

State Planning Policy 3.1 Residential Design Codes

Prepared under section 26 of the Planning and Development Act 2005 by the
Western Australian Planning Commission.

Varies State Planning Policy 3.1 (Variation 1) as published in the Government
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New text/content is highlighted in yellow

D55.11 – Attachment 1
Draft RCodes with
City of Nedlands comments inserted

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Part 1 - Preliminary

- 1.1 Citation
- 1.2 Purpose of the Codes
- 1.3 General objectives of the Codes
- 1.4 Application of the Codes
- 1.5 Explanatory guidelines

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Part 1 - Preliminary

1.1

Citation

This state planning policy is made under section 26 of the *Planning and Development Act 2005*. This policy may be cited as State Planning Policy 3.1 Residential Design Codes or Codes.

1.2

Purpose of the Codes

The purpose of the Codes is to provide a comprehensive basis for the control, through local government of residential development throughout Western Australia. Local government is generally the determining authority, however in some cases the WAPC or other delegated authority may issue an approval through the Codes, therefore, throughout the document the determining authority will simply be referred to as 'the Authority'.

1.3

General objectives of the Codes

The Codes have the following objectives.

1.3.1

Objectives for residential development

- a. Housing development of an appropriate design to the intended residential purpose, and density, context of place and objectives as outlined in the local planning scheme;
- b. Design consideration of the social, environmental and economic opportunities possible from new housing and an appropriate response to local amenity and place.
- c. Design which is sensitive to culture and respectful of heritage yet offers future residents the opportunities for better living choices and affordability in an intergenerational context.

1.3.2

Objectives for the planning governance and development process

- a. Encouragement towards design which is responsive to site, size and geometry of the development site
- b. Variety and diversity as appropriate where it can be demonstrated this better reflects context or local planning scheme objectives.
- c. Clear scope for local planning objectives to influence the assessment of design solutions.
- d. Certainty in timely assessment and determination of proposals applied consistently across State and local government.

1.3.3

Application of objectives

The objectives not only provide the reasoning behind the values and content of the Codes, but also guide the assessment of design solutions (i.e. where a housing development offers improved site specific and appropriate design which is an alternative to the Deemed-To-Comply provisions of the Codes).

In matters of determination of design the Authority shall have regard to the Objectives of the Codes and also consider any specific local housing development objectives identified in or through (e.g. via a local planning policy) the local planning scheme.

1.4

Application of the Codes

The Codes apply throughout Western Australia. The majority of town planning schemes include the Codes by reference and as the Codes are updated; so too is the Scheme in this respect.

Parts 1 – 4 of the Codes apply to all residential development (including residential components of mixed use development).

Part 5 and associated tables and figures apply to:

- all single houses;
- all grouped dwellings; and
- multiple dwellings in areas with a coding of less than R30.

Part 6 and associated tables and figures apply to:

- multiple dwellings in areas with a coding of R30 or greater; and/or
- mixed use development and activity centres

and Part 7 and associated Appendix applies to local planning policy and how it is applied.

1.5

Explanatory guidelines

The Western Australian Planning Commission (WAPC) may prepare more detailed explanatory guidelines on the matters addressed in the Codes, in consultation with local government and relevant stakeholders, to meet the objectives of the Codes and, if prepared, these should be taken into account in the determination of proposals.

The Guidelines should be considered as a dynamic document in that they allow for review and updating of content and provision of further guidance based upon State Administrative Tribunal (SAT) decisions and other cases where clarification of meanings and interpretation can assist local government and the development industry.

Part 2 - Codes approval process

- 2.1 Planning approval
- 2.2 Single house approval
- 2.3 Planning approval for single houses on small lots
- 2.4 Judging merit of design solutions
- 2.5 Exercise of judgement

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Part 2 - Codes approval process

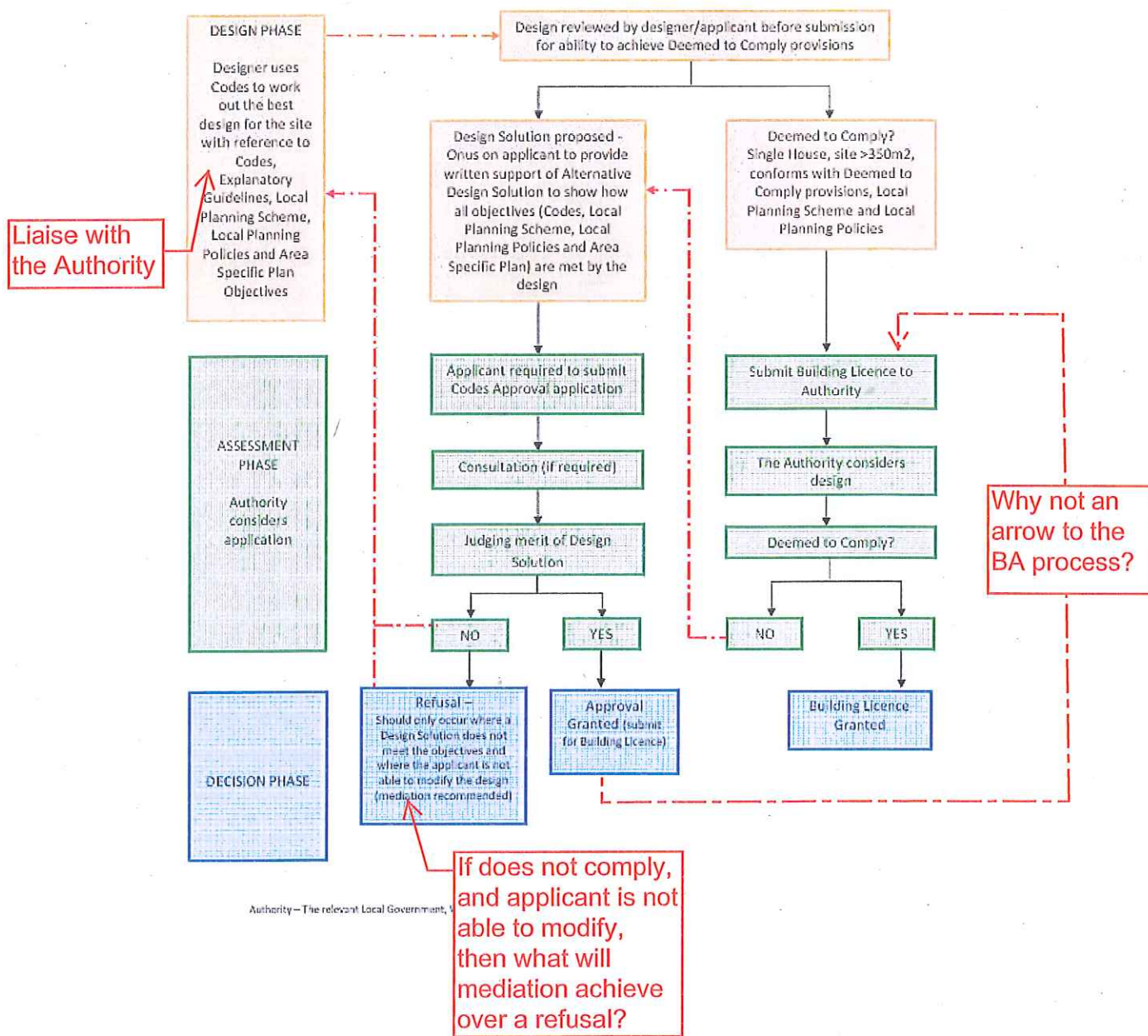
2.1 Planning approval

2.1.1

The Codes Approval process is illustrated in the process flowchart below. This process flowchart has been designed as a guide for all decision making Authority's, developers and proponents using the Codes.

Reference needs to be made to a Scheme approval requirement for a DA.

CODES APPROVAL PROCESS FLOWCHART



2.1.2

It is not the intention of the Codes to compel compliant housing proposals to be subject to town planning scheme assessment process: some local governments have been able to apply the Codes in the course of usual Building Licence application procedures.

However where a town planning scheme specifically requires a planning application, this shall be lodged with the relevant local government authority, or other determining body (the Authority) for assessment for compliance with the Codes and issuing a decision.

2.1.3

A planning application should provide details regarding the manner in which the requirements of the Codes are to be satisfied by the design proposed.

2.1.4

Residential development is to comply with the requirements of the Codes. This applies regardless of whether residential development (including construction of a single house) is exempted from or does not require planning approval.

Prior approval under and in accordance with the Codes (Codes approval) is required if the proposed residential development:

- (a) does not conform with the Deemed-to-Comply provisions of parts 5 and/or part 6 as appropriate; or
- (b) involves a Design Solution in respect of any matter under the Codes and which therefore requires the exercise of judgement by the Authority; or
- (c) it is not otherwise exempted.

2.2

Single house approvals

A proposal to develop a single house, where the design meets the Deemed-to-Comply Provisions of the Codes does not require a Planning Approval (Clause 8.2 (b) of the Model Scheme Text).

However in cases where the development proposes a Design Solution, this will require a judgement by the Authority as to whether it satisfies the objectives of the Codes. This will require:

- (a) An application in accordance with the Form set out in Appendix 2 or a suitable alternative Form pursuant to the Scheme for the exercise of judgement with regard to the Codes and prior to the issue of a Building Licence.
- (b) The application shall contain such details as are required in Part 3 or such information as is required by the Authority from time to time under a local planning policy.
- (c) The decision of the Authority shall be conveyed in writing to the applicant in the form included in Appendix 3 or a suitable alternative Form and shall have effect from the date of the decision.

Should say '...in the opinion of the Authority...' (specialised experts).

'Unless the Scheme requires,...'

2.3

Planning approval for single houses on small lots

Planning approval is required for the erection of a single house on any lot smaller than 350 m². (Note: This specific circumstance overrides Clause 8.2 (b) of the Model Scheme Text, and any Scheme provisions which may indicate that single house applications are exempt).



2.4

Judging merit of Design Solutions

In relation to the component of the design which proposes a design solution to the Deemed-to-Comply Provisions of the Codes, the decision making Authority is required to exercise judgement, to balance technical and qualitative factors to reach a decision. This approach is for any proposal which does not meet the relevant Deemed-to-Comply Provision and a provision of a local planning policy.



2.5

Exercise of judgement

2.5.1

Where a Codes application is required, or where the town planning scheme explicitly requires an application to be made, the applicant shall make an application in accordance with the form set out in Appendix 2 to the Authority for approval. Subject to Clauses 2.5.2 and 2.5.3, the Authority is to exercise its judgement to consider the merits of such applications having regard to the objectives and balancing these with consideration for standards and requirements provided in the Codes.

2.5.2

In making its judgement on the suitability of a design solution the Authority shall have regard to the following:

- (a) the stated purpose and aims of the Scheme with respect to housing development;
- (b) the provisions of parts 1 - 4 of the Codes, as appropriate; and
 - (i) the provisions of Part 5 where the application involves a single house (s) per lot, grouped dwellings, or multiple dwellings in areas with a coding of less than R30; or
 - (ii) the provisions of Part 6 where the application involves a multiple dwelling in areas with a coding of R30 or greater and within mixed use development and activity centres;
- (c) any design solution provision which specifically relates to the design aspect or provision which it relates to;
- (d) the explanatory guidelines of the Codes that correspond to the relevant provision;
- (e) any local planning objectives which relate to housing development and are identified or referred to by the Scheme, ie policy;
- (f) a provision of a local planning policy adopted by the Authority consistent and pursuant to this policy and complying with clause 2.5.3;
- (g) the orderly and proper planning of a locality; and
- (h) Any appropriately gazetted update to the Codes by the Western Australian Planning Commission.

2.5.3

The Authority shall not vary the minimum or average site area per dwelling requirements set out in Table 1 (except as provided in the Codes or in the Scheme).

2.5.4

Where the proposal complies with all relevant Deemed-to-Comply provisions of the Codes, the Authority shall grant approval to the Application. Where provisions of the town planning scheme or a local planning policy are in conflict with or contrary to the Deemed-to-Comply Provisions, the Codes shall prevail except for circumstances prescribed in Part 7. The Authority is not able to refuse the application unless it is specifically in contravention of the Scheme.

2.5.5

For the purpose of the Codes, a local planning policy will only be a relevant consideration in the exercise of judgement where the policy is:

- (a) specifically sanctioned by a provision of the Codes; and
- (b) consistent with the Codes.

The City does not agree, see comments table

Comment [A1]: NB: this may be deleted if subdivision control is removed from the Codes



Part 3 – Accompanying information

- 3.1 Applications for planning approval
- 3.2 Applications for Codes approval
- 3.3 General information requirements
- 3.4 Existing site analysis plan
- 3.5 Proposed development site plan
- 3.6 Supporting information requirements

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Part 3 – Accompanying information

3.1

Applications for planning approval

Where:

- (a) a planning approval is required under the Scheme; and/or
- (b) the proposed development requires the Authority to exercise its judgement in respect to the Codes; or
- (c) the proposal is for the development of a single dwelling on a lot of less than 350 m²

an application to commence development shall be made to the Authority on the appropriate Form.

3.2

Applications for Codes approval

An application for Codes approval shall be submitted to the Authority under the Codes approval application form (Appendix 2) in respect of any residential development (including the construction of a single house) not otherwise requiring prior approval under another provision of the scheme where:

- (a) the proposed development does not conform with the Deemed-to-Comply provisions set out in Parts 5 and 6;
- (b) the proposed development requires the Authority to exercise its judgement under the Codes; or
- (c) the proponent seeks assessment of the performance of the design against the Design Solution objectives contained in the Codes.

In relation to an application for Codes approval, the Authority shall issue its decision on the Codes approval decision form (Appendix 3).

3.3

General information requirements

3.3.1

The requirements of 3.1 and 3.2 are applicable notwithstanding any other provision in the scheme. In any other cases where planning approval or Codes approval is not required, information shall be submitted to justify the design solution and demonstrate that the Codes objectives can be achieved. This shall be completed to the satisfaction of the Authority prior to the issue a building licence. ✓

3.3.2

Unless otherwise determined by the Authority, residential development proposals shall be supported with information about the development site, the proposed development, and adjoining properties contained in an existing site analysis plan, a proposed development site plan and drawings in accordance with 3.4 to 3.6.

3.4 Existing site analysis plan

3.4.1

An existing site analysis plan shall be provided at a scale of not less than 1:200 containing the following:

- (a) street name, address and lot number;
- (b) north point and scale bar;
- (c) all boundary and area dimensions;
- (d) existing levels to an established datum, including contours at maximum intervals of 0.5 m and spot levels at all boundaries at intervals not greater than 5 m;
- (e) the position and dimensions, setback distances both horizontal and vertical, of existing buildings, retaining walls and other structures;
- (f) the position, type, and size of any tree exceeding 3 m in height;
- (g) the street verge, including footpaths, street trees, crossovers, power poles and any services such as telephone, gas, water and sewerage in the verge;
- (h) location of service connections;
- (i) location of any easement or piped service traversing the site and any sewer or sewer connection point servicing the site;
- (j) location of any access restrictions such as road islands adjacent to the site; and
- (k) the position of any adjoining and existing buildings that might affect, or be affected by, the proposed development, including the position of the proposed development, levels and position of habitable room windows, and outdoor living areas.

3.4.2

In cases where the design needs to demonstrate Ecologically Sustainable Design or a related design competence, it is desirable for the site analysis plan to include the following:

- (a) the direction of prevailing winds and areas exposed to winter sun;
- (b) overshadowing diagram
- (b) designated locations for outdoor living areas (northern aspect is generally favoured);
- (c) views, outlook ; in matters of streetscape significance
- (d) photographs or drawings of the street elevations of any existing buildings on site and on the adjoining sites, showing height, roof and wall materials, windows and roof pitch.

3.4.3

In addition to 3.4.1 above, as appropriate, the site analysis plan shall include the following additional detail for all applications made against Part 6 of the Codes:

- (a) the cadastral base identifying all allotments located within the street block on which the allotment is located as well as the allotment on the opposite side of the street;
- (b) location, height, street setback and land use of all buildings located on the allotments as required by (a) above;
- (c) landmarks and features within the immediate locality;

- (d) location of shops, public transport stops/services and public open spaces within walking distance (1 km);
- (e) any listed heritage places within close proximity to the development;
- (f) any sources of nuisance emissions such as noise, light, odour that may have a bearing on residential design solutions;
- (g) exposure of the site to prevailing winds;
- (h) streetscape elevations of adjoining development;
- (i) any impacted view-lines of significance to and from public places; and
- (j) solar access to the site and surrounding properties.

3.5 Proposed development site plan

3.5.1

A proposed development site plan (which may be combined with the plan described in Clause 3.4) shall be provided at a scale of not less than 1:200 showing the following:

- (a) site dimensions, scale bar, north point, and existing contours and levels as described in 3.4;
- (b) horizontal position, floor levels and positions of all openings of any existing and proposed building or part of a building on the subject property where any such building is within 7.5 m of a side boundary;
- (c) position and levels of all proposed buildings, walls, fences, retaining walls and other structures;
- (d) position of paved vehicle, pedestrian access ways and parking spaces;
- (e) existing structures and trees (indicate which are to be retained and which are to be removed);
- (f) private open space areas and dimensions and areas to be landscaped;
- (g) proposed finished levels over the site;
- (h) shadow that would be cast at noon on 21 June by any proposed building onto an adjoining property for any proposed development; and
- (i) proposed site area boundaries of any strata lots.

3.5.2

The site development plan shall be supported by drawings at a scale of not less than 1:100 which show:

- (a) all floor plans and their distances from the boundaries of the site;
- (b) all elevations, with the existing and natural ground levels, wall heights and roof heights related to the common datum;
- (c) cross-sections through any proposed areas of excavation or filling with the relevant existing, natural and proposed levels related to the datum; and
- (d) proposed materials, colours and finishes of the exterior of the building.

3.6

Supporting information requirements

Where a component of the design proposes a Design Solution to the Deemed-to-Comply provisions it will be necessary to assess that component of the design against the relevant objectives.

The assessment calls for a greater detail of supporting information and explanation to accompany the application. Additional supporting information may include:-

- (a) A written explanation of why and how the proposal better meets the objectives of the Codes and any local housing objectives;
- (b) Where a proposed major opening to an active habitable space does not comply with the Deemed-To-Comply provisions of 5.8 and 6.4.1, the following information shall be provided:
 - (i) The position and dimensions of any balcony or major openings to any active habitable space in any wall of an adjoining building which is visible from the development site and is located within 6 m of a boundary of the development site, and
 - (ii) The position and level of any accessible area (eg lawn, paving, decking, balcony or swimming pool) on any adjoining property and within 6 m of a boundary of the development site, and
 - (iii) Provision of additional or marked-up plans and sections showing the cone of vision and critical lines of sight from those major openings as they relate to the adjoining property, and
 - (iv) Details of screening or other measures proposed to be used to reduce overlooking.
- (c) Where a proposed building does not meet the Deemed-to-Comply provisions relating to overshadowing set out in design element 5.9 and 6.4.2, provision of plans and sections of sufficient information to explain how the adjoining property as a whole would be affected by overshadowing.
- (d) Where an existing place on the Commonwealth, State Heritage Register or the Municipal Heritage Inventory of the scheme is proposed to be demolished, or its external appearance significantly altered:
 - (i) a copy of any heritage assessment or report or conservation plan that has previously been carried out for the place; and
 - (ii) photographs of the place or parts of the place proposed to be affected; and
 - (iii) an explanation for the proposal, as in 3.6 (a).
- (e) In the case of proposed multiple dwelling developments and for all proposed developments which include communal open space, the provision of a landscape development plan covering the matters set out in 5.4.5 or 6.3.2, as relevant. Such a plan may, if the proponent chooses, be in outline form in the initial application, subject to submission and approval of the detailed plan, including a written maintenance manual, prior to the issue of a building licence.
- (f) In the case of proposed aged or dependent persons' dwelling developments under 5.11, the provision of sufficient plans and accompanying information to demonstrate compliance with the relevant provisions of AS4299 (as amended).

As per cl. 3.3.1, onus is on the applicant, therefore the wording of may should be replaced with shall.

Justification needs to be in accordance with the Design Solution, not the objective.

Improved provisions on overshadow, which is welcome.

Additional barrier to demolition of heritage, which is welcome.

Part 4 – Neighbour consultation

- 4.1 Consultation requirement
- 4.2 Consultation procedure
- 4.3 Opportunity to respond

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Part 4 – Neighbour consultation

4.1

Consultation requirement

Where a development proposal achieves the Deemed-to-Comply provisions of the Codes, it will not require neighbour comments, however:

(a) Where a proposal does not meet all Deemed-to-Comply provisions and in the opinion of the Authority may adversely affect the amenity of an adjoining property, or

(b) Where a proposal presents a design solution and this solution presents a possible impact on the amenity of neighbouring properties,

then there may be grounds for the Authority to notify neighbours for their comments. The provisions of 4.2 and 4.3 apply to provide for affected property owners to view and comment on the proposal.

