

Contents – Table 1 – Summary of Submissions

1. Support
2. Petition of Support
3. Objection
4. Comment only

	Position and Summary of Comments	Administration Response	Recommended Modification
1.			
1.1	<p>Would like to sincerely confirm ongoing support for the establishment of Harley Street as a Character Retention Area. It is extremely important that any new developments or major renovations are in keeping with this unique precinct and are sympathetic to the prevailing character and sense of community within the street.</p>	<p>Noted.</p>	<p>No change.</p>
1.2	<p>Would like to offer very strong support for the policy amendments including the draft guidelines for Harley Street.</p> <p>Very supportive of the overarching Character Retention Areas policy to include the following element and very much hope to see this retained; <i>“Applications for development that seek departure from the “Deemed to Comply” policy provisions may be deemed acceptable where; The applicant obtains the support of the City’s Design Advisory Committee.”</i> is best aimed at new development, of which there will be very few. In the 10 years we have lived in Harley Street there have been two.</p> <p>Some edits are proposed, many of which are minor and none seek to change the intent of the objectives or criteria, rather it seeks to clarify or define. However it is felt they are important and should be included. Of particular note is the desire to include a “line of sight” definition for upper floor setbacks.</p> <p>Specific changes requested to be considered include:</p> <ol style="list-style-type: none"> 1. Including an introduction / key characteristics into Appendix 2; 2. Inclusion of a new objective to encourage a high standard of architectural and sustainable design solutions for additions to existing buildings and new buildings; 3. Introduction of a definition for line of sight and associated illustration; 4. Relocation of O1.2.1 from a Local Housing Objective to a Deemed to Comply provision; 5. Relocate wording from the ‘note’ into the provision for C1.3.1 relating to plate height; 6. Increasing building heights by one meter to accommodate previous provision relating to plate height; 7. Reduction of visually permeable fences from 50% to 40%; 8. Maximum width of piers to be 470mm; 9. Various wording changes to 1.8 – Building Design. 	<p>Noted.</p> <p>Administration has considered the proposed changes suggested by this submission and recommends incorporating some of the amendments where appropriate.</p> <p>It is not proposed to include an introduction / key characteristics section into the draft Guidelines as they would not serve any purpose from an assessment perspective. This background information was contained in the 18 October 2016 Council report. Any proposals wishing to vary the deemed to comply criteria will be assessed against the relevant local housing objectives and the Harley Street Character Objectives already contained in the Guidelines.</p> <p>The introduction of a definition is not considered to be necessary although a new figure is proposed to be included to clarify the intent.</p>	<p>Administration is proposing to include the following modifications to the policy as a result of this submission:</p> <ol style="list-style-type: none"> 1. Inclusion of a new objective to encourage a high standard of architectural and sustainable design solutions for additions to existing buildings and new buildings; 2. Relocation of O1.2.1 from a Local Housing Objective to a Deemed to Comply provision; 3. Relocate wording from the ‘note’ into the provision for C1.3.1 relating to plate height; 4. Increasing building heights by one meter to accommodate previous provision relating to plate height; 5. Removal of the word ‘habitable’ from C1.5.2; 6. Reduction of visually permeable fences from 50% to 40%; 7. Maximum width of piers to be 470mm; 8. Various wording changes to 1.8 – Building Design.

