

10 September 2020

The Chairman
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6000

Attention: Mr David Caddy

Dear David,

RE: State Planning Policy 7.3: Residential Design Codes-Volume 1 Interim Review 2020

The Local Government Planners' Association (LGPA) is a professional association comprising local government planners and related consultants, public servants and others, interested in the promotion of sound local planning. The LGPA has significant exposure to a range of industry issues through our members, comprising a significant local government representation, and is therefore well placed to present our views on State Planning Policy 7.3: Residential Design Codes-Volume 1 Interim Review 2020 ('the R-codes').

We commend the Department of Planning Lands and Heritage for prioritising this review and delivering urgently needed reforms which will provide a greater number of exemptions for residential development and streamline the approval pathway for anyone undertaking development

We have undertaken a review of the proposed amendments and have prepared the below document **attachment 1** detailing our comments for your consideration in finalising the document.

Next Steps We appreciate the opportunity to comment on this policy, and welcome any opportunity to discuss our comments further with the Department and or WAPC.

We would welcome any opportunity to coordinate workshops or updates from DPLH to our membership. Should you require any further advice or information, please contact Joslin Colli by email joslin@planningwa.com

Yours faithfully



Joslin Colli
LGPA PRESIDENT

Part/Clause	Comment	Solution	Relates to... <i>A = Advertised version</i> <i>C = Current R-Codes</i>
<p>Part 2 – R-Codes Volume 1 approval process</p> <p>Modified to:</p> <ul style="list-style-type: none"> • Clarify approval process and requirements; • Include opportunity to waive amendments to development approvals; and • Remove requirement for development approval for Single Houses on lots less than 260m² where complaint with R Codes requirements. 	<p>LGPA supports the removal of the requirements for development approval for single houses on lots under 260m² where they meet all relevant deemed to comply standards of the R-Codes.</p> <p>This is in keeping with the current housing trends and declining average lot sizes to address impacts upon affordable housing.</p> <p>Many LGs receives applications on these lots as a result of the current planning framework that does not appropriately accommodate for small lot development and innovative design.</p>	<p>N/A</p>	<p>A</p>

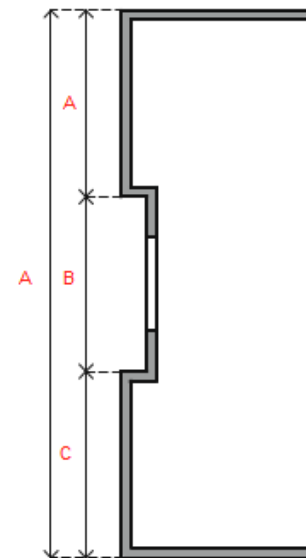
	Support the inclusion of criteria for amendments to existing development approvals which is currently undefined and can result in unnecessary development applications to address minor modifications required to comply with the Building Code of Australia.		
Part 3 – Accompanying information			C
No modification proposed.	Unclear and varying expectations in relation to submission requirements can cause frustration and uncertainty for applicants when trying to lodge an application.	It is suggested that the DPLH develop clear and consistent guides, information sheets and checklists that are readily available for the public to ensure that the quality of information submitted for Applications is consistent throughout all Local Governments.	
Part 4 – Consultation			C
No modification proposed	Currently there is inconsistency between consultation processes and expectations between Local Governments. This creates uncertainty for applicants and the community. There is a need to establish more consistent consultation requirements between Local Governments for residential developments.	Recommend the introduction of a consistent approach to community consultation to provide clear requirements on the methods of consultation as well as the information to be provided to landowners and residents. This would ensure that consultation practices are contemporary and consistent between all local governments while providing the local community and industry greater understanding and certainty of consultation requirements.	
Part 5 – Design elements for all single house(s) and grouped dwellings; and multiple dwellings in areas coded less than R40			
5.1.1 – Site area			C
Modification to simplify wording	LGPA supports the simplified wording but notes there is a lack of clarity for applicants in the process for determining Applications which propose a variation to	LGPA suggests that the wording be modified to make it clear that the subdivision application is to be approved by the WAPC prior to lodging a	