Where a matter is advertised for neighbour comment the notification should direct neighbour(s) to focus their comments to that particular design element that the design solution is addressing.

The Authority upon receipt of any neighbour comment is required to consider this comment and balance it with other technical opinion when it exercises its judgement to determine the application.

In any other case where the Authority is to judge the merits of a Design Solution (unless a specific requirement of the town planning scheme) and

- where the merits of the Design Solution are a matter for technical opinion and
- where the Authority is satisfied it will not adversely impact the adjoining residential property or the street,

it is not necessary to seek comment from adjoining owners and occupiers of adjacent properties about the proposal, except where specifically required by the Local Planning Scheme or relevant Local Planning Policy.

4.2

Consultation procedure

4.2.1

In the circumstances prescribed in 4.1, any owner or occupier of adjoining properties, as identified by the Authority, shall be notified of the:

- (a) site and general nature of the proposal(s);
- (b) nature of the design solution involved;
- (c) availability to view details of the proposals; and
- (d) adjoining property owner comment form (appendix 4) which must be used when providing comments on the proposals; and
- (e) due date by which any comments are to be lodged with the Authority, being at least fourteen (14) days after date of posting of notification, or as specified within the Scheme, and invited to comment on that part of the proposed development that does not meet the Deemed-to-Comply provisions of the Codes.

4.2.2

Where no response is received within the time specified from the date of notification, the Authority may determine the application on its merits and issue its decision.

4.2.3

Where a notification has been satisfactorily carried out (in the opinion of the Authority) by the applicant, and neighbour submissions received are provided to accompany the application, the Authority may deal with the application without further notification.

The Authority shall be satisfied the information provided and comments tendered are accurate and verified subject to the notification of the information in 4.2.1 and proof of posting by registered post provided to the Authority.

4.2.4

Where the Authority considers a proposal to be unacceptable it may determine to refuse the application without undertaking neighbour consultation.

4.3

Opportunity to respond

4.3.1

Where comments are received from affected property owners, the Authority shall provide the applicant with the opportunity to respond to the comments, to the Authority. In this case, the Authority shall include this information within their planning report for due consideration of the matter.

4.3.2

A summary of all comments received in response to an invitation under 4.2 shall be provided to the applicant on request and, if so requested, a period of not more than 10 days should be allowed within which the applicant may submit a response to the comments prior to the Authority considering the application.

The City requires signs placed on site in some situations.

Clarification required as the City's consultation policy does not accept only a signature, specific comments are required.

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**Part 5 - Design elements for all single house(s),
all grouped dwellings and multiple dwellings in
areas with a coding of less than R30**

- 5.1 Housing Density Requirements
- 5.2 Streetscape Requirements
- 5.3 Boundary setback requirements
- 5.4 Open space requirements
- 5.5 Access and parking requirements
- 5.6 Site works requirements
- 5.7 Building height requirements
- 5.8 Privacy requirements
- 5.9 Design for climate requirements
- 5.10 Incidental development requirements
- 5.11 Additional dwelling types



Part 5 - Design elements for all single house(s), all grouped dwellings and multiple dwellings in areas with a coding of less than R30

5.1 Housing density requirements

Objective

To ensure that residential development meets community expectations in regard to its appearance, use and density.

Design Solutions

New development should demonstrate by design how it meets the Objective/s and can respond to the guidance below.

Deemed-to-Comply

These Deemed-to-Comply provisions illustrate how to meet the above Objective/s

Note:

The minimum areas stipulated in table 1 are not subject to variation except as set out in clauses 5.1.2 and 5.1.3 of this element.

Comment [a2]: Notwithstanding the inclusion of this Element, it is proposed that housing density be removed in its entirety from the Codes and included in an alternative policy framework.

The City does not agree, see comments table.

****Suggest 'shall', not 'should'. Conflicts with flowchart: 'onus on applicant...'**

5.1.1 Requirements

S1 Development of the type and density to match the lot size of the site (indicated by the appropriate Code provisions for that lot size).

D1.1 Development which complies with the dwelling type and site area requirements set out in table 1 and the following provisions.

D1.2 The minimum site area set out in table 1 is calculated as follows:

- i in the case of a single house, the area of a green title lot or survey-strata lot; or
- ii in the case of a grouped dwelling, the area of land occupied by the dwelling itself, together with all other areas whether contiguous or not, designated for the exclusive use of the occupants of that dwelling; or
- iii in the case of multiple dwellings in areas with a coding of less than R30, the total area of the lot divided by the number of dwellings.

5.1.2

Additional site area requirements/concessions

S2 Development of dwellings of a type and density indicated by the Codes which corresponds to the lot size of the site area.

D2 For the purposes of assessing compliance of a proposed development with the minimum and average site areas set out in table 1, the following adjustments for the purposes of calculating the minimum and average site area shall apply:

- i in the case of a lot with a corner truncation, up to a maximum of 20 m² of that truncation shall be added to the area of the adjoining lot, survey strata lot or strata lot as the case may be; or
- ii in the case of a rear battleaxe site, the site area is inclusive of the access leg provided that the area of the access leg contributes no more than 20 per cent of the site area as required by table 1. Where the lot (excluding the access leg) adjoins or abuts a right-of-way or reserve for open space, pedestrian access, school site or equivalent, half the width (up to a maximum depth of two metres) may be added to the site area.

5.1.3

Variation to the minimum and/or average site area requirements

S3.1 The WAPC may approve the creation of a lot, survey strata lot or strata lot of a lesser minimum and/or average site area than that specified in table 1, and the WAPC in consultation with the Authority may approve the creation of a survey strata lot or strata lot for a single house or a grouped dwelling of a lesser minimum site area than that specified in Table 1 provided that the proposed variation would meet one or more of the following criteria:

- be no more than five per cent less in area than that specified in Table 1; and
- facilitate the protection of an environmental or heritage feature; or
- facilitate the retention of a significant element that contributes toward an existing streetscape worthy of retention; or
- facilitate the development of lots with separate and sufficient frontage to more than one public street; or
- overcome a special or unusual limitation on the development of the land imposed by its size, shape or other feature; or
- allow land to be developed with housing of the same type and form as land in the vicinity and which would not otherwise be able to be developed; or
- achieve specific objectives of the local government's scheme and, where applicable, the local planning strategy.

S3.2 The WAPC in consultation with the Authority may approve the creation of a survey strata lot or strata lot for an existing authorised grouped dwelling or multiple dwelling development of a lesser minimum and average site area than that specified in table 1, where, in the opinion of the WAPC or the Authority, the development on the resulting survey strata or strata lots is consistent with the objectives of the relevant design elements of the Codes, and the orderly and proper planning of the locality.

D3 Subject to 5.1.2 only, the following variations to the minimum and average site areas set out in table 1 may be made:

- i for the purposes of an aged or dependent persons' dwelling or a single bedroom dwelling, the minimum site area may be reduced by up to one third, in accordance with part 5.11.2 and 5.11.3 which shall only be applied where development is proposed; or
- ii in the case of a single house, grouped dwelling or multiple dwelling; the area of a lot, survey strata lot or strata lot approved by the WAPC; or
- iii in the case of grouped dwellings in areas coded R20 as at 4 October 2002, the average site area shall be 450 m².

Questionable format

A 5% variation is the only justification required for a variation. Nonsensical and disturbs the foundation of the R-Codes (dwellings per hectare).

5.2 Streetscape requirements

Objective

To contribute towards the character of streetscapes including their views and vistas and provides security for occupants and passers-by, a landscape to ensure adequate shade, privacy and open space for occupants, and an attractive setting for the collection of buildings. Designs will respond to the key natural and built features of the area and respond to the local context, or in the case of precincts undergoing a transition, will respond to the desired future character as stated in local housing objectives.

Design Solutions

New development should demonstrate by design how it meets the Objective/s and can respond to the guidance below.

Deemed-to-Comply

These Deemed-to-Comply provisions illustrate how to meet the above Objective/s.

Note:

Unless the context indicates otherwise, references to 'street' in this element include any communal street, private street, right-of-way or other shared access way that provides the principal frontage to a dwelling but does not include an access leg to a single battleaxe lot.

5.2.1

Setback of buildings generally

S1.1 Buildings set back from street boundaries an appropriate distance to ensure they:

- contribute to the desired streetscape; and
- provide adequate privacy and open space for dwellings; and
- accommodate site planning requirements such as parking, landscape and utilities; and
- allow safety clearances for easements for essential service corridors.

D1.1 Buildings set back from the primary street in accordance with table 1; or

- i corresponding to the average of the setback of existing dwellings on each side fronting the same street; or in accordance with Figure Series 1, reduced by up to 50 per cent provided that the area of any building, including a carport or garage, intruding into the setback area is compensated for by at least an equal area of contiguous open space between the setback line and line drawn parallel to it at twice the setback distance; or
- ii in the case of areas coded R15 or higher, where:
 - a grouped dwelling has its main frontage to a secondary street; or

S1.2 Buildings mass and form that:

- articulates the overall building to break down the building massing; and/or;
- allows minor incursions and projections that do not detract from the character of the streetscape and attributes; and/or
- minimises the proportion of the façade at ground level taken up by building services, vehicle entries, access panel and the like; and/or
- responds to the surrounding context of the streetscape; can be considered appropriate.

- a single house results from subdivision of an original corner lot and has its frontage to the original secondary street; or
 - a single house or grouped dwelling (where that grouped dwelling is not adjacent to the primary street), has its main frontage to a communal street, right-of-way or shared pedestrian or vehicle access way;
- the street setback may be reduced to 2.5 m, or 1.5 m to a porch, verandah, balcony or the equivalent, and

- iii to provide for registered easements for essential services.

D1.2 Buildings set back from the secondary street in accordance with table 1.

Welcomed expansion.

Correct, not a minor 'projection'. Definition of term required.

A minor projection is a height issue, not a setback issue. Consistency of terms.

- D1.3 i As indicated in Figure Series 1, a minor projection into the street setback may project no more than 1 metre closer to the street and these portions do not exceed 20% of the façade
- ii Any eaves not forming part of a porch, balcony or verandah to project not more than 1 m into the street setback area for the full width of the building.

(Note: Old clause 6.2.2 added to new clause 5.2.1)

5.2.2

Setback of garages and carports

S2 The setting back of carports and garages to maintain clear sightlines along the street and so as not to detract from the streetscape or appearance of dwellings, or obstruct views of dwellings from the street and vice versa.

- D2.1 Garages and carports located behind the primary street setback line.
- D2.2 Garages and carports built up to the boundary abutting a private street or right-of-way which is not the principal frontage for the dwelling, with manoeuvring space of at least 6 m, located immediately in front of the opening to the garage or carport and permanently available.
- D2.3 Garages and carports set back 1.5 m from a secondary street. ✓
- D2.4 Carports within the street setback area, provided that the width of carport does not exceed 50 per cent of the frontage at the building line and the construction allows an unobstructed view between the dwelling and the street, right-of-way or equivalent and where this also meets 5.2.6. ✓
- D2.5 Garages set back 4.5 m from the primary street. This may be reduced where the garage adjoins a dwelling, provided the garage is at least 0.5 m behind the dwelling alignment (excluding any porch, verandah or balcony).

5.2.3

Garage doors

S3 The design solution shall demonstrate adequate visual connectivity between the dwelling and the streetscape and the effect of the garage door on the streetscape should be minimised. Assessment will need to weigh up the safe and convenient access to garages while maintaining a streetscape not dominated by garage doors. ✓

- D3 Where a garage is located in front or within 1 m of the building, a garage door and its supporting structures (or garage wall where a garage is aligned parallel to the street) facing the primary street are not to occupy more than 50 per cent of the frontage at the setback line as viewed from the street. This may be increased to 60 per cent where an upper floor or balcony extends for the full width of the garage and the entrance to the dwelling is clearly visible from the primary street.

(Note: Old Clause 6.2.8 moved here to follow Clause 5.2.2)

Good expansion.

5.2.4

Surveillance of the street

S4 Buildings designed and oriented to provide for passive surveillance into the street from inside the dwelling and into the front setback.

- D4.1 At least one habitable room window of the dwelling has a clear view of the street and the approach to the dwelling.
- D4.2 In the case of a dwelling on a battleaxe lot, at least one habitable room window of the dwelling has a clear view of the approach to the dwelling.

5.2.5

Street walls and fences

S5 Front walls and fences are low or restricted in height to permit surveillance (as per 5.2.4) and enhance streetscape (as per 5.2.1), provision may be relaxed taking account of the need:

- for attenuation of traffic impacts where the street is designated as primary or district distributors or integrator arterials; or
- to screen unsightly utilities, or
- to provide privacy to north facing outdoor living areas.

D5 Front walls and fences within the primary street setback area that are visually permeable 1.2 m above natural ground level.

Good additional criteria, but should be limited to ensure not exploited.

5.2.6

Sight lines at vehicle access points and street corners

S6 Safety is a paramount design consideration and sightlines adjacent to vehicle accessways, driveways, crossovers, footpaths and streets need to be unobstructed. Design Solutions will need to address safety in any proposal for walls, fences, other structures and vegetation adjacent to vehicle accessways

D6 Walls, fences, other structures and vegetation truncated or reduced to no higher than 0.75 m within 1.5 m of where walls, fences, other structures and vegetation adjoin vehicle access points where a driveway meets a public street and where two streets intersect.

Good expansion.

(Note Old Clause 6.2.7 – Building Design – deleted)

5.2.7

Appearance of retained dwelling

S7 Where a grouped dwelling development retains an existing dwelling on the street frontage, the design needs to achieve unity of appearance with other dwellings along the street.

D7.1 Where an existing dwelling is retained as part of a grouped dwelling development, the dwelling appearance is upgraded externally to an equivalent maintenance standard to the rest of the development.

D7.2 Any new structures within the street setback area shall be designed so as to be of minimal visual impact and which permits views along the street as per Figure Series 1.



Addition to allow for gatehouses (etc).

5.3 Boundary set-back requirements

Objective

To ensure adequate provision of direct sun and ventilation for buildings and to ameliorate the impacts of building bulk, interference with privacy, and overshadowing on adjoining properties.

Design responds to the local context in terms of bulk and scale and the character of the adjoining properties, or in the case of precincts undergoing a transition, will respond to the desired future character as stated in local housing objectives.

Design Solutions

New development should demonstrate by design how it meets the Objective/s and can respond to the guidance below.

Deemed-to-Comply

These Deemed-to-Comply provisions illustrate how to meet the above Objective/s.

Note:

- i The term 'up to a boundary' means either on the boundary or between the boundary and the setback provided by table 1, tables 2a and 2b, Figure Series 1. ✓
- ii Where the subject site and an affected adjoining site are subject to a different R-Codes, the length and height of the boundary wall on either site is determined by reference to the lower density code. ✓

Better located.

5.3.1

Buildings set back from the boundary

S1 Buildings set back from boundaries other than street boundaries so as to:

- provide adequate direct sun and ventilation to the building;
- ensure adequate direct sun and ventilation being available to adjoining properties;
- provide adequate direct sun to the building and appurtenant open spaces;
- assist with protection of access to direct sun for adjoining properties;
- reduce impacts of building bulk on adjoining properties; and
- provide privacy and avoid direct overlooking of private and living areas between adjoining properties.

D1 Buildings which are set back in accordance with the following provisions, subject to any additional measures in other elements of the Codes:

- i Buildings set back from boundaries other than street boundaries in accordance with table 1, tables 2a and 2b (for wall heights 10 m and less), Figure series 1, and Figure series 3 (for wall heights in excess of 10 m).
- ii Unenclosed balconies, terraces, verandahs, and other areas accessible for use as outdoor living areas, whether roofed or not, if elevated 0.5 m or more above natural ground level, set back as though they were major openings to habitable rooms with a wall height of 2.4 m above their floor level.
- iii Separate single, multiple or grouped dwelling buildings on the same site, or facing portions of the same multiple dwelling building, set back from each other as though there were a boundary between them.
- iv Minor projections such as a chimney, other architectural feature or an eaves overhang not projecting more than 0.75 m into a setback area and to be set back from the boundary as per the Building Codes of Australia.
- v The stated setback distances may be reduced by half the width of an adjoining right-of-way, pedestrian access way or battleaxe access leg, to a maximum reduction of 2 m.

Can't refer to that covered under other legislation.

5.3.2

Buildings on boundary

S2 Buildings may be built up to boundaries (other than the street boundary) provided this

- does not compromise values contained in 5.3.1, and

• makes more effective use of space for

- enhanced privacy for the occupant/s; or
- landscaped areas;

- results in better energy, thermal and acoustic efficiency;

- does not have adverse effect on the adjoining property;

- ensures that openings to outdoor living properties is

Meaning unknown.

Big change, from previously height (max. 3.0, av. 2.7m) and length (9.0m). Not a reasonable or justifiable change.

D2 Except where otherwise provided for in an adopted local planning policy, walls may be built up to a boundary (behind the front setback line) within the following limits and subject to the overshadowing provisions of design element 5.9:

- Where the wall abuts an existing or simultaneously constructed wall of similar or greater dimension; or
- In areas coded R20 and R25, walls not higher than 3.5 m with an average of 3 m up to 12 m in length up to one side boundary only; or
- In areas coded R30 and higher, walls not higher than 3.5 m with an average of 3 m for two-thirds the length of the balance of the boundary behind the front setback, to one side boundary only; or
- In areas coded R20 and higher, boundary walls to both side boundaries where abutting an existing boundary wall; or
- Where supported by an area specific plan applies to the land; or
- Where both the subject site and the affected adjoining site are created in a plan of subdivision submitted concurrently with the development application.

Height, length and area maybe acceptable in some situations, but simple visualisation / perspectives reveal that this is substantial 'as of right' structure. There is also an assumption that the neighbour's built density is R20-R25 (low-impact) whereas it may be medium-high density (high-impact).

Understandable in most situations, but not in some special precincts (e.g. Dalkeith).

Clarification required: only where both neighbours have parapets?

5.3.3

Setback of retaining walls

S3 Retaining walls may be considered where they result in land which can be effectively used for the benefits of residents and adjoining properties, and should be designed, engineered and adequately landscaped.

D3 Where retaining walls are required for common boundaries these shall be located on the boundary subject to the provisions of 5.6.1, & 5.8.1, or within 1 m of the boundary to allow for an area assigned to landscaping.

5.4 Open space requirements

Objective

To ensure that open space (private and communal) is set aside on site and landscaped to provide for streetscapes and settings to achieve a complementary relationship of buildings and providing privacy, direct sun, and recreational opportunities for residents.

Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.

Design Solutions

New development should demonstrate by design how it meets the Objective/s and can respond to the guidance below.

Deemed-to-Comply

These Deemed-to-Comply provisions illustrate how to meet the above Objective/s.

5.4.1

Open space provision

S1 Sufficient open space around buildings to:

- provide recreational opportunities for residents;
- make an attractive setting for the buildings and streetscapes;
- allow for the adaptation of space and activities and anticipate future needs of residents, (having regard to the type and density of the dwelling).

D1 Open space provided in accordance with table 1 and design elements 5.2 and 5.3. The site of the grouped dwelling, for the purpose of calculating the open space requirement, shall include the area allocated for the exclusive use of that dwelling and the proportionate share of any associated common property.

5.4.2

Outdoor living areas

S2.1 Outdoor living areas which provide spaces:

- capable of use in conjunction with a habitable room of the dwelling; and
 - open to winter sun and ventilation; and
 - available for play and other leisure activity;
- are considered appropriate.

S2.2 Outdoor living areas which are oriented to make best use of northern sunlight, if climatically appropriate, and which provide opportunities for natural ventilation by cooling breezes will be considered appropriate.

D2.1 An outdoor living area to be provided:

- in accordance with table 1; and
- behind the street set-back area; and
- directly accessible from a habitable room of the dwelling; and
- with a minimum length and width dimension of 4 m; and
- to have at least two-thirds of the required area without permanent roof cover.

D2.2 Outdoor living areas which have adequate solar access (access to northern sunlight) and natural ventilation.

Applicable in all situations. Needs more specific parameters.

What is adequate?

5.4.3

Balconies for multiple dwellings

S3.1 Balconies or equivalent outdoor areas need to provide open space appurtenant to the dwelling which is naturally lit and ventilated, offers privacy for occupants and neighbours;

S3.2 Balconies or equivalent outdoor areas which are also intended to contain outdoor

D3 Each multiple dwelling is provided with at least one balcony or the equivalent, opening directly from a habitable room and with a minimum area of 10 m² and minimum dimension of 2.4 m, provided that the minimum dimension of this area is not physically impeded by the location of utilities and services.