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2.			
2.1	<p>A petition has been received in support of the Harley Street Character Retention Area nomination and advertised Guidelines.</p>	<p>The petition contains 43 signatories in support of the policy amendments and draft Guidelines representing 57.5% of the 33 properties on the street.</p> <p>Although the policy does not require a certain percentage of support following formal advertising, the petition provides evidence of a high level of support from the community.</p>	<p>No change.</p>
3.	<p>Objection</p>		
3.1	<p>The submitter does not support the introduction of the policy as it stands (<i>sic</i>).</p> <p>Concerns were provided with having meeting in residents' homes, particularly when other landowners are not supportive of the proposal. This is not a neutral environment.</p> <p>Although passionate about heritage houses the submitter was concerned with the creation of more red tape which may 'suffocate' the bigger picture of what the City should be. They also felt uncomfortable with the 'stifling' of individual's rights and freedoms and personal tastes and preferences should not be imposed on others.</p> <p>The submitter provided comments about the character of the street highlighting that of the 33 homes, four of them were built after 1970 plus two vacant lots were currently being redeveloped with many of the other dwellings renovated or altered beyond recognition.</p> <p>The submitter preferred the approach of introducing good modern design while retaining and enhancing existing heritage and that landowners should have the right to develop in any style they choose.</p> <p>Specific comments include:</p> <ol style="list-style-type: none"> 1. The intent of the objectives are not well translated into the guidelines imposed; 2. What is the reasoning for no front facing dormer windows? Loft rooms seem a decent idea if you are going to place greater restrictions on other areas of development and insist on pitched roofs. A dormer window facing the street may be more appropriate on some developments to enhance energy efficiency, enhance privacy so less overlooking on other properties, increase street surveillance etc.; 3. Don't agree that specific styles should be dictated; 4. Don't agree that pitched roofs should be dictated; 5. Don't agree that materials should be dictated; 6. Matching the traditional orientation may not be the best way to reach a high standard of sustainable design; 7. There are some fantastic examples nearby of modern design complementing the original, retained heritage home - some of these modern aspects are visible from the street; 8. Support the idea of not demolishing older houses. 	<p>Administration acknowledges the concern of having the meetings in residents' homes and will review this approach.</p> <p>Administration disagrees with the idea that this is creating more red tape and is 'stifling' individuals rights and freedoms. There is already a policy framework in place for all developments in Vincent, these guidelines replace elements of the existing framework not add to them.</p> <p>Given the quality of the character of certain streets, including Harley Street, the creation of a character retention area intends to guide development so that it is sympathetic to the existing streetscape but can still incorporate modern features where appropriate.</p> <p>Forward facing dormer windows are proposed to be prohibited to reduce the impact of any openings in the roof on the streetscape. This is not a common feature in this area and should be avoided.</p> <p>Developments are required to meet sustainable design elements through the Building Code of Australia regardless of what is contained in a planning policy and whether or not it matches the dwellings traditional orientation.</p> <p>Administration disagrees that the policy 'dictates' styles or materials although roof pitch is regulated. The policy has several paths of assessment including deemed to comply and where they are seeking to vary this, assessment can be made against the performance criteria contained in the R Codes, the local housing objectives of the guidelines and the Harley Street Character Objectives which result in the same or better outcome.</p> <p>The City agrees that the demolition of homes without the requirement for a planning approval is not ideal. The policy was updated prior to advertising to include a demolition clause that will activate should any future changes to the planning regulations be successful.</p>	<p>No change.</p>

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	Position and Summary of Comments	Administration Response	Recommended Modification
3.2	<p>The submitter questioned why the policy requires 40% of landowners to agree to initiate a nomination but 60% to wind back.</p> <p>Questions were asked about the legitimacy of the nomination process for Harley Street and the structure and contents of the nomination form.</p> <p>The submitter also objected to the policy being a violation of human rights in that the policy takes away current freedoms provided under the R Codes.</p>	<p>The percentages set by the policy are intended to guide Administrations decision whether or not to proceed with a nomination or whether there is adequate support to consider removing the guidelines.</p> <p>Because the nomination process is so robust, proceeding with the nomination does not predetermine the outcome. On this basis a majority of property representatives is not required but rather evidence that there is some support to investigate their development.</p> <p>Should there be a view that adopted guidelines should be removed, the City requires evidence that a substantial number of properties, i.e. more than half, wish to do so.</p> <p>The City is satisfied that the nomination received represents at least 40% of the properties on Harley Street.</p> <p>The proposed Guidelines have been prepared consistent with what is permitted by the R Codes. The guidelines do not vary anything that is not permitted by Section 7.3 of the R Codes and does not require the approval of the Western Australian Planning Commission. On this basis it is considered that there are no human rights violation taking place and that the City is operating within the planning framework established by the State Government.</p>	<p>No change.</p>
4.			
4.1	<ol style="list-style-type: none"> 1. Wording changes suggested for 'Application' section; 2. Wording changes suggested for Objective 3; 3. Questioned relationship with R Codes; 4. Suggested changing wording of 2. Development Standards to be consistent with the Built Form Policy; 5. Questioned the way the policy calculates the 40% for the nomination; 6. Wording changes to when the City may consider abandoning the nomination to be applied at any time, not just at the meeting; 7. Correction to remove reference to Part 6 of the R Codes which do not apply to Harley Street; 8. Questions relating to plate height requirements (C1.3.1); 9. Asking whether it was intended to allow fence pier heights up to 1.8m when the rest of the fence is 1.2m and suggesting that 1.4m or 1.5m would be more appropriate; 10. Wording changes suggesting that there should be no roof pitch requirements where it can't be seen from the street; 11. A suggestion to introduce a new 'Category C' heritage listing which all contributing properties in a Character Retention Area would be automatically included and required to submit a planning application for demolition. 	<p>Administration has considered this submission and is proposing to incorporate changes where appropriate.</p>	<ol style="list-style-type: none"> 1. Wording changes for 'Application' section for clarity; 2. Wording changes suggested for Objective 3; 3. Clarify relationship with R Codes and what applies when; 4. Changed wording of 2. Development Standards to be consistent with the Built Form Policy; 5. Clarification of Clause 1.3 relating to the way the policy calculates the 40% for the nomination; 6. Changes to when the City may consider abandoning the nomination to be applied at any time to include times other than at the community meeting; 7. Correction to remove reference to Part 6 of the R Codes which does not apply to Harley Street; 8. Changes to Clause 1.7 so there is no roof pitch requirements where it can't be seen from the street.