	<p>the minimum and/or lot size requirements concurrently with a subdivision application.</p>	<p>development application where a variation to the site area requirements is proposed. This would avoid instances of Applications being submitted and put on hold pending the outcome of a subdivision which is outside of the control of the Local Government. The imposition of model subdivision condition B4 by the WAPC in such instances would also give greater certainty in respect to ensuring an appropriate built form outcome is achieved on these smaller lots.</p> <p>Reference is made to existing Clause 2.5.3 which prohibits the decision-maker from varying the minimum and average site area requirements set out in Table 1 thereby emphasising that proposals seeking to vary this requirement will require prior subdivision approval from the WAPC.</p>	
<p>5.1.3 – Lot boundary setback</p> <p><i>Lot Boundary Setbacks</i></p> <p>Modified to</p> <ul style="list-style-type: none"> Replace setback requirements of Tables 2a and 2b with new requirements, these are 	<p><i>Lot boundary setbacks</i></p> <p>LGPA supports the simplification of the lot boundary setback table and associated figures. The changes would reduce interpretation issues while also allowing for internal plans of greater efficiency without complex roof lines. Removing minor and major openings as a factor in determining the side or rear setback will encourage the provision of major openings and provide greater amenity for occupants.</p>	<p>LGPA suggests two simplified tables for lot boundary setbacks. One for R25 and above where the frontage drops to below 10m with lesser distances and one for below R25 with the setbacks proposed in this document.</p> <p>LGPA suggests the inclusion of clearer diagrams that detail how to assess walls with multiple articulations as this is currently unclear. Proposed figure 4a appears to show parallel sections of wall</p>	<p>A</p>

<p>based on the height of the wall only, and not including reference to the length of the wall or whether a minor or major opening is proposed.</p>	<p>The character of housing in Perth, at least until recently, has been defined by long linear walls with simple rooflines and limited articulation (think 4 room houses in Freo, Vic park, shallow pitch mid-century houses through middle-suburbs, terraces). the proposed setbacks potentially penalise this common design outcome.</p> <p>A number of lots provide for frontages of less than 10m, resulting in the need for reduced lot boundary setbacks on both ground floor and upper floors. The current provisions permit upper floor walls to be setback 1.2 metres from the boundary and the proposed change to a 2m metre minimum setback is a substantial increase which could compromise on functional and useable areas being provided.</p> <p>In response to 5.1.3 C3.1 (ii) - the minimum roofline setback under the BCA requires 900mm for fire separation purposes for patios and outbuildings. The proposed nil setback as drafted would cause conflict with applicants once they receive DA approvals for anything less than 900mm with the absence of a fire rated wall, as per the BCA. The BCA has a concession for open carports to be reduced to 500mm. (It obviously needs to be a carport for the concession to be applied.) Non-combustible "posts on boundary" are generally accepted providing the roofline is setback 900mm. It is suggested that information sheets and guides distributed by the Department</p>	<p>set in from the boundary instead of the current diagram that shows continuous section of walls parallel to the boundary. For example it is unclear how you would assess a wall if it is reflective of the current figure 4c. Would each length be measured separately and subject to its own setback based on the height of the wall or is one setback applied to the entire length of wall based on the maximum height? If so this has the potential to penalise the use of articulations.</p> <p>Diagram below illustrates example and identifies A-C as individual sections with independent setbacks or A as one section with one setback applied to the entire section.</p>	
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include this or a note within the R Codes themselves is provided.

Figure 4c – Walls with multiple articulations



Suggest that the setback requirement for 6m high walls be reduced if minor openings or other design features are provided to break up blank walls. This will assist in mitigating blank facades on second storeys which can impose bulk and mass on adjoining properties.