Improvement from previous 2.0m dimension.

utilities or services should provide sufficient space for these so they do not impair the use and enjoyment of the space for its primary purpose.

5.4.4

Communal open space

S4.1 Any communal open space associated with grouped dwellings needs to be a suitable size and geometry so residents can have quiet enjoyment of use exclusive of general public.

S4.2 Communal open space should afford privacy to users and to abutting dwellings.

D4 Where communal open space is provided as common property in a grouped dwelling development, the open space required for any grouped dwelling having legal and direct physical access to that open space may be reduced by up to 20 per cent of the required open space area provided that:

- the aggregate of deducted area does not exceed the area of communal open space; and
- the outdoor living area for any dwelling is not reduced in area.

5.4.5

Landscaping requirements

S5 Where a Deemed-To-Comply provision is unable to be achieved within the site, the landscape design solution proposed will be considered appropriate where it satisfactorily address the following:

- it contributes to the appearance and amenity of the development for the residents; and
- It contributes to the streetscape; and
- it enhances security and safety for residents; and
- it provides for microclimatic comfort (provides shade by trees or structures); and
- it retains significant existing trees to retain a local sense of place.

D5 Landscaping of grouped and multiple dwelling common property and communal open spaces in accordance with the following:

- i the street setback area developed without car parking, except for visitors' bays, and with a maximum of 50 per cent hard surface;
- ii separate pedestrian paths providing wheelchair accessibility connecting all entries to buildings with the public footpath and car parking areas;
- iii landscaping between each six consecutive external parking spaces and to include shade trees;
- iv lighting to pathways, and communal open space and car parking areas;
- v bin storage areas conveniently located and screened from view;
- vi trees which are greater than 3 m in height shall be retained where possible in communal public open spaces areas which are provided for the development;
- vii adequate sight lines for pedestrians and vehicles;
- viii clear line of sight between areas designated as communal open space and at least two habitable room windows;
- ix clothes drying areas which are secure and screened from view; and
- x unroofed visitors' parking bays to be effectively screened.

The terms 'communal' and 'public' are akin to strata and civic / POS respectively. Remove 'public'.

5.5 Access and parking requirements

Objective

To ensure access to housing provides for security, safety, amenity and legibility by applied design to on-site parking areas and footpaths for residents and visitors.

Design Solutions

New development should demonstrate by design how it meets the Objective/s and can respond to the guidance below.

Deemed-to-Comply

These Deemed-to-Comply provisions illustrate how to meet the above Objective/s.

Streetscape is heavily affected by car parking or the lack thereof.

5.5.1

On-site parking provision

S1 Adequate car parking quality and quantity is to be provided on-site in accordance with projected need related to:

- the type, number and size of dwellings;
- visibility of parking and access to dwellings from parking bays;
- the availability of on-street and other off-street parking;
- the location of the proposed development to public transport and other facilities.

D1.1 As a minimum requirement on-site parking spaces are to be provided in accordance with the following, rounded up to the nearest whole number:

Location	A	B
1 - 2 bedroom dwelling	1 per dwelling	1 per dwelling
3 + bedroom dwelling	1 per dwelling	2 per dwelling
Supplementary dwelling in addition to primary dwelling	1 bay in addition to the requirements of the primary dwelling	1 bay in addition to the requirements of the primary dwelling

A = within 800 metres of a train station or within 250m of a high frequency bus route.
 B = not within 800 metres train station or not within 250m of a high frequency bus route

Questionable numbers, no empirical data to justify. Significant potential impacts upon verge parking and streetscape.

Streetscape is heavily affected by car parking or the lack thereof.

D1.2 On-site visitors parking spaces for grouped dwellings is provided at the rate of one space for each four dwellings, or part thereof in excess of four dwellings, served by a common access.

May need to be further broken-up to reflect varied vehicle ownership in varied urban, suburban and rural environments.

5.5.2

Off-site parking

S2.1 Where it is not possible to meet all of the Deemed-To-Comply provisions of D2, a Design Solution may be acceptable where two or more of the Deemed-To-Comply provisions can be met and where it can be demonstrated that there will not be an impact to the surrounding area.

S2.2 For proposed group and multiple dwelling developments in Activity Centre locations there may be consideration given to a reduction in on-site parking provided :

- Available street parking in the vicinity is controlled by the Authority, and,
- that Authority is of the opinion that a sufficient equivalent number of on-street spaces is available nearby the development.

D2 Some or all of the required parking spaces may be located off-site, provided that in the opinion of the Authority these spaces will meet the following standards of provision;

- The supplementary parking area is sufficiently close to the development and convenient to use by residents and/or their visitors; and
- Any increase in the number of dwellings or possible floorspace is matched by an corresponding increase in the aggregate number of parking spaces; and
- Legal guarantee provided of permanent right of access being established on title for all users and occupiers of dwellings for which the respective parking space is to be provided; and
- Where off-site parking is shared with other uses, the total aggregate parking requirement for all such uses, as

All development has an 'impact', the real question is if it is negative and of an unacceptable magnitude.

Permanent rights of access needs to be mandatory, not optional. Significant & unacceptable compounding effect.

Streetscape is heavily affected by car parking or the lack thereof.

required by the Codes and the scheme being provided. The number of required spaces may only be reduced by up to 15 per cent where the non-residential parking occurs substantially between 9 am and 5 pm on weekdays; and

- v The location of the development is within 200 m of a train station or within 50 m of a high frequency bus stop.

(Note – the above clause is derived from the previous Clause 6.5.2 P2.1)

**5.5.3
Design of parking spaces**

S3 Car, cycle and other parking facilities are to be located on-site to be convenient, and designed to be secure and consistent with objectives for maintaining a pleasant streetscape and managing stormwater run off to reduce the release of pollutants into the environment.

D3.1 Visitors spaces:

- marked and clearly signposted as dedicated for Visitors only, and located close to or visible from the point of entry to the development and outside any security barrier; and
- providing an unimpeded path of travel for people with disabilities.

D3.2 Spaces in accordance with AS2890.1.

D3.3 Car parking areas comprising six or more spaces to be provided with landscape planting in accordance with D5 of design element 5.4.



Welcomed expansion.

**5.5.4
Vehicular access**

S4 It is important to minimise and rationalise the number of crossover access points for each development site. This is for safety of access and to benefit the appearance of the streetscape. Where the proposal cannot meet all of the Deemed-To-Comply provisions, a Design Solution which results in good access, pedestrian safety, minimal crossovers and a high quality of appearance in landscaping features would be considered appropriate.

D4.1 On-site parking areas for each site are to use a rationalised and dedicated access driveway or equivalent such as a right-of-way (as available) for vehicular access. Internal driveways are to be adequately formed and drained from the property boundary to a constructed street, or from a secondary street where a right-of-way does not exist.

D4.2 Driveways to primary or secondary street (where necessary), are to be limited in development as follows:

- driveways serving four dwellings or less not narrower than 3 m at the street frontage boundary;
- subject to a minimum driveway width of 3 m at the street frontage boundary, driveways not to occupy more than 40 per cent of the frontage of a property, excluding any part of that frontage required for an access leg to a battleaxe lot;

Streetscape is heavily affected by car parking or the lack thereof.

Is the impact upon the streetscape adequately described in the 'considered appropriate' criteria?



ATTACHMENT 1

- no single driveways wider than 6 m at the street frontage boundary and driveways in aggregate no greater than 9 m for any one property.
- When a footpath crosses a driveway it shall be denoted by an alternative texture or paving surface and/or colour to indicate that the footpath has priority as per Figure series 5.

Good theory, however greatest application will not be onsite (i.e. communal), but rather offsite (e.g. public land and infrastructure). Public land needs to be controlled by Local Authority.

D4.3 Driveways shall be:

- clear from a side lot boundary or street pole by at least 0.5 m; ✓
- no closer than 6 m to a street corner or the point at which a carriageway begins to deviate;
- aligned at right angles to the street alignment;
- located so as to avoid street trees, or, where this is unavoidable, the street trees replaced by the Authority at the applicant's expense or re-planting arrangements to be approved by the Authority.

D4.4 Driveways designed for two way access to allow for vehicles to enter the street in forward gear where:

- the driveway serves five or more dwellings; or
- the distance from a car space to street alignment is 15 m or more; or
- the public street to which it connects is designated as a primary distributor, district distributor or integrated arterial road.

D4.5 Driveways for multiple and grouped dwellings where the number of dwelling is five or more, shall be:

- a minimum width of 3 m; and
- designed to allow vehicles to pass in opposite directions at one or more points.

3.0m is not sufficient for larger development, revert back to the previous requirement of 4.0m.

D4.6 Driveways designed for multiple and grouped dwellings may be reduced to no less than 3m where it is necessary to retain an existing dwelling.

5.5.5

Pedestrian access

S5 Design Solutions should provide for legible, safe, direct and shaded access for pedestrians to move between communal car parking areas or public streets and individual dwellings.

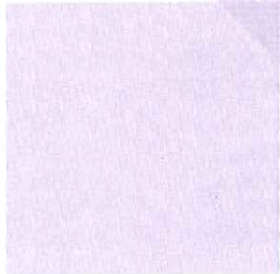
D5.1 Where a group of 10 or more individual dwellings are served by a communal access way, either between a public street or a communal car parking area and individual dwellings; there shall be a separate pedestrian path from vehicular access, designed according to AS 1428.1 (as amended) and shall be barrier free and at least 1m in width. ✓

Reduction in access width to 1.0m.

D5.2 Where a communal access way serves more than two dwellings and is shared by pedestrians and vehicles, the configuration of the pedestrian and vehicular routes is to provide clear sight lines, adequate lighting and paving surfaces to slow traffic to walking pace so as to ensure pedestrian safety.

D5.3 A communal access way is to be separated at least 3 m from any wall with a major opening unless there is privacy screening.

D5.4 For multiple dwellings with only stairs access, staircases are designed to access no more than two dwellings per floor level and the stairs, landings and porches are to be totally protected from the weather. ✓



5.6 Site works requirements

Objectives

To ensure each development makes a cumulative contribution to a streetscape by respecting the natural flow of topography for each site, of adjoining properties and the overall amenity of the locality.

To reduce the environmental and social impact associated with the site development of housing (e.g. via soil disturbance, impact to groundwater and water use for dust suppression).

Design Solutions

New development should demonstrate by design how it meets the Objective/s and can respond to the guidance below.

Deemed-to-Comply

These Deemed-to-Comply provisions illustrate how to meet the above Objective/s.

5.6.1

Excavation or fill

S1 Development is designed to respond to the natural features of the site and require minimal excavation/fill. Where excavation/fill is necessary, all finished levels are to match the natural ground level at the boundary of the site and the adjoining properties and as viewed from the street.

D1.1 For flat sites (less than 1 m fall across the site) any excavation or filling between the street alignment and building, or within 3 m of the street alignment, whichever is the lesser, shall not exceed 0.5 m, except where necessary to provide for pedestrian or vehicle access, drainage works or to permit natural light into a dwelling.

D1.2 Excavation within a site and behind a street setback line shall have regard to grading to boundary levels, or have approved and engineered retaining structures as necessary.

D1.3 Where fill is required for structural design purposes, all filling behind a street setback line and within 1 m of an adjoining boundary shall not be more than 0.5 m above the natural level at the boundary except where otherwise stated in a local planning policy or area specific plan.

Improved provisions.



DRAFT

5.7 Building height requirements

Objective

To ensure that design provides an appropriate scale, in terms of the bulk and height, that suits the scale of the street and the surrounding buildings, or in precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area in local planning policies or area specific plans.

Design Solutions

New development should demonstrate by design how it meets the Objective/s and can respond to the guidance below.

Deemed-to-Comply

These Deemed-to-Comply provisions illustrate how to meet the above Objective/s.

5.7.1

Building height

S1.1 Where the finished height of the proposed development is consistent with the height of existing and adjacent buildings in the locality, or meets objectives identified in local planning policies and/or area specific plans adopted for the locality, and, has little or no adversely impact the amenity of adjoining properties, including the public domain and natural areas, a design solution may be considered appropriate.

D1 Buildings which comply with table 3 for category B area buildings, except where stated otherwise in a local planning policy or equivalent.

Some matters which affect amenity are:-

- adequate access to direct sun into buildings and appurtenant open spaces;
- adequate daylight to major openings into habitable rooms; and
- access to views of significance such as towards the street or to a landscape feature.

S1.2 Where the design proposes excavation and the development would be significantly lower than adjacent properties, greater heights than those in table 3 may be considered appropriate where the design also meets 5.7.1, S1.

If heights are measured from NGL (prior to excavation), then this provision becomes irrelevant.

5.8 Privacy requirements

Objective

To design and arrange buildings and landscape around them on the site to provide reasonable levels of visual and acoustic privacy for the residents and to minimise adverse impact of development on the visual privacy of adjoining residents in their dwellings and private open space.

Design Solutions

New development should demonstrate by design how it meets the Objective/s and can respond to the guidance below.

Deemed-to-Comply

These Deemed-to-Comply provisions illustrate how to meet the above Objective/s.

Notes:

- i Line of sight setback distances shall be measured by application of the cone of vision set out in the explanatory guidelines.
- ii Line of sight setback distances include the width of any adjoining right-of-way, communal street or battleaxe leg or the like.
- iii These provisions apply to adjoining sites only where that land is zoned to allow for residential development.

5.8.1

Visual privacy

S1.1 Development where direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings is minimised by:

- building layout, location; and/or
- design of major openings; and/or
- landscape screening of outdoor active habitable spaces; and/or
- location of screening devices;

may be considered appropriate.

S1.2 Development where to the design maximises visual privacy to side and rear boundaries through measures such as:

- offsetting the location of ground and first floor windows so that viewing is oblique rather than direct; and/or
- building to the boundary where appropriate; and/or
- setting back the first floor from the side boundary; and/or
- providing higher or opaque and fixed windows; and/or
- screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).

may be considered appropriate.

D1.1 Major openings and open outdoor spaces (active habitable spaces such as balconies, verandahs, terraces or other outdoor living areas) which have a floor level of more than 0.5 m above finished ground level and which overlook any part of any other residential property behind its street setback line, to comply with the following:

	Areas Coded R50 or lower	Areas Coded R60 or higher
Are set back, in direct line of sight within the cone of vision, from the boundary a minimum of:	<ul style="list-style-type: none"> • 4.5 m in the case of bedrooms and studies; • 6 m in the case of habitable rooms other than bedrooms and studies; and • 7.5 m in the case of unenclosed outdoor active habitable spaces. 	<ul style="list-style-type: none"> • 3 m in the case of bedrooms and studies; • 4.5 m in the case of habitable rooms other than bedrooms and studies; and • 6 m in the case of unenclosed outdoor active habitable spaces.

or;

are provided with permanent vertical screening to restrict views within the cone of vision from any major opening of an active habitable space.

D1.2 Screen devices such as obscure glazing, timber screens, external blinds, window hoods and shutters are to be at least 75% obscure, permanently fixed and made of durable material.

Assumption that neighbours have a built density of R60+. If not, then impacts should be as unacceptable as per other column. Minimum residential density is not mandatory.

75% provision previously in Explanatory Guidelines. Welcomed

ATTACHMENT 1

D1.3 Rooms such as bathrooms and toilets where there is the potential to impact on neighbouring amenity and to provide privacy, should be adequately screened or have fixed and opaque windows to 1.6m above the finished floor level. ✓

DRAFT

5.9 Design for climate requirements

Objective

To optimise comfortable living, access to sunlight and solar energy and facilitate sustainable housing development with particular regard for place and local conditions.

Poorly objective.

Design Solutions

New development should demonstrate by design how it meets the Objective/s and can respond to the guidance below.

Deemed-to-Comply

These Deemed-to-Comply provisions illustrate how to meet the above Objective/s.

5.9.1

Solar access for adjoining sites

S1.1 Design Solutions which achieve good solar access for the proposed development and protect the solar access of neighbouring properties may be considered appropriate.

Where the design addresses and avoids the potential of development to overshadow:

- outdoor living areas; and/or
- major openings to habitable rooms and/or
- solar collectors; skylights, solar panels and hot water systems; and/or
- balconies or verandahs;

neighbouring properties, it may be considered appropriate. Design Solutions which take account of the context of the site, climate in the locality and the likely uses of buildings and spaces by residents may be considered appropriate.

D1 Notwithstanding the boundary setbacks in design element 5.3, development in climatic zones 4, 5 and 6 of the State shall be so designed so that its cast shadow does not exceed the following limits:

- on adjoining properties coded R25 and lower – 25 % of the site area; or
- on adjoining properties coded R30 to R40 inclusive – 35 % of the site area; or
- on adjoining properties coded higher than R40 – 50 % of the site area;

and does not adversely impact on existing:

- outdoor living areas; and/or
- major openings to habitable rooms; and/or
- solar collectors (skylights, solar panels and hot water systems); and/or
- balconies or verandahs

As measured on 21st June at noon.

Note:

In this context site area refers to the surface of the adjoining lot and is measured without regard to any building on it but taking into account its natural ground levels.

Unworkable. 100% protection impossible in many situations, including low-density development. Need to specify what a complaint amount of overshadow of sensitive areas, suggest amount of overshadow throughout the day. Calculation method needs to be convenient, workable, and in the Explanatory Guidelines.

Unworkable. Duplication = assessment loop. Sensitive areas become sacrosanct, beyond any merits and makes some sites undevelopable. Needs to be removed from Deemed-to-Comply.

2

Stormwater disposal and re-use

S2.1 Design Solutions which ensure stormwater is managed on site either by containment or by infiltration, as permitted by the soil and other site conditions, and which reduce the export of nutrients and sediments from the site into waterways may be considered appropriate.

D2 All water draining from roofs and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site where climatic and soil conditions allow for the effective retention of stormwater on-site.

S2.2 Design Solutions which achieve the recovery and re-use of stormwater for non-potable water applications using integrated design and fit-for-purpose water applications may be considered appropriate.

5.10 Incidental development requirements

Objective

To maintain the attractive amenity of streetscapes and views along the street by ensuring that associated outbuildings and other fixtures attached to buildings do not detract from the streetscape, are not visually intrusive to neighbouring properties or adjoining public spaces, and best suit the needs of residents.

Design Solutions

New development should demonstrate by design how it meets the Objective/s and can respond to the guidance below.

Deemed-to-Comply

These Deemed-to-Comply provisions illustrate how to meet the above Objective/s

5.10.1

Outbuildings

S1 Where designs integrate fixtures and outbuildings to blend with the principal building on site, respect surrounding dwellings in shape, form and materials so as not to intrude into the streetscape or interrupt the clear view into and along the street by residents of neighbouring properties, it may be considered appropriate.

D1 Outbuildings as defined:-

- i are not attached to a dwelling;
- ii are non-habitable;
- iii collectively do not exceed 60 m² in area or 10 per cent in aggregate of the site area, whichever is the lesser;
- iv do not exceed a wall height of 2.4 m;
- v do not exceed ridge height of 4.2 m;
- vi are not within the primary street setback area;
- vii do not reduce the amount of open space required in table 1; and
- viii comply with the setback requirements of the Building Code of Australia.

Covered under other legislation, and contrary to explanatory text in p. 7. Convert to a note.

5.10.2

External fixtures

S2.1 Renewable energy utilities such as solar collectors, solar hot water services and skylights located on roofs do not require approval by the Authority.

S2.2 Where it can be demonstrated that other external fixtures (such as air conditioning compressors) are integrated into the architecture of the building to improve the view from the street and to protect the visual amenity of residents in neighbouring properties this may be considered appropriate.

D2.1 The efficient operation of solar collectors or solar hot-water systems requires these to be attached to the roof or other parts of buildings and so is permitted as of right (i.e. without need for approval from the Authority).

D2.2 Television aerials of the standard type, essential plumbing vent pipes above the roof line and external roof water down pipes and which are not visible from the street in front of the property are permitted as of right.

D2.3 Other external fixtures are permitted as of right provided they are:

- i not visible from the primary street; or
- ii are designed to integrate with the building; or
- iii are located so as not to be visually obtrusive; or
- iv do not overshadow adjoining properties.



D2.4 Antennae, satellite dishes and the like not visible from the street

5.10.3

External utilities and facilities

S3 A Design Solution may be acceptable for the external location of cycle racks, storeroom, rubbish collection/bin areas, and clothes-drying areas where these are:-:

- convenient for residents; and
- rubbish collection areas which can be accessed by service vehicles; and
- screened from view; and
- able to be secured and managed to prevent litter and theft.

