○ Minimum street setback – 4m or nil where commercial uses at the ground floor;</li> <li>○ Minimum side setback – Nil;</li> <li>○ Minimum rear setback – 6m;</li> </ul> </li> <li>• R80 and R100 (where designated as attached streetscape type), R-AC3 R160 (where designated as attached streetscape type), RAC2 and RAC1: <ul style="list-style-type: none"> <li>○ Minimum street setback – 2m or nil where commercial uses at the ground floor;</li> <li>○ Minimum side setback – Nil; and</li> <li>○ Minimum rear setback – Nil.</li> </ul> </li> </ul>	<p>The setback requirements in the draft ADP do not align with those in the City's Built Form Policy or the local context of the City of Vincent. Development setbacks were of particular concern for local residents during the City's consultation on the Built Form Policy and as such, detailed setback requirements were included in the final version.</p> <p>The City's Built Form Policy requires a nil street setback in Town Centres, Activity Corridors and Mixed Use Built Form Areas. The City's Policy asks for a nil setback to provide a consistent commercial facade to the street in order to improve interest and walkability in the City's Town Centres and commercial areas.</p> <p>The City's Policy requires side lot boundary setbacks depending on the adjoining Built Form Areas.</p> <p>Where development adjoins a non-residential Built Form Area:</p> <ul style="list-style-type: none"> <li>• Side boundary setback for the first two storeys is nil. This setback provides for a consistent 'street wall' in the City's commercial centres.</li> <li>• Side boundary setbacks three storey and above are to be in accordance with Table 5 of the R Codes which is 3-4m setback depending on lot width to allow for landscaping.</li> <li>• Rear boundary setbacks are to be as per Table 5 of the R Codes which is 3-4m setback depending on lot width to allow for landscaping.</li> </ul> <p>Where development adjoins the Residential Built Form Area, side boundary setbacks are as follows:</p> <ul style="list-style-type: none"> <li>• Adjoining R60 and above the first three storeys is 4.5 metres;</li> <li>• Adjoining R60 and above the fourth storey and above is 6.5 metres;</li> <li>• Adjoining R50 and above the first three storeys is 6.5 metres; and</li> <li>• Adjoining R50 and above the fourth storey and above is 12.5 metres.</li> </ul> <p>The City's Policy proposes reduced side setback distances in areas identified as Town Centres, Activity Corridors and Mixed Use Areas in order to produce a</p>