		<p>Recommend review of the wall heights outlined in Table 2 given that the deemed-to-comply building height is increasing to 7m it is likely that many dwellings will be designed with a wall height between 6m-7m and would be penalised with a setback requirement based on a wall height of 8m at 2.5m, almost double the current requirement for a section of wall with no major openings.</p>	
<p><i>Lot Boundary Walls</i></p> <p>Modified to:</p> <ul style="list-style-type: none"> • Remove average wall height requirement for boundary walls; • Clarification regarding concurrently proposed or simultaneously constructed boundary walls; • Clarification that 450mm x 450mm pillars and retaining walls are not considered a boundary wall for the purposes of this clause; and • Inclusion of boundary wall provisions for lots the subject of R-MD provisions. 	<p>The removal of average wall height calculations is supported. This change will simplify the assessment of boundary walls and reduce triggers for Development Applications. The visual impacts of boundary walls would still be mitigated through the maximum height and length requirements of the R-Codes, ensuring residential amenity is protected.</p> <p>The provisions relating to piers and posts is supported as it would allow smaller residential projects including patios to be exempt from requiring a Development Application.</p>	<p>With an increased number of smaller lot sizes and resultant infill development, boundary walls to more than one side is successfully provided for many designs and is a common Development Application trigger. There is generally an acceptance of walls built up to side and rear boundaries in medium to high density areas, where they meet height and length requirements.</p> <p>Suggest the inclusion of this provision within the R-Codes, which would contribute to reducing Development Applications on small lots while maintaining acceptable height and length standards for boundary walls.</p>	<p>A and C</p>

<p>5.1.4 – Open space</p> <p>Modified to</p> <ul style="list-style-type: none"> • reduce the required amount for open space by 5% for lots coded R60 and below. 	<p>The reduction in the amount of deemed-to-comply percentage of open space is supported, particularly noting the proposed changes to improve the quality of outdoor living areas and landscaping.</p>		
<p>5.1.6 – Building height</p> <p>Modified to</p> <ul style="list-style-type: none"> • increase the permitted building heights by 1 metre. 	<p>LGPA supports the proposed change to increase building height limits for two-storey dwellings by 1 metre as well as the revised table to allow for simpler approach for calculating building height. It will also allow for suitable ceiling heights to improve natural light and ventilation and to allow innovation in building design.</p> <p>It is noted that on small lots with an east-west orientation the current deemed-to-comply building height and lot boundary setbacks often result in non-compliance with Clause 5.4.2 Solar Access for adjoining sites.</p> <p>Reference is also made to modifications to clause 5.1.3 Lot Boundary setbacks and recommendation to align wall height/setbacks with proposed deemed-to-comply wall height.</p>	<p>LGPA suggests modifying overshadowing requirements in-line with building height changes to provide consistency between the two provisions and reduce variations to shadowing where building height complies, particularly on small lots. Consideration would need to be given to ensure this is proportionate and does not result in excessive overshadowing impacts on adjoining properties.</p>	<p>A</p>

<p>5.2.2 – Garage width</p> <p>Modified to:</p> <ul style="list-style-type: none"> Remove reference to garages located in front or within 1m of the building, instead requiring garages to be a maximum width of 50% irrespective of its proximity to the front of the dwelling. Clarity has also been provided for the extent of upper floor and balconies where garages are proposed at a width of 60%. 		<p>C2 - Refers to 'frontage', in which the R Codes ultimately links back to the definition of 'lot'. In the case of grouped dwelling this relates to the parent lot. Recommend change 'frontage' to 'site boundary' to ensure that garages are measured to the 'child / internal strata' lot boundaries under strata developments instead of the parent lot boundary (i.e two garages side by side in a grouped dwelling scenario may extend 50% or more of the 'individual' dwelling frontage but meet compliance as the parent lot applies in this situation). This provision would exacerbate rather than reduce the appearance of vehicle access and parking structures to the street. A similar issue results with the carport width provision under Clause 5.2.1.</p>	A
<p>5.3.1 – Outdoor living area (OLA)</p> <p>Modified to:</p> <ul style="list-style-type: none"> Increase size of OLA for lots coded R20-R80; - modification to area of OLA permitted to be covered; and 	<p>Support the provisions requiring meaningful provision of OLA's and areas where a tree can be planted for each dwelling. This will provide greater opportunities for enjoyment of outdoor areas and gardens.</p>	<p>The provision of 32 square metre OLA for higher density sites is considered substantial. When considering street setback, garage setback, lot boundary setbacks this is an onerous requirement for lots coded R40 and above. It is suggested to either provide a sliding scale for areas required for</p>	A and C