D3.1 An enclosed, lockable storage area, constructed in a design and material matching the dwelling where visible from the street, accessible from outside the dwelling, with a minimum dimension of 1.5 m with an internal area of at least 4 m², for each grouped or multiple dwelling.

D3.2 Where rubbish bins are not collected from the street immediately adjoining a dwelling, there shall be provision of a communal pick-up area or areas which are:

- i conveniently located for rubbish and recycling pick-up;
- ii accessible to residents;
- iii adequate in area; and
- iv fully screened from view from the primary or secondary street.

D3.3 Dwellings provided with an adequate clothes-drying area appurtenant to each dwelling, screened from view from the primary or secondary street.

Do not agree with changes, does not add value. Previous provisions better.

Duplication, should be merged.

DRAFT

5.11 – Additional dwelling types

Objective

To ensure that there are residential opportunities to accommodate people with or without special needs or relationship to the residents of the primary dwelling and where the supplementary dwelling can be coordinated and site provisions integrated within the existing dwelling on the site to avoid off-site impacts.

Poorly drafted, unreadable.

Will always have impacts, but are they negative? Magnitude?

Design Solutions

New development should demonstrate by design how it meets the Objective/s and can respond to the guidance below.

Deemed-to-Comply

These Deemed-to-Comply provisions illustrate how to meet the above Objective/s.

5.11.1

Supplementary accommodation

S1.1 Design Solutions for persons or people who live either independently or semi-dependently to the residents of the primary dwelling within the one site, sharing some site facilities/areas and without compromising the amenity of adjoining residential properties, may be considered appropriate.

S1.2 Where the development site is located within 200 m of a train station or within 50 m of a high frequency bus stop and;

- where the area is serviced by a high level of community facilities including parks and open space; and
- where the development would not impact the ability of adjoining properties to access natural sunlight and ventilation in accordance with Clause 5.9.1

it may be considered appropriate;

- D1 An additional dwelling or independent accommodation associated with a single house and on the same lot is permitted where:
- the lot is not less than 450 m² in area; and
 - the open space requirements of table 1 are met; and
 - there is a maximum floor area of 70 m²; and
 - car parking provided in accordance with 5.5.1, D1.1; and
 - adequate privacy is afforded to each dwelling provided.

Density manipulation without local governance. Becomes a 'dwelling' if not for family purposes (granny flat). Significant funding required for local and state infrastructure to accommodate increases in residential density.

5.11.2

Aged or Dependant Persons Dwellings

S2 Design Solutions identify and demonstrate that the development;

- is designed to meet the needs of aged or dependent persons; and
- reduces car dependence, i.e. is located in close proximity to public transport and convenience shopping; and
- has due regard to the topography of the locality in which the site is located; and
- has due regard to the availability of community facilities including parks and open space within 200m; and
- does not impinge upon neighbour amenity; and
- responds to a demand for aged or dependant persons' accommodation in

D2 Aged or Dependant Persons Dwellings for the housing of aged or dependent persons shall comply with the following:

- A maximum floor area of:
 - in the case of single houses or grouped dwellings – 70 m²; or
 - in the case of multiple dwellings – 60 m².
- A minimum number of five dwellings within any single development.
- All ground floor units, with a preference for all dwellings, to incorporate, as a minimum, the following;

Growing need for, must be encouraged. NLA / GLA? Definition required.

70/60m2 too small, misconception that this is only for single, aged persons. A young dependant person will need more space, and could also be married. Revert to old standard of 100/80m2.

Small dwelling, but large services / amenities required (see next page).

ATTACHMENT 1

the locality which is recognised in a local planning strategy, local planning policy or area specific plan.

- an accessible path of travel from the street frontage, car parking area or drop-off point in accordance with the requirements of AS4299 (as amended) clause 3.3.2;
 - level entry to the front entry door with preferably all external doors having level entries (diagrams, figure C1 of AS4299(as amended).
- iv All dwellings to incorporate, as a minimum, the following:
- all external and internal doors to provide a minimum 820 mm clear opening. (AS4299 (as amended) clause 4.3.3);
 - internal corridors to be a minimum 1000 mm wide, width to be increased to a minimum of 1200 mm in corridors with openings on side walls;
 - a visitable toilet (AS4299 (as amended), clause 1.4.12), preferably located within a bathroom;
 - toilet and toilet approach doors shall have a minimum 250 mm nib wall on the door handle side of the door and provision for the installation of grab rails in accordance with AS4299 (as amended), clause 4.4.4 (h).
- v Visitors car spaces at the rate of one per four dwellings, with a minimum of one space.
- vi At least one wheelchair-accessible parking space for the exclusive use of each wheelchair-accessible dwelling provided.
- vii The first visitors car space shall provide a wheelchair accessible parking space and be a minimum width of 3.8 m in accordance with AS4299 (as amended), clause 3.7.1.
- viii At least one occupant is a disabled or physically dependent person or aged over 55, or is the surviving spouse of such a person, and the owner of the land agrees to enter into a legal agreement, binding the owner, their heirs and successors in title requiring that this provision be maintained.
- ix Provide an outdoor living area in accordance with the requirements of clause 5.4.2 but having due regard to a one third reduction in the area specified in table 1.

Small dwelling (see previous page), but large services / amenities required.

5.11.3**Single bedroom dwellings**

S3 Dwellings for singles or couples, limited in floor area to ensure modest site development and yet provides fully functioning kitchen and laundry areas, private open space and adequate storage and provides a high standard of residential amenity for persons who do not require a dwelling with a large floor area may be considered appropriate where it can be demonstrated that the development;

- is designed to meet the needs of singles or couples;
- reduces car dependence, i.e. is located in close proximity to public transport and convenience shopping;
- has due regard to the topography of the locality in which the site is located;
- has due regard to the availability of community facilities including parks and open space within 200m;
- does not impinge upon neighbour amenity; and
- responds to a demand for single bedroom accommodation in the locality which is recognised in a local planning strategy, local planning policy or area specific plan.

D3 Single bedroom dwellings shall comply with the following:

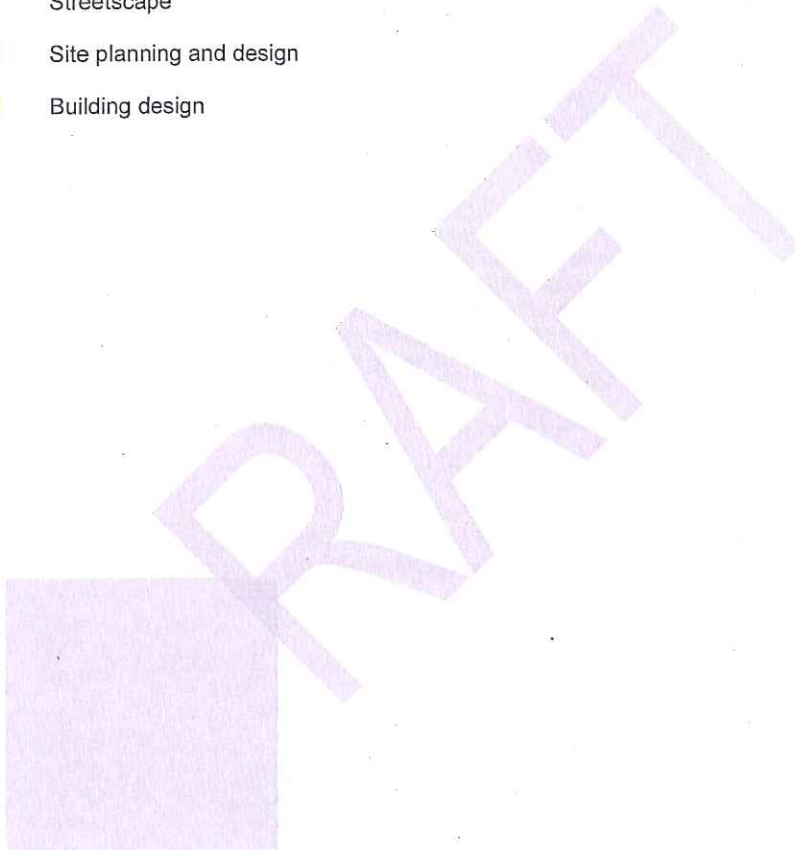
- i A maximum floor area of 70 m²; and ✓
- ii Open space and landscaping in accordance with the requirements of 5.4 but having due regard to a one third reduction in the area specified in table 1; and
- iii Parking provided in accordance with 5.5.

Support increased size from 60m².

DRAFT

Part 6 – Design elements for multiple dwellings in areas with a coding of R30 or greater and/or within mixed use development and activity centres;

- 6.1 Context
- 6.2 Streetscape
- 6.3 Site planning and design
- 6.4 Building design



Part 6 - Design elements for multiple dwellings in areas with a coding of R30 or greater and/or within mixed use development and activity centres.

6.1 Context

Objective:

To ensure that development of multiple dwellings occurs with due regard to the existing development context and/or the desired future built form for the locality as defined by a local planning strategy, local planning policy, activity centre structure plan or area specific plan (e.g. the local planning framework).

Design Solutions

New development should demonstrate by design how it meets the Objective/s and can respond to the guidance below.

Deemed-to-Comply

These Deemed-to-Comply provisions illustrate how to meet the above Objective/s.

Note:

Unless the context indicates otherwise, references to 'street' in this element include any communal street, private street, right-of-way or other shared access way that provides the principal frontage to a dwelling but does not include an access leg to a single battleaxe lot.

6.1.1

Building size

S1 Development of the building is at a bulk and scale indicated in the local planning framework and is consistent with the existing or future desired built form of the locality.

D1 Development complies with the maximum plot ratio requirements set out in table 4.

6.1.2

Building height

S2 Where the finished height of the proposed development is consistent with the height of existing and adjacent buildings in the locality, or meets objectives identified in local planning policies and/or area specific plans adopted for the locality, and, has little or no adversely impact the amenity of adjoining properties, including the public domain and natural areas, a design solution may be considered appropriate.

D2 Development complies with the maximum height set out in table 4.

Why are impacts of bulk and effect upon streetscape not relevant considerations? Height is a significant contributor to these issues.

Some matters which affect amenity are:-

- adequate access to direct sun into buildings and appurtenant open spaces;
- adequate daylight to major openings into habitable rooms;
- access to views of significance such as

...of neighbouring properties...

towards the street or to a landscape feature;

- human scale for pedestrians;
- building façades designed to reduce the perception of height through design measures; and
- podium style development is provided where appropriate.

6.1.3

Street setback

- S3** Buildings are set back from street boundaries (primary and secondary) an appropriate distance to ensure they:
- contribute to the desired streetscape;
 - provide articulation of the building on the primary and secondary streets;
 - allow for minor incursions that add interest and reflect the character of the street without impacting on the appearance of bulk over the site;
 - are appropriate to its location, respecting the adjoining development and existing streetscape; and
 - facilitate the provision of weather protection where appropriate.

D3.1 Development complies with the minimum setback from the primary and secondary street(s) in accordance with table 4;

and

D3.2 Balconies are to be located entirely within the property boundary.

6.1.4

Side and rear boundary setbacks

- S4.1** Buildings set back from boundaries or adjacent buildings so as to:
- ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them;
 - moderate the visual impact of building bulk on a neighbouring property;
 - ensure access to daylight and direct sun for adjoining properties; and
 - assist with the protection of privacy between adjoining properties.

S4.2 In mixed use development, in addition to the above:

- side boundary setbacks to retail/commercial component of the development is in accordance with the existing street context, subject to relevant local planning scheme provisions.
- retail/commercial development adjoining residential is designed to minimise the potential impacts between the two uses.

D4.1 In areas coded R30 – R60, the development complies with minimum side and/or rear boundary setback requirements as set out in table 2a and 2b, and **Figure series 3** subject to any additional measures in other elements of the code.

D4.2 In areas coded R80 – R160 and/or R-AC, the development complies with minimum side and/or rear boundary setback requirements as set out in table 5 subject to any additional measures in other elements of the code.

and, if applicable

D4.3 The wall has a zero setback where it abuts an existing or simultaneously constructed wall of equal or greater proportions.

Or

D4.4 A wall built to one side boundary has a maximum height and average height as set out in table 4 and a maximum length of two-thirds the length of **this** boundary.

D4.5 Separate multiple dwellings facing multiple dwellings on the same site, are to be set back from each other as though there were a boundary between them.

6.1.5
Open space

S5 Open space respects existing or preferred neighbourhood character and responds to the features of the site.

D5 Development complies with minimum open space set out in table 4.

DRAFT

6.2 Streetscape

Objective

To contribute towards the character of streetscapes including their views and vistas, provide security for occupants and passers-by and an attractive setting for the collection of buildings. Designs will respond to the key natural and built features of the area and respond to the local context, or in the case of precincts undergoing a transition, will respond to the desired future character as stated in local housing objectives.

Design Solutions

New development should demonstrate by design how it meets the Objective/s and can respond to the guidance below.

Deemed-to-Comply

These Deemed-to-Comply provisions illustrate how to meet the above Objective/s.

6.2.1

Surveillance of the street

S1.1 Buildings designed to provide for surveillance (actual or perceived) between individual dwellings and the street and between common areas and the street, which minimise opportunities for concealment and entrapment.

S1.2 In mixed use development, in addition to the above:

- blank walls minimised at street level, and where practical active frontages incorporated into the development to ensure a suitable level of casual surveillance of the public domain.
- lengths of street frontage at ground level dedicated to each tenancy limited to discourage large scale uses that reduce the level of activity along the building frontage.

D1.1 The street elevation(s) of the building to address the street, with facades generally parallel to the street and with clearly definable entry points visible and accessed from the street.

D1.2 The building has habitable room windows or balconies that face the street.

D1.3 Basement parking structures between a street frontage and the main front elevation are no more than 1 m above natural ground level at any point.

6.2.2

Street walls and fences

S2 Front walls and fences to enable surveillance and enhance streetscape.

D2 Front walls and fences within the primary street setback area that are visually permeable to 1.2m above natural ground level.

(Old Clause 7.2.3 deleted) ✓

6.3 Site planning and design

Objective

To achieve an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the articulation of building elements. Appropriate built form responds to the site conditions, defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.



Design Solutions

New development should demonstrate by design how it meets the Objective/s and can respond to the guidance below.

Deemed-to-Comply

These Deemed-to-Comply provisions illustrate how to meet the above Objective/s.

6.3.1

Outdoor living areas

S1 Balconies or equivalent outdoor living areas capable of use in conjunction with a habitable room of each dwelling, and if possible, open to winter sun.

D1 Each unit is to be provided with at least one balcony or equivalent accessed directly from a habitable room with a minimum area of 10 m² and a minimum dimension of 2.4 m.

6.3.2

Landscaping

S2 The space around the building is designed to allow for planting. Landscaping of the site is to be undertaken with appropriate planting, paving and other landscaping that:

- meets the projected needs of the residents;
- enhances security and safety for residents; and
- contributes to the streetscape.

D2 Landscaping of open spaces in accordance with the following:

- the street setback areas developed without car parking, except for visitors' bays, and with a maximum of 50 per cent hard surface;
- Separate pedestrian paths providing wheelchair accessibility connecting all entries to buildings with the public footpath and car parking areas;
- landscaping between each six consecutive external parking spaces and to include shade trees;
- lighting provided to pathways, and communal open space and car-parking areas; and
- Clear sight lines at pedestrian and vehicle crossings.

6.3.3

On-site parking provision

S3.1 Adequate car and bicycle parking provided on-site in accordance with projected need related to:

- the type, number and size of dwellings;
- the availability of on-street and other offsite parking; and
- the location of the proposed development in relation to public transport and other facilities.

D3.1 As a minimum requirement on-site parking spaces are to be provided in accordance with the following, rounded up to the nearest whole number:

Location	A	B
Small (<75 m ² or 1 bedroom)	0.75 per dwelling	1 per dwelling
Medium (75-110 m ²)	1 per dwelling	1.25 per dwelling
Large (>110 m ²)	1.25 per dwelling	1.5 per dwelling
Visitors	0.25 per dwelling	0.25 per dwelling

S3.2 In mixed use development, in addition to the above:

- Parking areas associated with the retail/commercial uses are clearly separated and delineated from residential parking.

A = within 800 metres of a train station or within 250m

of a high frequency bus route.
 B = not within 800 metres train station or not within
 250m of a high frequency bus route.

D3.2 In addition to the above, 1 bicycle space to each 3 dwellings for residents; and 1 bicycle space to each 10 dwellings for visitors, and designed in accordance with AS2890.3.

6.3.4
Design of parking spaces

S4.1 Car, cycle and other parking facilities are to be located on-site to be convenient, and designed to be secure, safe in use and consistent with objectives for maintaining a pleasant streetscape and managing stormwater run off to reduce the release of pollutants into the environment.

D4.1 Visitors spaces. ✓

- marked and clearly signposted as dedicated for Visitors only, and located close to or visible from the point of entry to the development and outside any security barrier; and
- providing an unimpeded path of travel for people with disabilities.

←
 Better format.

D4.2 Spaces in accordance with AS2890.1.

D4.3 Car parking areas comprising six or more spaces to be provided with landscape planting in accordance with D2 of design element 6.3.

D4.4 All spaces except visitors' spaces fully concealed from the street or public place.

6.3.5
Vehicular access

S5 Vehicular access provided so as to minimise the number of crossovers, to be safe in use and not detract from the streetscape.

D5.1 Vehicle access is limited to one opening per 20m street frontage that is visible from the street.

D5.2 Access to on-site parking to be adequately paved and drained from the property boundary to a constructed street, and provided:

- from a right-of-way available for the lawful use to access the relevant lot, or
- from a secondary street where a right-of-way does not exist, or
- from the primary street frontage where no secondary street or right-of-way exists.

D5.3 Formed driveways designed for two way access and for vehicles to enter the street in forward gear where:

- the driveway serves five or more dwellings; or
- the distance from a car space to street alignment is 15 m or more; or
- the public street to which it connects is designated as a primary distributor, district distributor or integrated arterial road.

6.3.6

Sight lines at vehicle access points and street corners

S6 Safety is a paramount design consideration and sightlines adjacent to vehicle accessways, driveways, crossovers, footpaths and streets need to be unobstructed. Design Solutions will need to address safety in any proposal for walls, fences, other structures and vegetation adjacent to vehicle accessways

D6 Walls, fences, other structures and vegetation truncated or reduced to no higher than 0.75 m within 1.5 m of where walls, fences, other structures and vegetation adjoin vehicle access points where a driveway meets a public street and where two streets intersect.



6.3.7

Site works

S7.1 Development is designed to respond to the natural features of the site and require minimal excavation/fill. Where excavation/fill is necessary, all finished levels are to match the natural ground level at the boundary of the site and the adjoining properties and as viewed from the street.

D7.1 For flat sites (less than 1 m fall across the site) and excavation or filling between the street alignment and building, or within 3 metres of the street alignment, whichever is the lesser, not exceeding 0.5 m, except where necessary to provide access and parking for vehicles, access for pedestrians, or natural light for a dwelling.



S7.2 Retaining walls may be considered where they result in land which can be effectively used for the benefits of residents and adjoining properties and should be designed, engineered and adequately landscaped.

D7.2 Excavation within a site and behind a street setback line shall have regard to grading to boundary levels, or have approved and engineered retaining structures as necessary.

D7.3 Where fill is required for structural design purposes, all filling behind a street setback line and within 1 m of an adjoining boundary shall not be more than 0.5 m above the natural level at the boundary except where otherwise stated in a local planning policy or area specific plan.

D7.4 Where retaining walls are required for common boundaries these shall be located on the boundary subject to the provisions of 6.1.4 and 6.4.1, or within 1 m of the boundary to allow for an area assigned to landscaping.

Aligns with changes to remainder of Scheme.

6.4 Building design

Objective

To design and locate buildings to provide an appropriate built form that meets the needs of residents and minimises any potential impact of development on adjoining properties.

Design Solutions

New development should demonstrate by design how it meets the Objective/s and can respond to the guidance below.

Deemed-to-Comply

These Deemed-to-Comply provisions illustrate how to meet the above Objective/s.

6.4.1

Visual privacy

S1.1 Development where direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings is minimised by:

- building layout, location; and/or
- design of major openings; and/or
- landscape screening of outdoor active habitable spaces; and/or
- location of screening devices;

may be considered appropriate.

S1.2 Development where the design maximises visual privacy to side and rear boundaries through measures such as:

- offsetting the location of ground and first floor windows so that viewing is oblique rather than direct; and/or
- building to the boundary where appropriate; and/or
- setting back the first floor from the side boundary; and/or
- providing higher or opaque and fixed windows; and/or
- screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).

may be considered appropriate.