## City of Vincent Submission on Draft Design WA

	Draft Design WA Proposal	City of Vincent Comment & Recommendation
		<p>contiguous façade, bringing commercial frontages and interest to pedestrians. In lower density areas, the City's Built Form Policy provides for greater setbacks to reduce the impact of high density development on existing low density residential development.</p> <p>The 3m side setback proposed in the draft ADP is not considered suitable and the 6m rear setback proposed does not provide suitable separation for existing residential lots abutting higher density development.</p> <p>The City does not support the proposed setbacks and the local setbacks set by local planning policies should prevail of any generic ADP setbacks as they have not taken the local context into consideration.</p>
8.4.	<p>Section 3.3 in the draft ADP includes provisions that are aimed at identifying existing trees for retention as part of the early site planning stage and ensuring that these trees are retained where possible to mitigate the reduction of tree canopy. It provides guidance on what would be considered a tree worthy of retention and how trees may be retained, replaced or offset as below:</p> <ul style="list-style-type: none"> <li>• Retained with landscaping to support tree health;</li> <li>• Replaced by planting a minimum number of trees as per subsequent deep soil area planting requirements; or</li> <li>• Offset by payment to the local authority for the planning and maintenance (2 years) of 4 trees per tree not retained.</li> </ul> <p>A five-year tree rule is used to identify on-site trees or trees which have been removed but can be clearly identified on an aerial photo within the last five years.</p> <p>Section 3.4 in the draft ADP includes provisions that are aimed at ensuring a minimum of 12% site area is provided as deep soil zone to support healthy plant and tree growth. This provision is similar to what the City has proposed however only requires 12% of the site area compared to the City's Policy provision of 15%. A minimum number of trees are to be provided per square metre of deep soil area that is required.</p> <p>Section 4.14 in the draft ADP provides guidance to ensure that landscaping is viable and sustainable and ensure it contributes to resident and streetscape amenity. Section 4.15 provides guidance on planting on structure to ensure plant growth is optimised and capable of being maintained.</p>	<p>The landscaping provisions of the City's Built Form Policy generally require:</p> <ul style="list-style-type: none"> <li>• A percentage of the site to be provided as deep soil zone;</li> <li>• A percentage of canopy cover in setback areas or a percentage of site area depending on the Built Form Area;</li> <li>• A landscape plan and landscape maintenance schedule to be provided.</li> </ul> <p>The provisions of the City's Policy are detailed below.</p> <p>The provisions for Town Centres, Activity Corridors and Mixed Use Built Form Areas are as follows:</p> <ul style="list-style-type: none"> <li>• 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;</li> <li>• 80% of the rear or side setback area to be provided as canopy coverage; and</li> <li>• A landscape plan and landscape maintenance plan to be provided by a landscape architect.</li> </ul> <p>The provisions for the Transit Corridors are as follows:</p> <ul style="list-style-type: none"> <li>• 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;</li> <li>• 50% of the front setback to be provided as soft landscaping;</li> <li>• 30% of the site area to be provided as canopy coverage; and</li> <li>• A landscape plan and landscape maintenance plan to be provided by a landscape architect.</li> </ul> <p>The provisions for the Residential Areas are as follows:</p>

## City of Vincent Submission on Draft Design WA

	Draft Design WA Proposal	City of Vincent Comment & Recommendation
		<ul style="list-style-type: none"> <li>• 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;</li> <li>• 30% of the site area to be provided as canopy coverage;</li> <li>• A landscape plan and landscape maintenance plan to be provided by a landscape architect for multiple dwellings only; and</li> </ul> <p>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.</p> <p>The City's proposal does require tree retention but incentivises the retention of trees by a reduction in the required deep soil zone.</p> <p>The draft ADP is recommended to include requirements for canopy coverage to provide amenity and reduce the urban heat island effect.</p>
<b>9.</b>	<b>Design Skills</b>	
9.1.	<p>The draft Design WA Design Skills Discussion Paper identifies a lack of design skills as a barrier to achieving good design outcomes. It proposes three options to address this issue:</p> <ol style="list-style-type: none"> <li>1. Option one is a threshold based approach. This approach would require development above a certain threshold to be prepared or certified by a registered architect prior to the lodgement of a development application. The threshold may be determined by building height, the number of dwellings it contains or the estimated construction cost of the development (which could align with the current Development Assessment Panel thresholds).</li> <li>2. Option two is a competency based approach. This approach proposes the introduction of a performance based requirement for design skills that would allow for competency standards to be oriented to project categories and applied equitably to architects and building designers. An implementation approach for this would be for government to recognise the accreditation of and industry association without having to undertake the assessment.</li> <li>3. Option three is for no additional regulation of design skills. Under this approach anyone could design and lodge development applications.</li> </ol>	<p>The options provided in the draft Design Skills Discussion Paper all aim to improve the design skills within the planning and development assessment process. While the City agrees that there is a significant need to improve design outcomes the main issue is not considered to necessarily be with the qualifications of the designer preparing plans but rather with the lack of design professionals' involvement in the development assessment process and the lack of strong policy guidance on what constitutes good design. If Design WA comes into effect both of these elements are likely to improve significantly and this is likely to have a significant impact on overall design of apartments and mixed use buildings. The extent of how these changes will impact on development outcomes is not yet known so it is considered premature to make wide scale legislative changes that will require significant resources and impact the design profession without being fully informed of the need for this following implementation of Design WA. The City recommends that Option 1 is most appropriate at this time and recommends that a future review be undertaken to determine the impact of Design WA on development outcomes and the need for legislative change to the design profession.</p>