<p>● -Update Design Principles including specific Design Principles for OLA's within front setback area.</p>	<p>The proposed amendments to setbacks, boundary walls and open space means that there will be greater developable area on-site to compensate for the revised OLA standards.</p> <p>The updated design principles are also supported which would result in more functional spaces.</p> <p>Design principle allowing 1.5m high street fence with an OLA is inconsistent with clause 5.2.4 which requires 1.2m. Clause 5.2.4 will ultimately lose its purpose and intent. It will largely become accepted that an outdoor living area can have a solid 1.5m street wall which sets a bad precedence prevailing into the future.</p>	<p>each density code, or to allow for the total outdoor living area required to be split across different areas on the site (i.e. a rear ground floor courtyard and an upper floor balcony) which would provide areas that are likely to be more useable to the future tenant.</p> <p>LGPA also suggests including provisions that require drying courts to be provided separately to the outdoor living area, however this may be better place within the Medium Density Guidelines.</p>	
<p>5.3.2 – Landscaping</p> <p>Modified to introduce landscaping requirement for single house, grouped dwelling and multiple dwelling to provide at least one tree per dwelling</p>	<p>LGPA supports the modification to C2.1 ii as this was an impossible deemed-to-comply standard to be met in a typical battleaxe / triplex lot layout and leads to a number of unnecessary design principle assessments.</p>		
<p>5.3.5 – Vehicle access</p> <p>Clarification provided to limit proliferation of crossovers</p>	<p>A minor change that resolves an issue about use of communal streets/ROWs.</p> <p>However this often leads to a lot more vehicle manoeuvring area, with some significant streetscape</p>	<p>It is suggested that this change to the deemed-to-comply is accompanied by additional design principles that talk to this issue.</p>	

	impacts if the parking is still located in the street setback area.		
<p>5.3.7 – Site works and Retaining walls</p> <p>Modified to consolidate existing provisions into one clause to allow for straightforward height and setback calculations</p>	<p>The proposed provision that relates to retaining walls, fill and excavation within the site and behind the street setback is not supported.</p> <p>The wording has been changed to include ‘fill and excavation <u>above or below</u> natural ground level’.</p> <p>The proposed change will likely result in a significant increase in developments which require development approval as Table 4 requires heights to be measured <i>above or below</i> the natural ground level.</p> <p>Excavation does not affect adjoining landowners and often results in a reduction of building bulk impacts on adjoining lots.</p> <p>Amalgamation of clauses 5.3.7 and 5.3.8 and the introduction of Table 4 is supported in principle subject to the above points.</p>	<p>It is suggested that ‘above or below’ is removed from Table 4 so that development approval is only required for fill above natural ground level and not excavation below.</p>	
<p>5.4.2 – Solar access for adjoining sites</p> <p>Modified to clarify that dividing fences and walls up to 3.5m in height do not contribute to</p>	<p>As detailed earlier, it is considered as a consequence of increasing building height additional shadowing permissibility to adjoining properties should be</p>	<p>LGPA suggests modifying overshadowing permissibility in-line with building height changes to provide consistency between the two provisions and</p>	C

overshadowing calculations.	considered to support small lot development. It is noted that small lots that run east to west already provide significant shadowing to southern properties, which will only increase as a result of building height changes, support clarification regarding fences and 3.5m high walls as these currently contribute to non-compliant overshadowing on east west orientated lots.	reduce variations to shadowing where building height complies, particularly on small lots.	
<p>5.5.2 – Aged or dependent persons dwellings</p> <p>No modification proposed</p>	The R-Codes include specific requirements related to Aged or Dependent Person's Dwellings, and included these within multiple dwellings. The relationship of these requirements, which includes plot ratio area, outdoor living area and visitor parking requirements, and the elements of the R-Codes Volume 2 – Apartments is unclear.	LGPA suggests either clarity on how these provisions which overlap with the elements of the R-Codes Volume 2 – Apartments be interpreted, or for these to be removed to avoid ambiguity.	C
Part 7 – Local planning framework			
	No comments	No comments	