D1.1 Major openings to active habitable spaces or their equivalent which have a floor level more than 0.5 m above natural ground level and positioned so as to overlook any part of any other residential property behind its street setback line, to comply with at least one of the following:

i are set back, in direct line of sight within the cone of vision, from the boundary of an adjoining property coded up to R60, a minimum of:

- 4.5 m in the case of bedrooms;
- 6.0 m in the case of habitable rooms other than bedrooms; and
- 7.5 m in the case of unenclosed outdoor active habitable spaces (balconies, decks, verandahs and the like);

or

are provided with permanent vertical screening to a height of 1.6m to restrict views from any major opening of an active habitable space.

D1.2 Screen devices such as obscure glazing, timber screens, external blinds, window hoods and shutters are to be at least 75% obscure, permanently fixed and made of durable material

D1.3 Rooms such as bathrooms and toilets where there is the potential to impact on neighbouring amenity and to provide privacy, should be adequately screened or have fixed and opaque windows to 1.6m above the finished floor level.

Above R60, does not align with Single Houses and Grouped Dwellings. Privacy is not dependant upon dwelling type.

Aligned with Scheme.

Required alignment with 75% provision in explanatory text.

6.4.2

Solar access for adjoining sites

S2.1 Design Solutions which achieve good solar access for the proposed development and protect the solar access of neighbouring properties may be considered appropriate.

S2.2 Where the design addresses and avoids the potential of development to overshadow:

D2 Notwithstanding the boundary setbacks in 6.1.4, development in climatic zones 4, 5 and 6 of the State shall be so designed that its shadow cast at midday, 21 June onto any other adjoining property does not exceed the following limits:

Unworkable. 100% protection impossible in many situations, including low-density development. Need to specify what a complaint amount of overshadow of sensitive areas, suggest amount of overshadow throughout the day. Calculation method needs to be convenient, workable, and in the Explanatory Guidelines.

- outdoor living areas; and/or
 - major openings to habitable rooms; and/or
 - solar collectors; skylights, solar panels and hot water systems; and/or
 - balconies or verandahs;
- of neighbouring properties, it may be considered appropriate.
- on adjoining properties coded R25 and lower – 25 % of the site area;
 - on adjoining properties coded R30 to R40 inclusive – 35 % of the site area,
 - on adjoining properties coded R50 to R60 inclusive – 50 % of the site area.

S2.3 Design Solutions which take account of the context of the site, climate in the locality and the likely uses of buildings and spaces by residents may be considered appropriate.

and does not adversely impact:

- more than 50% of the primary outdoor living areas on the adjoining property/s; and/or
- existing major openings to habitable rooms; and/or
- existing solar collectors (skylights, solar panels and hot water systems); and/or
- existing balconies or verandahs

As measured on 21st June at noon.

Note:
In this context site area refers to the surface of the adjoining lot and is measured without regard to any building on it but taking into account its natural ground levels.

Unworkable.
Duplication = assessment loop.
Sensitive areas become sacrosanct, beyond any merits and makes some sites undevelopable. Needs to be removed from Deemed-to-Comply.

6.4.3 Dwelling size

S3 Each dwelling within the development is of a sufficient size to cater for the needs of the residents. The development must provide diversity in dwellings to ensure that a range of types and sizes is provided.

D3.1 Development that contains more than 12 dwellings are to provide diversity in unit types and sizes as follows: -

- minimum 20 per cent 1 bedroom dwellings, up to a maximum of 50 per cent of the development; and
- minimum of 40 per cent 2 bedroom dwellings;

and

D3.2 The development does not contain any dwellings smaller than 40 m² plot ratio area, excluding outdoor living areas and external storage.

6.4.4 Outbuildings

S4 Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.

D4 Outbuildings:

- i are not attached to a dwelling;
- ii. are non-habitable;
- iii. do not exceed 60 m² in area or 10 per cent in aggregate of the site area, whichever is the lesser;

- iv. do not exceed a wall height of 2.4 m;
- v. do not exceed ridge height of 4.2 m;
- vi. are not within the primary or secondary street setback area;
- vii. do not result in the non compliance with open space set out in table 4 and;
- viii. are set back in accordance with tables 2a and 2b and Figure series 3.

6.4.5

External fixtures

S5.1 Renewable energy utilities such as solar collectors, solar hot water services and skylights located on roofs do not require approval by the Authority.

S5.2 Where it can be demonstrated that other external fixtures (such as air conditioning compressors) are integrated into the architecture of the building to improve the view from the street and to protect the visual amenity of residents in neighbouring properties this may be considered appropriate.

D5.1 The efficient operation of solar collectors or solar hot-water systems requires these to be attached to the roof or other parts of buildings and so is permitted as of right (i.e. without need for approval from the Authority).

D5.2 Television aerials of the standard type, essential plumbing vent pipes above the roof line and external roof water down pipes and which are visible from the street in front of the property are permitted as of right.

D5.3 Other external fixtures are permitted as of right provided they are:

- i not visible from the primary street; or
- ii are designed to integrate with the building; or
- iii are located so as not to be visually obtrusive.

D5.4 Antennae, satellite dishes and the like not visible from the street.

Aligns with changes in remainder of R-Codes

6.4.6

Stormwater disposal

S6.1 Design Solutions which ensure stormwater is managed on site either by containment or by infiltration, as permitted by the soil and other site conditions, and which reduce the export of nutrients and sediments from the site into waterways may be considered appropriate.

S6.2 Design Solutions which achieve the recovery and re-use of stormwater for non-potable water applications using integrated design and fit-for-purpose water applications may be considered appropriate.

D6 All water draining from roofs and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site where climatic and soil conditions allow for the effective retention of stormwater on-site.

6.4.7

External utilities and facilities

S7 A Design Solution may be acceptable for the external location of cycle racks, storeroom, rubbish collection/bin areas, and clothes-drying areas where these are:-:

convenient for residents; and

- rubbish collection areas which can be accessed by service vehicles; and
- screened from view; and
- able to be secured and managed to prevent litter and theft.

As per earlier section of Scheme.

D7.1 An enclosed, lockable storage area, constructed in a design and material matching the building/dwelling where visible from the street, accessible from outside the dwelling, with a minimum dimension of 1.5 m and an internal area of at least 4 m² shall be provided for each multiple dwelling.

D7.2 Where rubbish bins are not collected from the street immediately adjoining a dwelling, there shall be provision of a communal pick-up area or areas which are:

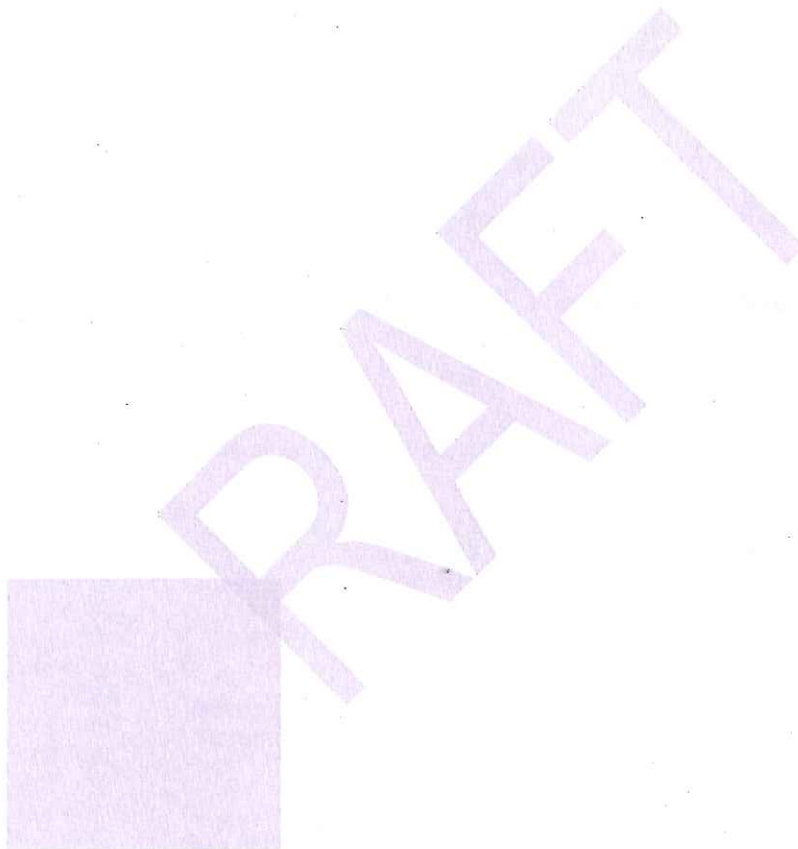
- i conveniently located for rubbish and recycling pick-up;
- ii accessible to residents;
- iii adequate in area; and
- iv fully screened from view from the primary or secondary street.

D7.3 Dwellings provided with an adequate clothes-drying area appurtenant to each dwelling, screened from view from the primary or secondary street.

Option removed for clothes dryer rather than drying area. May not be sustainable, but cannot be forced.

Part 7 - Local planning policies

- 7.1 Local planning policies consistent with Codes
- 7.2 Pre-existing local planning policies
- 7.3 Scope of local planning policies



Part 7 - Local planning policies including Area Specific Plans

Fundamental change in structure of Codes is acceptable.

7.1 Local planning policies consistent with code

A local government authority shall not amend or modify the Codes, to provide for greater or lesser requirements than the Codes unless related to a matter expressly permitted under the Codes.

Subject to 7.3 and 7.4, a local planning policy, including an Area Specific Plan, that affects residential development shall be consistent with the provisions of the Codes and may elaborate local objectives for housing design and development in so far as this may guide the judgement of the Authority in judging matters of design solutions.

The local planning policy to have effect should be created through the provisions of the local planning scheme and be available with the local planning scheme where the Authority makes the local planning scheme available. The summary information outlined in Appendix 5 (Schedule 1) shall be included on the Authority's Website, and shall also be provided to the WAPC for inclusion on its Website.

7.2 Pre-existing local planning policies

If a properly adopted local planning policy which came into effect prior to the gazettal of the Codes is inconsistent with the Codes, the Codes prevail over the policy to the extent of the inconsistency.

7.3 Scope of local planning policies

7.3.1

Local planning policies may contain provisions that:

- (a) amend or replace the following Deemed-to-Comply provisions set out in part 5 and part 6 of the Codes:

streetscape	(design element 5.2 D1-D6, 6.1 D3, 6.2 D1-D2, 6.3 D6);
boundary walls	(design element 5.3 D2, 6.1.4 D4.4);
site works	(design element 5.6 D1.3, 6.3 D7.3);
building height	(design element 5.7 D1, 6.1 D2);
external fixtures	(design element 5.10 D2.3 - D2.4, 6.4 D5.3 - D5.4);
additional dwelling types	(design element 5.11 D2 ii);

- (b) augment the Codes by providing local housing objectives to guide judgements about the merits of design solutions for any aspect of residential development that does not meet the requirements of the Codes.

Where local planning policies are prepared in accordance with this Section the format shall conform to the proforma in Appendix 5.

7.3.2

Notwithstanding Clause 7.3.1, the Authority may, with the approval of the WAPC, amend any other Deemed-to-Comply provision within the Codes by means of a local planning policy where it can be demonstrated to the satisfaction of the WAPC that the proposed amendment:-

- is warranted due to a specific need related to that particular region; and
- does not impose unfair cost, delay or result in elevated housing development costs; and
- and can be properly implemented and audited by the Authority as part of the ongoing building approvals and licensing process.

7.4 Area Specific Plans

Notwithstanding 7.1 which restricts the extent to which an Authority may amend or modify the Codes; where the Authority adopts an Area Specific Plan which provides specific development requirements on a lot or lots, to take account of site specific design issues, then the Area Specific Plan and its contents shall be made available for public information on the website of the Authority and provided to the WAPC for inclusion on its Website.

7.4.1

Area Specific Plans may contain provisions that:

- (a) amend or replace the following Deemed-to-Comply provisions set out in part 5 and part 6 of the Codes:

streetscape	(design element 5.2 D1-D6, 6.1 D3, 6.2 D1-D2, 6.3 D6);
boundary walls	(design element 5.3 D2, 6.1.4 D4.4);
site works	(design element 5.6 D1.3, 6.3 D7.3);
building height	(design element 5.7 D1, 6.1 D2);
external fixtures	(design element 5.10 D2.3 - D2.4, 6.4 D5.3 – D5.4);
additional dwelling types	(design element 5.11 D2 ii);

- (b) augment the Codes by providing local housing objectives to guide judgements about the merits of design solutions for any aspect of residential development that does not meet the requirements of the Codes.

Where Area Specific Plans are prepared in accordance with this Section the format shall conform to the proforma in Appendix 5.

7.4.2

Notwithstanding Clause 7.4.1, the Authority may, with the approval of the WAPC, amend any other Deemed-to-Comply provision within the Codes by means of an Area Specific Plan where it can be demonstrated to the satisfaction of the WAPC that the proposed amendment:-

- is warranted due to a specific need related to that particular region; and
- does not impose unfair cost, delay or result in elevated housing development costs; and
- and can be properly implemented and audited by the Authority as part of the ongoing building approvals and licensing process.

Appendix 1 – Definitions

In the case of residential development under the Codes, unless the context requires otherwise, words and expressions have the meaning given to them below.

Activity centre

An activity centre is a community focal point for people, services, employment and leisure. Some will provide a diverse range of employment, housing, retail, community, education and medical services, while others will simply cater for the basic day-to-day needs of the local community.

Active habitable space

Any habitable room with a floor area greater than 10 m² and any balcony, verandah, terrace or other outdoor living area raised more than 0.5 m above natural ground level and greater than 1 m in dimension and 3 m² in area.

Adjoining property

Any lot:

- on which any dwelling for which provision is made in the Codes may be constructed under the scheme; and
- which shares a boundary or portion of a boundary with a lot on which there is a proposed residential development site or is separated from that lot by a right-of-way, vehicle access way, pedestrian access way, access leg of a battleaxe lot or the equivalent not more than 6 m in width.

Aged person

A person who is aged 55 years or over.

Area Specific Plan

The specific design guidelines prepared for lots below 350 m² and other lots as appropriate, which are adopted by a council under the local planning policy provisions of its local planning scheme in order to amend the Deemed-to-Comply provisions of the Codes, and may also address matters raised in element 3 - lot layout of Liveable Neighbourhoods or its replacement. ✓

Authority

That Body, or organisation legally vested with the power to make decisions pursuant to the Planning and Development Act and the local planning scheme; in the case of the Codes it is usually the local government exercising this power to administer the planning scheme, although the WAPC may also assume Authority in certain cases as provided by legislation. ✓

Balcony

A balustraded platform on the outside of a dwelling with access from an upper internal room.

Battleaxe lot

A single house lot that has a frontage for purposes of servicing and access to a public road only through a strip of connecting land containing a pedestrian and/or vehicular access way that is part of the lot. The term excludes a site that has vehicle access from a private or communal street or right-of-way connected to a public road. ✓

Building

Any structure whether fixed or moveable, temporary or permanent, placed or erected on land, and the term includes dwellings and structures appurtenant to dwellings such as carports, garages, verandahs, patios, outbuildings and retaining walls, but excludes boundary fences, pergolas and swimming pools.

Carport

A roofed structure designed to accommodate one or more motor vehicles unenclosed except to the extent that it abuts a dwelling or a property boundary on one side, and being without a door unless that door is visually permeable.

Common property

- So much of the land comprised in a strata plan as from time to time is not comprised in a lot shown on the plan.
- Any leasehold interest acquired by a strata company under section 18 of the *Strata Titles Act 1985*.
- The lot or lots shown on a survey strata plan as common property.

Communal open space

Open space set aside for the recreational use of the occupants of the dwellings in a common development and does not include driveways or car parking areas.

Communal street

A private carriageway providing joint access to two or more dwellings in a residential development.

Cone of vision

The limits of outlook from any given viewpoint for the purposes of assessing the extent of overlooking from that point illustrated in design element 5.8 and 6.4.1.



Council

Refer to 'Authority'.

Deemed-to-Comply

Development that complies with the corresponding provision for Deemed-to-Comply in the Codes unless the relevant authority has an adopted local planning policy.



Dependent person

A person with a recognised form of disability requiring special accommodation for independent living or special care.

Design Solution

A proposal for development which does not meet one or more of the quantitative Deemed-To-Comply provisions but offers a design which might better achieve the objectives of the Codes for a particular site or in the local context of the development



Development site

A parent lot in which development is proposed.

Driveway

The portion of the paved vehicle access way between the parking area of a dwelling and the property boundary, excluding any associated landscaping or pedestrian path on either side.



Dwelling

A building or portion of a building being used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than six persons who do not comprise a single family.

Dwelling Size

The dwelling size referred to in Clause 6.4.3 specifies a minimum plot ratio area of 40 m². The area of a dwelling is measured from the inner surfaces of its walls.

External fixtures

These are utilities, equipment, plant or other structures which are necessary for a dwelling to achieve efficient, comfortable and environmentally sustainable operating outcomes and may include; solar photo-voltaic collectors, solar hot water systems, rainwater storage tanks, renewable energy systems, clothes drying structures, communications and power and water infrastructure, letterboxes, or other fixtures as necessary for the residential use of the buildings on site.



Effective lot area

The area of the lot, including any adjoining land that may be taken into account at clause 5.1.2 D2 in assessing compliance with the minimum site area requirements.

Frontage

The width of a lot at the primary street setback line, provided that in the case of battleaxe or other irregularly shaped lots, it shall be as determined by the Authority.

Garage

Any roofed structure, other than a carport, designed to accommodate one or more motor vehicles and attached to the dwelling or where not attached provided for the sole use of the dwelling.

Green title

A lot owned in fee simple issued with a certificate of title under the *Transfer of Land Act 1893* other than a strata lot or a survey strata lot.

Ground floor area

Any area that is not open space that has a floor area not more than 0.5 m above natural ground level.

Agreed, but need to be more definitive with 'substantial'.

Grouped dwelling

A dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or in relation to a substantial part vertically above another, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property.



Habitable room

A room used for normal domestic activities that includes:

- a bedroom, living room, lounge room, music room, sitting room, television room, kitchen, dining room, sewing room, study, playroom, sunroom, gymnasium, fully enclosed swimming pool or patio; but excludes
- a bathroom, laundry, water closet, food storage pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes-drying room, verandah and unenclosed swimming pool or patio and other spaces of a specialised nature occupied neither frequently nor for extended periods.

Height, building

This is the distance between the point where the base of the wall meets the natural ground level and measured to the highest point of a wall or building vertically above that point (for measurement guidance refer to Figure series 2) excluding minor projections

Height, wall

The vertical distance from the natural ground level at the boundary immediately adjacent to the wall to the roof or parapet at any point in accordance with Figure series 2

High frequency bus route

As defined by the Public Transport Authority of Western Australia

Important clarification to car parking requirements, but needs to be shown on maps by the PTA.

Incidental development

Development which is associated with or attached to a dwelling and incidental to its main residential functions.

Internal Walls

Those walls which are wholly included within the dwelling including walls that abut covered outdoor living areas but does not include walls which are common to two dwellings in grouped or multiple dwelling developments.

Landscape, landscaping or landscaped

Land developed with garden beds, shrubs and trees, or by the planting of lawns, and includes such features as rockeries, ornamental ponds, swimming pools, barbecue areas or playgrounds and any other such area approved of by the Authority as landscaped area.

Local planning policy

Any policy prepared by a local government in accordance with the procedures set out in the Model Scheme Text or equivalent procedures in the scheme.

Lot

For single houses, a lot as defined under the *Planning and Development Act 2005*, and therefore for multiple or grouped dwellings, the parent lot, inclusive of common areas, on which the strata scheme relates as defined under the *Planning and Development Act 2005*.

Major opening

A window, door or other opening in the exterior wall of a habitable room that provides external means of light or view for that room or space, but does not include an opening or openings that:

- in aggregate do not exceed 1 m² in any such wall, (provided that adjoining or contiguous windows at the junction of two walls forming an internal angle of 90 degrees or less shall be aggregated); or
- are glazed in an obscure material and are not able to be opened; or have a sill height not less than 1.6 m above floor level.

Minor projection

- In relation to the height of a building: a chimney, vent pipe, aerial or other appurtenance of like scale;
- In relation to a wall: a rainwater pipe, vent pipe, eaves overhang, cornice or other molding or decorative feature, provided that the projection does not exceed 0.75 m measured horizontally.

What is a 'minor incursion'?
Definition required.

Mixed use development

Buildings that contain commercial and other non-residential uses in conjunction with residential dwellings in a multiple dwelling configuration.

Model Scheme Text

The framework for setting out local planning schemes as described in appendix B to the Town Planning Regulations 1967.

Multiple dwelling

A dwelling in a group of more than one dwelling on a lot where any **substantial** part of a dwelling is vertically above part of any other but:

- does not include a grouped dwelling; and
- includes any dwellings above the ground floor in a mixed use development.

What is 'substantial'?

Natural ground level

The levels on a site which precede the proposed development, excluding any site works unless approved by the Authority or established as part of subdivision of the land preceding development.

Open space

Generally that area of a lot which is not occupied by any building or **roofed structures** and includes:

- open areas of accessible and useable flat roofs and outdoor living areas above natural ground level;
- **areas beneath eaves overhangs, verandahs or patios not more than 0.5 m above natural ground level, and unenclosed on at least two sides, and covering no more than 10 per cent of the site area or 50 m² whichever is the lesser, and where these are viewed from major openings as in Figure series 4;**
- **open structures such as pergolas;**
- **uncovered driveways (including access aisles in parking areas) and uncovered car bays; but excludes:**
- non-accessible roofs, verandahs and balconies over 0.5 m above natural ground level;
- covered car parking bays and walkways, areas for rubbish disposal, stores, outbuildings or plant rooms.

Substantially more readable that previous version.

Poor format, needs two sections- one for 'includes' and one for 'excludes.

Fig. 4 has additional criteria that is not mentioned in the definition.

Outdoor living area

The area external to a single house, grouped or multiple dwelling to be used in conjunction with that dwelling such that it is capable of active or passive use but excludes any area with a dimension of less than 2.4 m minimum dimension or which, by reason of its development or topography, is not readily accessible from the dwelling.

Outbuilding

An enclosed non-habitable structure that is detached from any dwelling.

Parent lot

A parent lot has the same meaning as a lot.

Patio

A water impermeable roofed open-sided area which may or may not be attached to a dwelling.

Performance criteria

Criteria to be used in the preparation, submission and assessment of development proposals for the purpose of determining their acceptability.

Pergola

An unroofed open-framed structure.

Plot ratio

The ratio of the gross total of all floors of buildings on a site to the area of land in the site boundaries. For this purpose, such areas shall include the area of any internal walls but not include the areas of any lift shafts, stairs or stair landings common to two or more dwellings, machinery, air conditioning and equipment rooms, space that is wholly below natural ground level, areas used exclusively for the parking of wheeled vehicles at or below natural ground level, storerooms, lobbies, bin storage areas and passageways to bin storage areas or amenities areas common to more than one dwelling, or balconies, eaves, verandahs, courtyards and roof terraces.

Plot ratio area

The floor area of buildings on a site, expressed as a proportion of the total site area, as delineated in the definition of plot ratio.

Primary street

Unless otherwise designated by the local government, the sole or principal public road that provides access to the major entry (front door) to the dwelling.

Private open space

Open space set aside on a lot for the exclusive use of the occupants of the dwelling to which it abuts and excludes car parking spaces and access ways.

Residential building

A building or portion of a building, together with rooms and outbuildings separate from such building but incidental thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation:

- temporarily by two or more persons; or
- permanently by seven or more persons, who do not comprise a single family, but does not include a hospital or sanatorium, a prison, a hotel, a motel or a residential school.

Right-of-way

A laneway, private street, or other use of land (not being a public street or road) that provides vehicular access to a development site.

Scheme

The local planning scheme that specifies zoning and development standards gazetted pursuant to the *Planning and Development Act 2005*.

Screening

Permanently fixed external perforated panels or trellises composed of solid or obscured translucent panels.

Secondary street

In the case of a site that has access from more than one public road, a road that is not the primary street but which intersects with or adjoins that road.

Serviced apartment

A residential dwelling that forms part of a complex where common maintenance or other services are provided.

Setback

The horizontal distance between a wall at any point and an adjacent lot boundary, measured at right angles (90 degrees) to the boundary.

Single bedroom dwelling

A dwelling that contains a living room and no more than one other habitable room that is capable of use as a bedroom.

Single house

A dwelling standing wholly on its own green title or survey strata lot, together with any easement over adjoining land for support of a wall or for access or services and excludes dwellings on titles with areas held in common property.

Site

- In the case of a single house, the green title or survey strata lot on which it stands.
- In the case of a grouped dwelling, the area occupied by the dwelling together with any area allocated (whether by way of strata title or otherwise) for the exclusive use or benefit of that dwelling.
- In the case of a multiple dwelling development, the lot (or parent lot where the lot is subdivided under strata title) on which the dwellings stand.

Site area

The area of land required for the construction of a dwelling to satisfy the requirements of the Codes.

Special control area

Land designated on the scheme map to which special controls apply.

Storey

That part of a building between floor levels. If there is no floor above, it is the part between the floor level and the ceiling.

Strata lot

One or more cubic spaces forming part of a lot in a strata scheme.

Strata plan

Has the meaning given by section 4 (1a) of the *Strata Titles Act 1985*.

Strata scheme

Has the meaning given under the *Strata Titles Act 1985*.

Street

Any public road, communal street, private street, right-of-way or other shared access way that provides the principal frontage to a dwelling but does not include an access leg to a single battleaxe lot.

Street setback

The horizontal distance between the street alignment and a building, measured at right angles (90 degrees) to the street alignment.

Street setback area

The area between the street alignment and the street setback line as set out in tables 1 and 4 or as established in a particular case in accordance with the provisions of design element 5.2 or 6.2. ✓

Street alignment

The boundary between the land comprising a street and the land that abuts thereon.

Does this become a 'Grouped Dwelling'?

ATTACHMENT 1

Questioned if too aligned with a 'dwelling', or a Grouped Dwelling with variations.

Supplementary accommodation

Self-contained living accommodation on the same lot as a single house that may be attached or detached from the single house but integrated with the main dwelling in terms of overall design and site provisions such as parking and utilities and street access but with an area of open space dedicated to the private use of that accommodation unit.

Survey strata

A lot and associated common property as shown on a registered survey-strata plan prepared in accordance with section 4 (1b) of the *Strata Titles Act 1985*.

Survey strata lot

Land that is shown as an ordinary lot consisting of two or more lots on a survey strata plan and does not include a lot shown as common property prepared in accordance with section 3 of the *Strata Titles Act 1985*.

Survey strata plan

A registered survey strata plan prepared in accordance with section 4 (1b) of the *Strata Titles Act 1985* and which shows the whole or any part of the land comprised in the plan as divided into two or more lots.

Survey strata scheme

The manner of division of the land comprised in a survey strata scheme into lots and common property and the manner of the allocation of unit entitlements, rights and obligations among the lots.



Tandem parking

Two parking spaces arranged one behind the other **entirely within the site** and where parking in one bay precludes vehicular entry or exit to or from the other bay.

Verandah

A roofed open platform attached to a dwelling.

Visually permeable

In reference to a wall, gate, door or fence that the vertical surface has:

- continuous vertical or horizontal gaps of at least 50 mm width occupying not less than one third of its face in aggregate of the entire surface or where narrower than 50 mm, occupying at least one half of the face in aggregate, as viewed directly from the street; or
- a surface offering equal or lesser obstruction to view.

Wall

The vertical external face of a constructed building comprising solid building material and including enclosures to verandahs and balconies.

WAPC

The Western Australian Planning Commission.

Appendix 2 – Design Solution Application Form

(as per current Codes)

Appendix 3 – Assessment and Decision Advice Sheet

(as per current Codes)

**Appendix 4 – Adjoining property owner comment form
(Design Solution approval application under the Residential
Design Codes)**

(as per current Codes)

Appendix 5 – Local Planning Policy Proforma

DRAFT

Appendix 5 – Local Planning Policy Proforma

Good
standardisation of
methodology.

Local Planning Policy prepared via State Planning Policy 3.1 – Residential Design Codes

1.0 Policy Objectives

- To specify local provisions which supplement the deemed to comply provisions of State Planning Policy 3.1 - Residential Design Codes for residential development in the [Local Government]
- To provide local housing objectives to guide judgements about the merits of a 'design solution' for residential developments with respect to local circumstances

2.0 Background

State Planning Policy 3.1 – Residential Design Codes (the Codes) includes provisions for local governments to prepare planning policies to alter certain development standards of the Codes where a specific local need arises. The Codes also acknowledge that applications that propose 'Design Solutions' which are different from the 'Deemed-To-Comply' provisions of the Codes (or design solutions) may need to rely more specifically on local housing needs and design objectives.

There are three key ways for local government to guide the application of the Codes at a local level:

- Development of local objectives for housing design and development to guide judgement on applications that propose alternative or better designs to the base standards of the Codes;
- Development of area specific plans that prepare detailed objectives and standards to protect a particular character of an area; and
- Providing local variations of certain deemed to comply provisions of the Codes.

This policy provides local housing objectives and varies relevant deemed to comply provisions of the Codes to assist in their implementation in [local government]. The policy also provides guidance for the preparation of area specific plans in [local government].

This policy should be read in conjunction with the Codes

3.0 Application

This Policy applies to all residential development in the [Local Government] and shall be considered in applications for planning approval under the [Local Government]'s operative planning scheme and codes approval under State Planning Policy 3.1 – Residential Design Codes.

The [Local Government] will apply this Policy when preparing and determining area specific plans and will have regard to this Policy when making recommendations to the Western Australian Planning Commission on subdivision of land for residential development, to ensure the lots created can be developed in accordance with this Policy.

4.0 Status

(a) Relationship to [operative planning scheme]

This Policy is a planning policy prepared, advertised and adopted pursuant to [relevant clause] of [operative planning scheme]. Under [relevant clause] of [operative planning scheme] all planning policies are documents supporting the

Scheme. The Policy augments and is to be read in conjunction with the provisions of [operative planning scheme] relating to development applications.

(b) Relationship to other State Planning/Development Control Policies (SPPs/DCs)

This policy has due regard to, and should be read in conjunction with the State Planning Policies. Of particular relevance to this Policy are:

- i) State Planning Policy No. 1 – State Planning Framework.
- ii) State Planning Policy 3.1 – Residential Design Codes
- iii) ...

(c) Relationship to other Local Planning Policies (LPPs)

This policy has due regard to, and should be read in conjunction with the [Local Government] entire Local Planning Policy suite. Of particular relevance to this Policy are:

- i) ...

(d) Other

This Policy shall also be read in conjunction with the following:

- i) ...

5.0 Interpretations

The following definitions relate directly to the application of this Policy:

The Codes State Planning Policy 3.1 – Residential Design Codes

6.0 Policy Statement

Local housing objectives

- 6.1 Local housing objectives describe Council's intent for residential development in the [Local Government], and are set out in [local planning strategy or Schedule 3].
- 6.2 Local housing objectives will guide judgements about the merits of proposals for residential development in [local government].

Deemed to comply development

- 6.3 The deemed to comply provisions of Schedule 1 apply to the development of all single houses and grouped dwellings in the [local government].
- 6.4 The deemed to comply provisions of Schedule 1 apply to the development of all multiple dwellings in areas coded less than R30 in the [local government].
- 6.5 The deemed to comply provisions of Schedule 2 apply to the development of all multiple dwellings in areas coded R30 or greater and within mixed use development and activity centres in the [local government].
- 6.6 Applications that correspond to any of the unacceptable development standards specified in Schedule 2 or 3 may be considered unable to meet the intent of the Codes and this policy and, unless significant justification is provided to demonstrate consistency with local housing objectives, are likely to be refused.
- 6.7 Development which meet all of the deemed to comply provisions of the Codes and/or this Local Planning Policy (where this Local Planning Policy prevails) shall not be required to seek development approval.

Design solutions

- 6.8 Development that does not meet the deemed to comply provisions will be considered as a 'design solution' and be subject to the design solution process as identified in the Codes.

- 6.9 Design solutions will be considered on an individual basis according to their merit having regard to the intent of the Codes and the [Local Government] local housing objectives set out in this policy.

Area Specific Plans

- 6.10 Area specific plans may be prepared and adopted for particular locations that require individual development standards for the protection and/or creation of particular character and with respect to a particular site or sites.
- 6.11 Area specific plans will be developed generally in accordance with the proforma provided in Schedule 4.

7.0 Consultation Requirements

- 7.1 Proposals that meet the deemed to comply provisions of this policy will not require advertising or notice.
- 7.2 Where a proposed design solution meets the relevant requirement/intent of the Codes and any relevant local housing objectives it will not require advertising or notice.
- 7.3 Where a proposed design solution presents significant variation to the intent of the Codes and/or local housing objectives with respect to its potential to impact on the amenity of neighbouring properties, advertising may be required in accordance with Part 4 of the Codes and [operative planning scheme].

8.0 Implementation

- 8.1 A codes approval for a proposed design solution will be required in accordance with Part 2 of the Codes.
- 8.2 Application for codes approval for a design solution is to be supported by relevant detail and justification in accordance with Part 3 of the Codes.
- 8.3 Where a proposed design solution is considered to present significant variation to the intent of the Codes and/or local housing objectives and/or has potential to impact on amenity, planning approval may be required.

Schedule 1

Deemed to comply provisions for single houses, grouped dwellings, and multiple dwellings in areas with a coding less than R30

* Where a local planning policy aims to alter deemed to comply provisions related to specified elements, approval of the WAPC is required

Codes Element	Deemed to Comply (Local)	Additional (Objectives, guidance etc)
5.1 Housing density requirements	As per Codes*	N/A
5.2 Streetscape requirements		
5.2.1 Setback of buildings generally	[Local standards that replace/amend D1.1 and D1.2 and D1.3 only] or As per Codes	
5.2.2 Setback of garages and carports	[Local standards that replace/amend D2.1 to D2.5 only] or As per Codes	
5.2.3 Garage doors	[Local standards that replace/amend D3 only] or As per Codes	
5.2.4 Surveillance of the street	[Local standards that replace/amend D4.1 and D4.2 only] or As per Codes	
5.2.5 Street walls and fences	[Local standards that replace/amend D5 only] or As per Codes	

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Codes Element	Deemed to Comply (Local)	Additional (Objectives, guidance etc)
5.2.6 Sight lines at vehicle access points and street corners	[Local standards that replace/amend D6 only] <i>or</i> As per Codes	
5.2.7 Appearance of retained dwelling	[Local standards that replace/amend D7.1 and D7.1 only] <i>or</i> As per Codes	
5.3 Boundary set-back requirements		
5.3.1 Buildings set back from the boundary	As per Codes*	
5.3.2 Buildings on boundary	[Local standards that replace/amend D2 only] <i>or</i> As per Codes	
5.3.3 Setback of retaining walls	As per Codes*	
5.4 Open Space Requirements		
5.4.1 Open space provision	As per Codes*	
5.4.2 Outdoor living areas	As per Codes*	
5.4.3 Balconies for multiple dwellings	As per Codes*	
5.4.4 Communal open space	As per Codes*	
5.4.5 Landscaping Requirements	As per Codes*	
5.5 Access and parking requirements		
5.5.1 On-site parking provision	As per Codes*	
5.5.2 Off-site parking	As per Codes*	

Codes Element	Deemed to Comply (Local)	Additional (Objectives, guidance etc)
5.5.3 Design of parking spaces	As per Codes*	
5.5.4 Vehicular access	As per Codes*	
5.5.5 Pedestrian access	As per Codes*	
5.6 Site works requirements		
5.6.1 Excavation or fill	D1.1 to D1.3 as per Codes* [Local standards that replace/amend D1.4 only]	
5.7 Building height requirements		
5.7.1 Building height	[Local standards that replace/amend D1 only]	
5.8 Privacy requirements		
5.8.1 Visual privacy	As per Codes*	
5.9 Design for climate requirements		
5.9.1 Solar access for adjoining sites	As per Codes*	
5.9.2 Stormwater disposal and re-use	As per Codes*	
5.10 Incidental development requirements		
5.10.1 Outbuildings	As per Codes*	
5.10.2 External fixtures	D2.1 to D2.2 as per Codes* [Local standards that replace/amend D2.3 and D2.4 only]	
5.10.3 External utilities and facilities	As per Codes*	
5.11 Additional dwelling types		
5.11.1 Supplementary accommodation	As per Codes*	
5.11.2 Aged or Dependant Persons Dwellings	As per Codes* [Local standards that replace/amend D2ii only]	
5.11.3 Single bedroom dwellings	As per Codes*	

Schedule 2

Deemed to comply provisions for multiple dwellings in areas with a coding of R30 or greater and within mixed use development and activity centres

Codes Element	Deemed to Comply (Local)	Additional (Objectives, guidance etc)
6.1 Context		
6.1.1 Building Size	As per Codes*	
6.1.2 Building Height	[Local standards that replace/amend D2 only] or As per Codes	
6.1.3 Street Setback	[Local standards that replace/amend D3 only] or As per Codes	
6.1.4 Side and rear boundary setbacks	[Local standards that replace/amend D4.4 only] or As per Codes	
6.1.5 Open Space	As per Codes*	
6.2 Streetscape		
6.2.1 Surveillance of the street	[Local standards that replace/amend D1 only] or As per Codes	

Codes Element	Deemed to Comply (Local)	Additional (Objectives, guidance etc)
6.2.2 Street walls and fences	[Local standards that replace/amend D2 only] or As per Codes	
6.3 Site Planning and Design		
6.3.1 Outdoor living areas	As per Codes*	
6.3.2 Landscaping	As per Codes*	
6.3.3 On site parking provision	As per Codes*	
6.3.4 Design of parking spaces	As per Codes*	
6.3.5 Vehicular access	As per Codes*	
6.3.6 Sightlines at vehicle access points and street corners	[Local standards that replace/amend D6 only] or As per Codes	
6.3.7 Site Works	[Local standards that replace/amend D7.4 only] or As per Codes	
6.4 Building Design		
6.4.1 Visual privacy	As per Codes*	
6.4.2 Solar access for adjoining sites	As per Codes*	
6.4.3 Dwelling size	As per Codes*	
6.4.4 Outbuildings	As per Codes*	

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Codes Element	Deemed to Comply (Local)	Additional (Objectives, guidance etc)
6.4.5 External Fixtures	As per Codes*	
6.4.6 Stormwater disposal	As per Codes*	
6.4.7 Essential utilities and facilities	As per Codes*	

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Schedule 3
Local Housing Objectives for Design Solutions

Codes Element	Design Solutions	Local Housing Objectives
5.1 Housing density requirements	As per Codes	[Local objectives and desired outcomes related to this element]
5.2 Streetscape requirements		
5.2.1 Setback of buildings generally	As per Codes	[Local objectives and desired outcomes related to this element]
5.2.2 Setback of garages and carports	As per Codes	[Local objectives and desired outcomes related to this element]
5.2.3 Garage doors	As per Codes	[Local objectives and desired outcomes related to this element]
5.2.4 Surveillance of the street	As per Codes	[Local objectives and desired outcomes related to this element]
5.2.5 Street walls and fences	As per Codes	[Local objectives and desired outcomes related to this element]
5.2.6 Sight lines at vehicle access points and street corners	As per Codes	[Local objectives and desired outcomes related to this element]
5.2.7 Appearance of retained dwelling	As per Codes	[Local objectives and desired outcomes related to this element]
5.3 Boundary set-back requirements		
5.3.1 Buildings set back from the boundary	As per Codes	[Local objectives and desired outcomes related to this element]
5.3.2 Buildings on boundary	As per Codes	[Local objectives and desired outcomes related to this element]
5.3.3 Setback of retaining walls	As per Codes	[Local objectives and desired outcomes related to this element]
5.4 Open Space Requirements		

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Codes Element	Design Solutions	Local Housing Objectives
5.4.1 Open space provision	As per Codes	[Local objectives and desired outcomes related to this element]
5.4.2 Outdoor living areas	As per Codes	[Local objectives and desired outcomes related to this element]
5.4.3 Balconies for multiple dwellings	As per Codes	[Local objectives and desired outcomes related to this element]
5.4.4 Communal open space	As per Codes	[Local objectives and desired outcomes related to this element]
5.4.5 Landscaping Requirements	As per Codes	[Local objectives and desired outcomes related to this element]
5.5 Access and parking requirements		
5.5.1 On-site parking provision	As per Codes	[Local objectives and desired outcomes related to this element]
5.5.2 Off-site parking	As per Codes	[Local objectives and desired outcomes related to this element]
5.5.3 Design of parking spaces	As per Codes	[Local objectives and desired outcomes related to this element]
5.5.4 Vehicular access	As per Codes	[Local objectives and desired outcomes related to this element]
5.5.5 Pedestrian access	As per Codes	[Local objectives and desired outcomes related to this element]
5.6 Site works requirements		
5.6.1 Excavation or fill	As per Codes	[Local objectives and desired outcomes related to this element]

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5.7 Building height requirements		
5.7.1 Building height	As per Codes	[Local objectives and desired outcomes related to this element]
5.8 Privacy requirements		
5.8.1 Visual privacy	As per Codes	[Local objectives and desired outcomes related to this element]
5.9 Design for climate requirements		
5.9.1 Solar access for adjoining sites	As per Codes	[Local objectives and desired outcomes related to this element]
5.9.2 Stormwater disposal and re-use	As per Codes	[Local objectives and desired outcomes related to this element]
5.10 Incidental development requirements		
5.10.1 Outbuildings	As per Codes	[Local objectives and desired outcomes related to this element]
5.10.2 External fixtures	As per Codes	[Local objectives and desired outcomes related to this element]
5.10.3 External utilities and facilities	As per Codes	[Local objectives and desired outcomes related to this element]
5.11 Additional dwelling types		
5.11.1 Supplementary accommodation	As per Codes	[Local objectives and desired outcomes related to this element]
5.11.2 Aged or Dependant Persons Dwellings	As per Codes	[Local objectives and desired outcomes related to this element]
5.11.3 Single bedroom dwellings	As per Codes	[Local objectives and desired outcomes related to this element]
6.1 Context		
6.1.1 Building Size	As per Codes	[Local objectives and desired outcomes related to this element]
6.1.2 Building Height	As per Codes	[Local objectives and desired outcomes related to this element]

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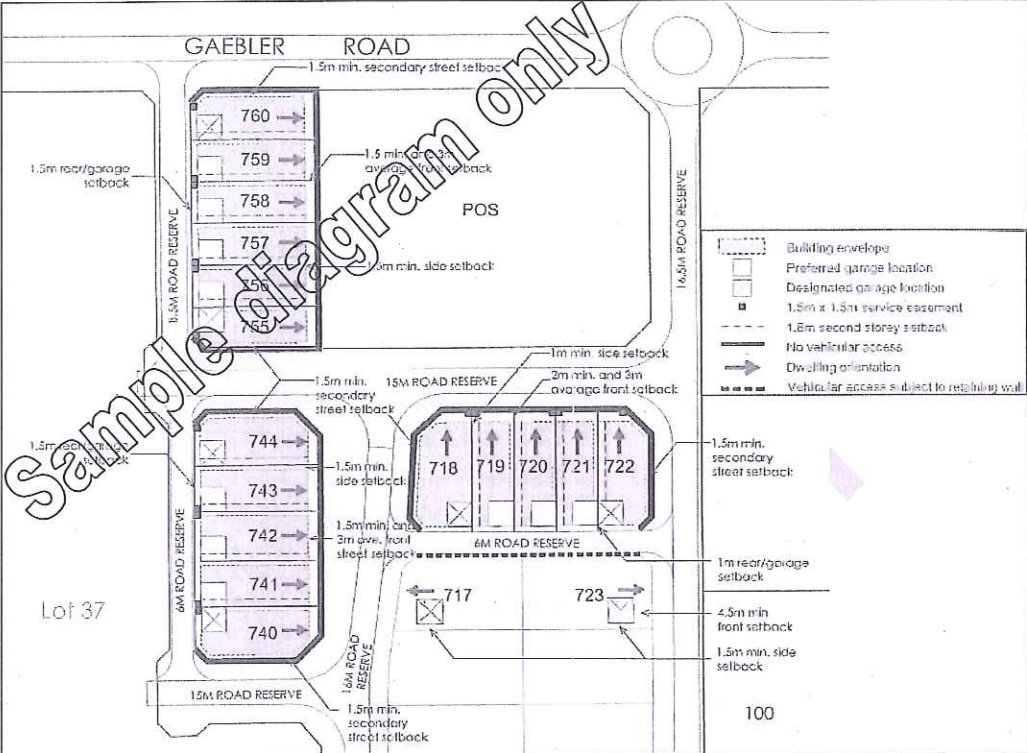
6.1.3 Street Setback	As per Codes	[Local objectives and desired outcomes related to this element]
6.1.4 Side and rear boundary setbacks	As per Codes	[Local objectives and desired outcomes related to this element]
6.1.5 Open Space	As per Codes	[Local objectives and desired outcomes related to this element]
6.2 Streetscape		
6.2.1 Surveillance of the street	As per Codes	[Local objectives and desired outcomes related to this element]
6.2.2 Street walls and fences	As per Codes	[Local objectives and desired outcomes related to this element]
6.3 Site Planning and Design		
6.3.1 Outdoor living areas	As per Codes	[Local objectives and desired outcomes related to this element]
6.3.2 Landscaping	As per Codes	[Local objectives and desired outcomes related to this element]
6.3.3 On site parking provision	As per Codes	[Local objectives and desired outcomes related to this element]
6.3.4 Design of parking spaces	As per Codes	[Local objectives and desired outcomes related to this element]
6.3.5 Vehicular access	As per Codes*	
6.3.6 Sightlines at vehicle access points and street corners	As per Codes	[Local objectives and desired outcomes related to this element]
6.3.7 Site Works	As per Codes	[Local objectives and desired outcomes related to this element]
6.4 Building Design		
6.4.1 Visual privacy	As per Codes	[Local objectives and desired outcomes related to this element]
6.4.2 Solar access for adjoining sites	As per Codes	[Local objectives and desired outcomes related to this element]
6.4.3 Dwelling size	As per Codes	[Local objectives and desired outcomes related to this element]

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6.4.4 Outbuildings	As per Codes	[Local objectives and desired outcomes related to this element]
6.4.5 External Fixtures	As per Codes	[Local objectives and desired outcomes related to this element]
6.4.6 Stormwater disposal	As per Codes	[Local objectives and desired outcomes related to this element]
6.4.7 Essential utilities and facilities	As per Codes	[Local objectives and desired outcomes related to this element]

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Schedule 4
Area Specific Plan Proforma



Development Standards

The requirements of the Codes apply unless otherwise provided below. The following standards constitute amendments to the Codes and operate as Deemed to Comply requirements.

Streetscape requirements

- 1. [Area specific standards that replace/amend deemed to comply provisions of 5.2 D1 through D9]

Boundary set-back requirements

- 2. Buildings on boundary - [area specific standards that replace/amend 5.3.2 D2 only]

Site works requirements

- 3. [Area specific standards that replace/amend 5.6.1 D1.4 only]

Building height requirements

- 4. [Area specific standards that replace/amend D1 only]

Incidental development requirements

- 5. External fixtures – [area specific standards that replace/amend D2.3 and D2.4 only]

Additional dwelling types

- 6. [Area specific standards that replace/amend 5.11.2 A2ii]

Other development standards

- 7. Other relevant development standards for elements not addressed by the codes - e.g. requirements for rear laneway lots to address the primary street or public open spaces, requirements for corner lots to address the secondary street, rainwater tank provision, designated garage locations etc.

Area Specific Plan Location

[Local Government]

The development standards as shown here have been adopted by Council

Responsible Officer

Date

Table 1: General site requirements for all single house(s), all grouped dwellings, or multiple dwellings in areas with a coding of less than R30

1 R- code	2 Dwelling Type	3 Minimum site area per dwelling (m2) % ♦	4 Minimum lot area/rear Battlease (m2) ▼	5 Minimum frontage (m) ▼	6 Open Space		7 Minimum setbacks (m)		
					min total (% of site)	Min o/door living (m2)	Primary street	Secondary street ●	Other/ rear
Low Density Codes									
R2	Single house or grouped dwelling	Min 5000	-	50	80	-	20	10	10
R2.5	Single house or grouped dwelling	Min 4000	-	40	80	-	15	7.5	7.5
R5	Single house or grouped dwelling	Min 2000	-	30	70	-	12	6	*/6
R10	Single house or grouped dwelling	Min 875 Av 1000	925	20	60	-	7.5	3	*/6
	Multiple Dwelling	1000	-	20	-	-	7.5	3	*/6
R12.5	Single house or grouped dwelling	Min 700 Av 800	762.5	17	55	-	7.5	2	*/6
	Multiple Dwelling	800	-	20	-	-	7.5	2	*/6
R15	Single house or grouped dwelling	Min 580 Av 666	655	12	50	-	6	1.5	*/6
	Multiple Dwelling	666	-	20	-	-	6	1.5	*
R17.5	Single house or grouped dwelling	Min 500 Av 571	587.5	12	50	36	6	1.5	*
	Multiple Dwelling	571	-	20	-	-	6	1.5	*
R20	Single house or grouped dwelling	Min 350 Av 500	540	10	50	30	6	1.5	*
	Multiple Dwelling	500	-	20	-	-	6	1.5	*
R25	Single house or grouped dwelling	Min 300 Av 350	445	8	50	30	6	1.5	*
	Multiple Dwelling	400	-	20	-	-	6	1.5	*
Medium Density Codes									
R30	Single house or grouped dwelling	Min 260 Av 300	420	-	45	24	4	1.5	*
R35	Single house or grouped dwelling	Min 220 Av 260	410	-	45	24	4	1.5	*
R40	Single house or grouped dwelling	Min 180 Av 220	400	-	45	20	4	1.0	*
R50	Single house or grouped dwelling	Min 160 Av 180	400	-	45	16	2	2.0	*
R60	Single house or grouped dwelling	Min 160 Av 180	400	-	45	16	2	2.0	*
All standards for grouped dwellings and single houses within the R80 - R160 and R-AC areas are as for the R60 Code.									

←
Allows greater subdivision flexibility (not density).

Legend

♦ Subject to amendments permitted under Part 5.1.3 D3

▼ Only applies to single houses

● Secondary street: includes communal street, private street, right-of-way as street.

- Indicated not applicable.

* See tables 2a and 2b and design element 5.3.

Av. – average site area not to be less than.

Table 2a Boundary setbacks

Walls with no major openings														
Wall height (m)	Wall length (m)													
	9 or less	10	11	12	13	14	15	16	17	18	19	20	25	Over 25
3.5 or less*	1	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5
4.0	1.1	1.5	1.5	1.5	1.5	1.5	1.5	1.6	1.7	1.6	1.6	1.7	1.7	1.8
4.5	1.1	1.5	1.5	1.5	1.5	1.5	1.6	1.7	1.7	1.7	1.7	1.7	1.8	2.0
5.0	1.1	1.5	1.5	1.5	1.5	1.6	1.7	1.8	1.8	1.8	1.8	1.9	2.0	2.3
5.5	1.2	1.5	1.5	1.5	1.6	1.7	1.8	1.9	1.9	2.0	2.0	2.1	2.3	2.5
6.0	1.2	1.5	1.5	1.5	1.6	1.8	1.9	2.0	2.0	2.1	2.1	2.2	2.4	2.8
6.5	1.2	1.5	1.5	1.6	1.7	1.9	2.0	2.1	2.1	2.2	2.2	2.3	2.7	3.0
7.0	1.2	1.5	1.5	1.6	1.8	2.0	2.1	2.2	2.2	2.3	2.4	2.5	2.8	3.3
7.5	1.3	1.5	1.6	1.7	1.9	2.1	2.2	2.3	2.3	2.4	2.5	2.6	3.0	3.5
8.0	1.3	1.5	1.6	1.7	1.9	2.1	2.2	2.4	2.4	2.5	2.6	2.7	3.1	3.8
8.5	1.4	1.6	1.7	1.8	2.0	2.2	2.3	2.5	2.6	2.7	2.8	2.9	3.3	4.1
9.0	1.4	1.7	1.7	1.8	2.0	2.3	2.4	2.6	2.7	2.8	2.9	3.0	3.6	4.3
9.5	1.4	1.7	1.8	1.9	2.1	2.4	2.5	2.7	2.8	2.9	3.0	3.2	3.8	4.6
10.0	1.5	1.8	1.9	2.0	2.2	2.4	2.6	2.8	2.9	3.0	3.1	3.3	4.0	4.8

Take the nearest higher value for all intermediate height and length values.
 *Possible nil setback in accordance with clause 5.3.2 of design element 5.3.

Table 2b - Boundary setbacks

Walls with major openings														
Wall height (m)	Wall length (m)													
	9 or less	10	11	12	13	14	15	16	17	18	19	20	25	Over 25
3.5 or less*	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5
4.0	1.8	2.0	2.2	2.4	2.5	2.7	2.8	3.0	3.1	3.3	3.4	3.6	4.5	5.0
4.5	2.0	2.2	2.4	2.6	2.8	3.0	3.1	3.2	3.4	3.7	3.8	4.0	4.8	5.4
5.0	2.3	2.5	2.6	2.8	3.0	3.2	3.3	3.5	3.7	3.9	3.0	4.2	5.1	5.7
5.5	2.5	2.7	2.9	3.1	3.3	3.5	3.6	3.7	3.9	4.2	4.4	4.6	5.5	6.0
6.0	2.8	3.0	3.1	3.3	3.5	3.8	3.9	3.0	4.2	4.5	4.7	4.9	5.7	6.3
6.5	3.0	3.2	3.4	3.6	3.8	4.1	4.1	4.2	4.4	4.7	4.9	5.2	6.1	6.6
7.0	3.3	3.5	3.7	3.8	4.1	4.3	4.4	4.6	4.8	5.0	4.2	5.5	6.4	7.0
7.5	3.5	3.7	3.9	4.2	4.4	4.6	4.7	4.9	5.1	5.3	5.5	5.7	6.6	7.3
8.0	3.8	4.0	4.2	4.4	4.6	4.9	5.0	4.2	5.4	5.6	5.8	6.0	7.0	7.7
8.5	4.0	4.3	4.5	4.7	4.9	5.2	5.3	5.5	5.7	5.9	5.1	6.3	7.3	8.0
9.0	4.3	4.5	4.7	5.0	5.2	5.4	5.6	5.8	6.0	6.2	6.4	6.6	7.6	8.3
9.5	4.6	4.8	5.0	5.2	5.4	5.7	5.8	5.0	6.2	6.4	6.6	6.9	8.0	8.7
10.0	4.8	5.0	5.2	5.4	5.7	6.0	6.1	6.3	6.5	6.7	6.9	7.2	8.2	9.0

Take the nearest higher value for all intermediate height and length values.

Table 3 - Maximum building heights

Maximum building heights (i)			
	Category		
	A	B	C
Tops of external wall (roof above) (ii)	3m	6m	9m
Top of external wall (concealed roof)	4m	7m	10m
Top of pitched roof (iii) (iv)	6m	9m	12m

i Category B will apply unless a local planning policy requires the application of category A (generally single level development) or category C (development on three levels) or an alternative standard.

ii Gable walls above eaves height:

- less than 9 m long: exempted
- greater than 9 m long: add one third of the height of the gable, between the eaves and the apex of the gable wall, to the eaves height.

iii Applies to ridges greater than 6 m long. Short ridges: add 0.5 m height for each 2 m reduction in length.

iv Applies to roof pitches up to 25 degrees. In some localities steeper pitches may be required and greater height permitted in accordance with the provisions of the scheme or local planning policy.

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Table 4: General site requirements for multiple dwellings in areas with a coding of R30 or greater and/or within mixed use development and activity centres

1 R-Code	2 Maximum plot ratio	3 Minimum open space (% of site)	4 Minimum primary street boundary setback (m)	Secondary Street Setback (m)	5 Maximum height ^a (m)			6 Maximum height of built to boundary walls	
					Top of external wall	Top of external wall (concealed roof)	Top of pitched roof	Maximum height	Average
MULTIPLE DWELLINGS IN LOW DENSITY AREAS NOT SUBJECT TO THIS CODE									
MULTIPLE DWELLINGS IN MEDIUM DENSITY AREAS									
R30	0.5	45	4	1.5	6	7	9	3.5	3
R35	0.6	45	4	1.5	6	7	9	3.5	3
R40	0.6	45	4	1.5	6	7	9	3.5	3
R50	0.6	45	2	2	9	10	12	3.5	3
R60	0.7	45	2	2	9	10	12	3.5	3
MULTIPLE DWELLINGS IN HIGH DENSITY AREAS									
R80	1.0	-	2	2	12	13	15	7	6
R100	1.25	-	2	2	12	13	15	7	6
R160	2.0	-	2	2	15	16	18	7	6
MULTIPLE DWELLINGS WITHIN MIXED USE DEVELOPMENT AND ACTIVITY CENTRES									
R-AC0 ^b	b	b	b	b	b	b	b	b	b
R-AC 1	3.0 ^c	- ^c	2	2 ^c	27 ^c	28 ^c	30 ^c	14 ^c	12 ^c
R-AC 2	2.5 ^c	- ^c	2	2 ^c	20 ^c	21 ^c	23 ^c	10.5 ^c	9 ^c
R-AC 3 ^d	2.0 ^c	- ^c	2	2 ^c	18 ^c	19 ^c	21 ^c	7 ^c	6 ^c

Notes:

- a Maximum height as defined in table 4 does not supersede any height controls which are defined in adopted planning strategies, policies or schemes.
- b Refer to adopted Structure Plan or Area Specific Plans which sets out development requirements
- c Controls can be varied at time R-AC is introduced into adopted planning strategies, policies or schemes.
- d Residential elements of mixed use development within non R-coded land is to be assessed against R-AC3 provisions
- e Residential development in land zoned "R-IC" is to be assess under the provisions of R-AC3.
- f Plot Ratio defined within R-AC Codes are for the residential component within mixed use development and activity centres

Table 5: Boundary setbacks for sites R80 and greater and R-AC Codes

Width of the lot in metres	≤14	15	≥16
Side setback in metres	3	3.5	4

Notes:

- a Setbacks do not apply to eaves and sun shading devices.
- b Setback requirements in table 5 do not supersede any controls which are defined in adopted planning strategies, policies or schemes.

Figure series 1.0 – Street Frontages

1 – Measuring setbacks

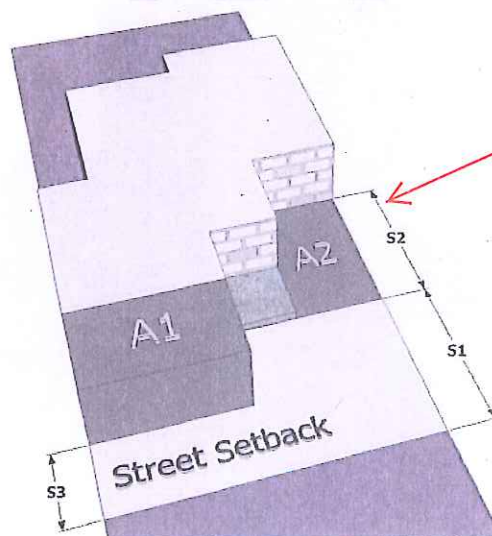
Intent

Development within the street setback is designed to limit the visual intrusion into views from neighbouring dwellings into the street and from along the street.

Design Considerations

- ✓ Open views to the street and from dwellings along the street are the reason why buildings and structures have a setback.
- ✓ Minor intrusions to accommodate architectural features, treatments which add to the character of the dwelling, or to the streetscape are appropriate provided these do not impede the views of neighbouring dwellings.
- ✓ As a general principle garages and carports should be behind the street setback distance or behind other parts of the dwelling, whereas living areas with windows, porticos and verandas may intrude provided these are oriented towards and provide surveillance of the street.
- ✓ Where a dwelling does intrude into the street setback, a portion of the dwelling which either exceeds or is equal to the amount of the intrusion (in m^2) should be set further back from the setback line, to ensure the bulk of the building does not impinge the streetscape, and that the façade is articulated.

Figure 1



Question of value adding. 3D does not add to the 2D diagram.

Notes

- S1 Prescribed street setback distance
- S2 Distance equal to S1
- S3 Reduced street setback (not less than half of S1)
- A1 Areas of incursion into the street setback area
- A2 Compensating area behind prescribed street setback area

Figure series 2.0 – Landform and Heights

2a & 2b– Measuring heights

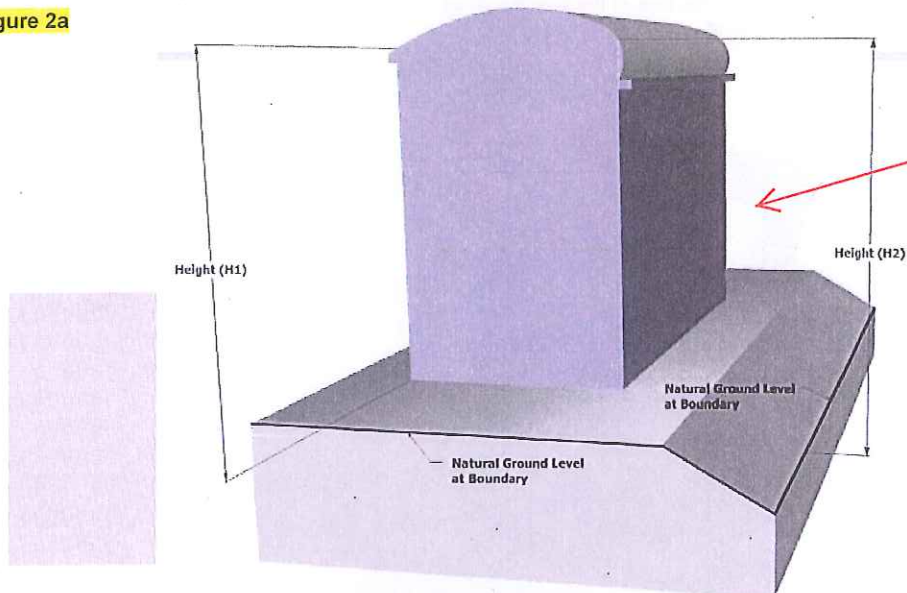
Intent

The purpose of these figures is to illustrate the correct method for measuring the height of walls and buildings in a number of different cases.

Design considerations

- ✓ For the purposes of determining setbacks the following figures illustrate how the height of a wall and building are to be calculated in varying circumstances of topography, and architecture (i.e. where the wall meets the roof surface).
- ✓ The height of the wall adjacent to that boundary (side and rear) should generally be lower the closer that wall is to the boundary.
- ✓ The height of a wall in relation to the setback from the boundary should be measured in terms of its overall impact on an adjoining property.
- ✓ In the case of a boundary wall where this is an existing abutting boundary wall, the proposed wall should match this alignment closely

Figure 2a



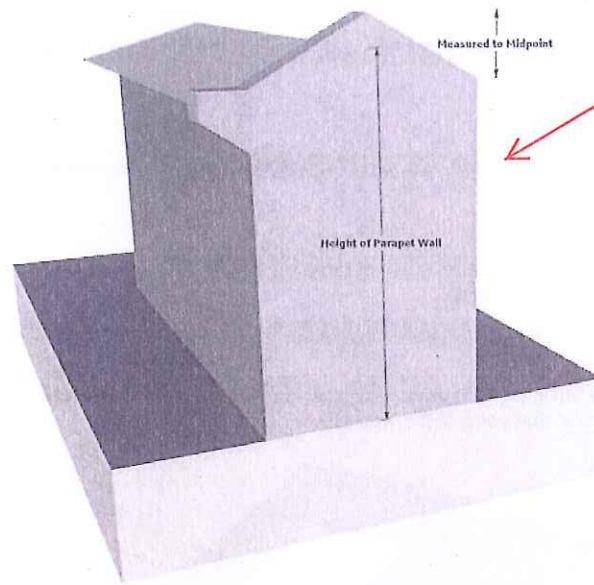
Notes

H1 The height of the wall for the measurement of setbacks is measured from the ground level at the boundary adjacent to the wall to the highest point of the wall or building vertically above that point where the wall touches the roof.

H2 Where the boundary adjacent to the wall is lower than the natural ground level at the base of the wall, the greater height is used

Where the boundary adjacent to the wall is higher than the natural ground level at the base of the wall, the lesser height is used

Figure 2b



3D does not add to the 2D diagram.

Notes

The height of a boundary wall shall be measured to the point immediately above the natural ground level below.

Where the boundary wall is not consistent in height for its length, or comprises a pitch, as in the example Figure 2b, the height shall be measured as the midpoint between the lowest point immediately above the natural ground level below and the highest point immediately above the natural ground level below.

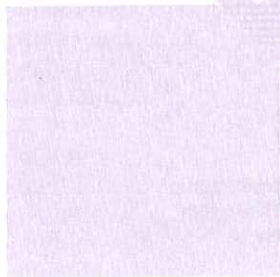


Figure series 3.0 – Side boundaries

3a & 3b – Measuring setbacks for walls on side boundaries

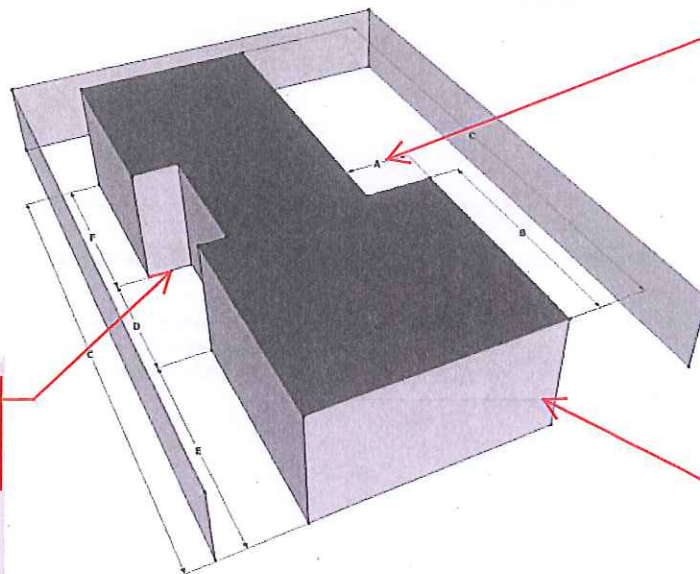
Intent

The purpose of these figures is to illustrate the method for measuring the appropriate setback for a length of wall adjacent to a side boundary.

Design Considerations

- ✓ For long runs of wall it is best to relieve the run by using indented sections, at greater setback distance from the boundary.
- ✓ The formula for determining setback is defined as per the respective dimensions shown in this figure.
- ✓ Height of walls and buildings is calculated from the lowest point of natural ground level at the boundary adjacent to that point of the wall on the building.

Figure 3a



3.0m rule too onerous and never incorporated, 1.5m from the boundary the norm.

Minimum stagger required, suggest 0.5m.

3D does not add to the 2D diagram. Less is more.

Notes:

For the purposes of calculating setback, the length of wall means the total horizontal dimension of the side of the building nearest the boundary. Setbacks shall be determined in accordance with the following and with reference to tables 2a and 2b, subject to the privacy requirements of element 5.8 and 6.4.1:

- Where A is more than 3 m, B shall be treated as a separate wall, providing that the length C shall be the basis for determining the setback of the rest of the side of the building.
- Where the side of a building includes one portion of a wall without a major opening (such as E or F), the setback shall be determined independently providing the setback of the rest of that side of the building is determined on the basis of the total length C.
- Where the side of the building includes two or more portions of a wall without a major opening (such as E and F) their setbacks shall be determined independently of each other provided they are separated from one another by a distance (D) of more than 4 m (in the case of wall heights of 6 m or less) and an additional 1 m for every 3 m increase in height.
- The setback of D shall be determined on the basis of the total length (C).

Sub headings required (e.g. NMO, MO, etc).

Still unreadable.

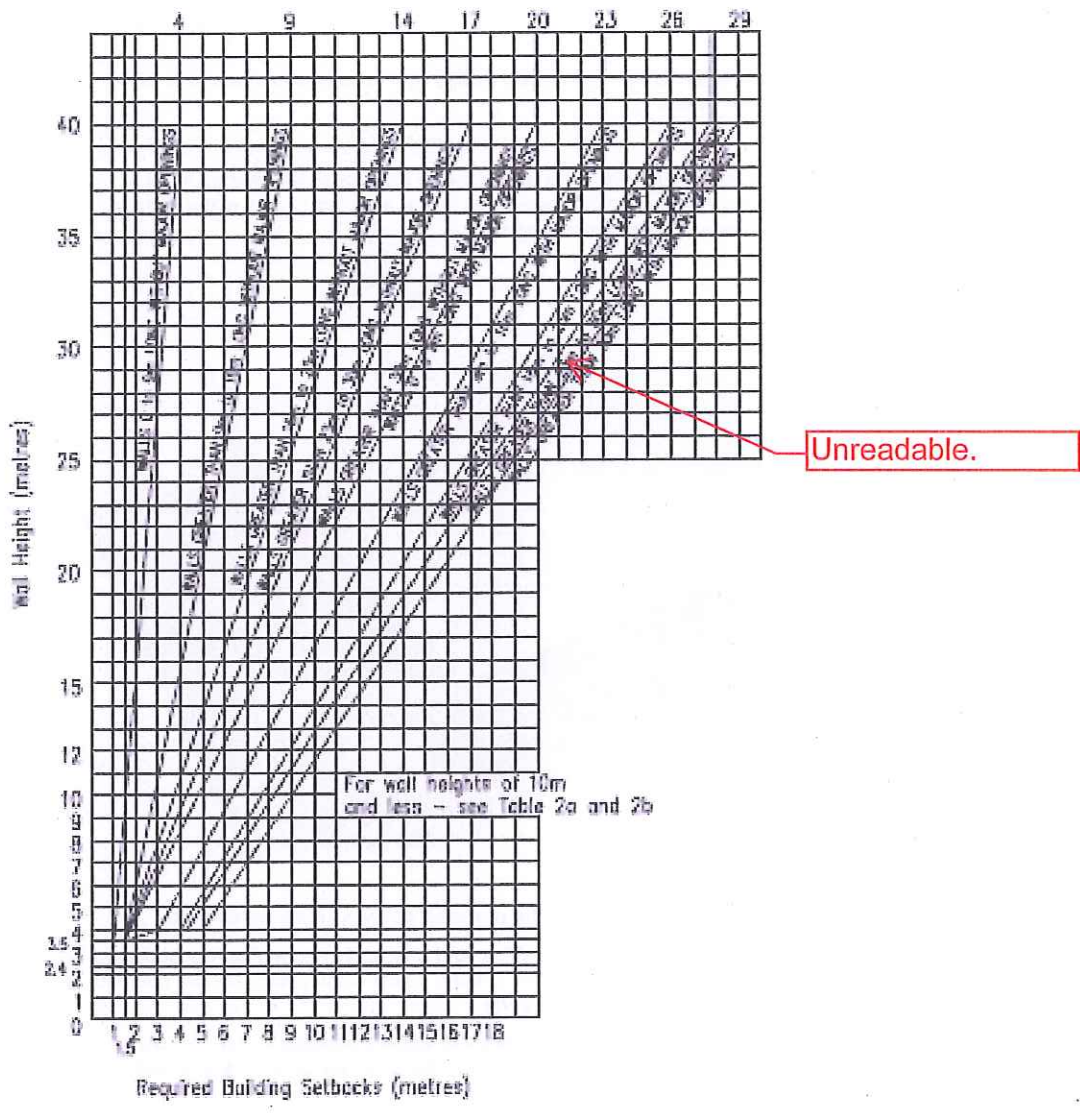
Not clear or assumption that there are only 3 walls. When 4+, then 'bulk' calculation is undertaken multiple times, which is considered counter productive (demonstrated by live testing).

The old Fig. 2e was less used, but very useful to approve designs without Performance Criteria, neighbour consultation and/or Council report process. Suggest reinstatement.

Figure 3b

Boundary Setbacks

Figure 3 - Boundary setbacks



Notes:

1. Intermediate values for wall heights over 10m are to be obtained by interpolation

Figure series 4.0 – Site provisions

Figure 4 – Measuring open space

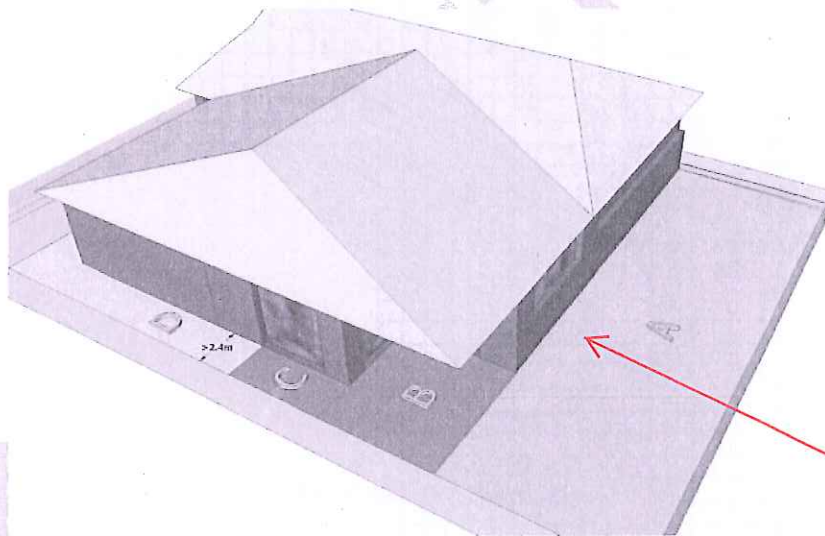
Intent

The purpose of this figure is to illustrate the appropriate design and functionality of portions of the site which may be used for open space.

Design considerations

Where an area of open space is roofed, or is under eaves it may only be considered to count towards open space when it is contiguous to the main open space area, and has a major opening providing physical or visual access from a habitable room.

Figure 4



3D does not add to the 2D diagram.

Notes

- A Uncovered areas can be counted towards the provision of open space within a site.
- B Covered areas, unenclosed on at least two sides; and physically accessible to a habitable room; or contiguous with other areas included in open space calculations; can be counted towards the provision of open space within a site.
- C Covered areas, unenclosed on at least two sides and visually accessible from a major opening to a habitable room can be counted towards the provision of open space within a site
- D Covered areas, unenclosed on at least two sides, not visually accessible from a habitable rooms but with a minimum dimension of 2.4m can be counted towards the provision of open space within a site

Why? Unworkable.

In this diagram, Areas A, B, C and D are counted towards the provision of open space within the site

Where D does not have a minimum dimension of 2.4m, it shall not be counted towards open space

10% / 50m² rule is in in the definition, but not here. Suggest that additional diagram or note advising of other requirements (and where).

Not consistent with the definition.

Unreasonable & unnecessary. Remove.

Figure Series 5.0 – Site provisions

Figure 5 – Driveways and footpaths

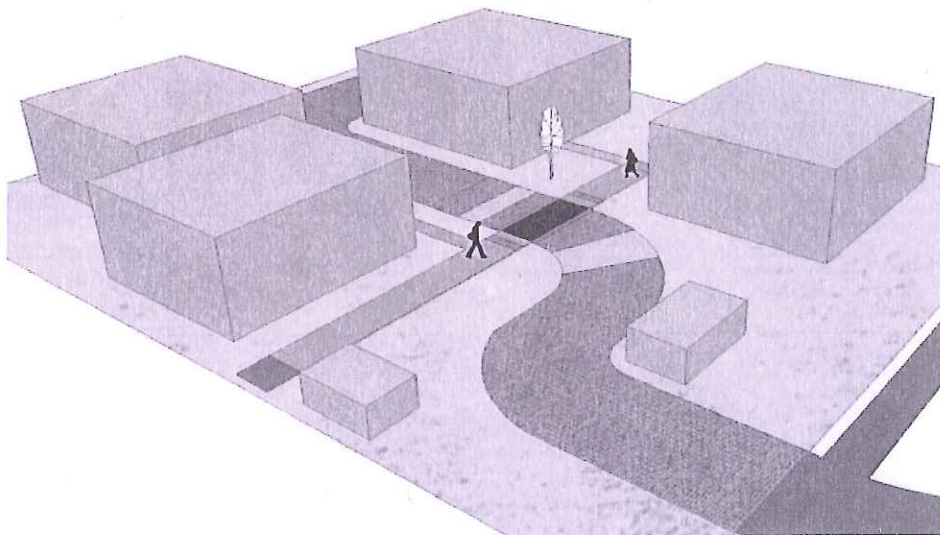
Intent

The purpose of this figure is to illustrate how to ensure that priority of access is denoted by design, to make provision for pedestrian safety and clear lines of sight and slow internal traffic speeds.

Design considerations

- ✓ Crossing grade of footpath take priority over vehicular route.
- ✓ Alignment and sight-lines are to be designed to facilitate pedestrian visibility.
- ✓ Surfaces are to slow traffic and alert pedestrians to the potential for crossing and conflict with vehicles.

Figure 5



Notes

The footpath is designed to directly cross the driveway, at a place where there is a clear line of sight.

The crossing area is differentiated by a change in grade of driveway, rumble strips or other sensitized surfacing, and tactile finish to the footpath to alert vehicles of the need to take care when crossing the footpath.



Structure			Corrective Action
Clause – Issue	Position	Comment	
Consultation Paper 1.4.6 - location of LPP's	Clarification required.	LPP's are to be collocated with the RCodes, where there is a danger that the legal status may be confused. LPP summary sheets located in the RCodes.	Completed overview sheets of Schedule 1 (RCodes) should be placed within the RCodes, but the actual LPPs be separated. Further explanation and rewording.
Consultation Paper 1.5.1 -removal of subdivision provisions	Not agreed.	Separation of subdivisions from the RCodes will result in compartmentalisation of planning legislation or a 'silo mentality'. With many DA's, the site is not a 'given' and density is an integral component of the assessment. The subdivision and DA processes are heavily linked, and compartmentalising could result in disorderly and improper planning.	Discontinue suggested separation.
Explanatory Guidelines -length and separation of the Explanatory Guidelines.	Not agreed.	It is acknowledged that clarification and avoiding misinterpretation of the RCodes is a key objective in the proposed Consultation Paper; and that the proposed Explanatory Guidelines is a fine source of information. However, its length and separation from the design elements will discourage many from reading them. Whilst this may be a consequence borne of the reader, it is however a common occurrence, as identified in p. 3 of the Consultation Paper. Therefore, it is considered that the proposed Explanatory Guidelines will fail the aforementioned objectives.	Condense the Explanatory Guidelines.
2.1.1 Flowchart -Onus on applicant to provide written support of Alternative Design Solution...'	Not agreed.	The revised Codes required that the applicant is to prove compliance with objectives and/or the Design Solution, but all wording refers to 'may include' and should demonstrate'.	Rewording.
3.6 -'Additional supporting information may include...'		It is therefore suggested that the wording of the Codes be specific to require that the applicant shall provide such information. Conversely, arguments could be made that legal responsibility are implied.	
All design elements -Design Solutions- New development should demonstrate...'			

5.10.2 S2.1 & D2.1 -solar collectors	Not agreed.	There is duplication in the Deemed-to-Comply and Design Solutions provisions for solar collectors.	Rewording or merged.
Figure series 1.0, 2.0, 3.0, 4.0 -2D image amended to be 3D.	Not agreed.	The use of a 3D image does not add value over the 2D image (less is more), and stylising threatens clarity.	Revert back to 2D images.
Terminology			
Clause / Issue	Position	Comment	Corrective Action
Consultation Paper 1.4.2 - DAPs vs. ASPs	Agreed.	The terminology of Area Specific Plans (ASP) is supported to differentiate Detailed Area Plans with Development Assessment Panels (DAP).	N.A.
All design elements -Acceptable Development vs. Deemed-to-Comply & Performance Criteria vs. Design Solution	Agreed.	The new terminology should partly remove misconceptions relating to acceptable forms of development.	N.A.
5.1.3 S3.1 -variations to site area requirements: <i>'meet one or more of the following criteria:'</i>	Not agreed.	There is a conflict in an introductory sentence that one or more criteria is to be met, whilst the first criterion is suffixed with 'and'. There is a conflict in the Department's intentions to allow 5% variations as of right, which seems a disorderly method of controlling density, which is inherently structured by the number of dwellings per hectare. For example, an R20 precinct would have an average of right requirement to be developed with no greater than 20 + 5% dwellings per hectare.	All of the criteria should be mandatory. Remove 'one or more' from the text.
5.1.3 S3.1 <i>'...of a lesser minimum site area than that specified in Table 1.'</i>	Not agreed.	The revised document seeks to make a provision to vary minimum and average site areas, however the introductory sentence finishes with a clear reference to vary only the minimum site areas.	The term 'average' be inserted (again).
5.2.1 D1.3i & 5.2.1 S1.2.2 & 5.3.1 D1.iv -what is a minor incursion? -minor incursions vs. minor projections.	Not agreed.	The existing Acceptable Development (AD) of a minor incursion provides guidance as to what one is in terms of form. By deleting this it removes its meaning, lacks clarity and becomes a source of conflict. In addition, the proposed definition section is also silent on this matter. There is a conflict between the Deemed-to-Comply provision which makes reference to minor projections, whereas the Design Solution refers to minor incursions (in the horizontal plane). Furthermore, minor projections are also referred to in the building setback element (in the vertical plane).	Introduce a definition of 'minor incursion'. Remove the term 'minor incursion' from this section.

5.3.2 S2.1 -buildings on boundaries.	Clarification required.	It is unclear as to what the '...values contained in 5.3.1...' means.	Further explanation and rewording.
Attachment 1 -Deemed-to-Comply provisions vs. Definition of Supplementary Accommodation.	Clarification required.	The Deemed-to-Comply provisions vary from the definition of Supplementary Accommodation.	All requirements be mentioned in the definition and/or the Deemed to Comply provisions.
Attachment 1 -car parking requirements	Clarification required.	What is a 'high frequency bus route'?	Include a map from the PTA.
Attachment 1 -open space definition vs. Figure 4	Clarification required.	The definition of open space is very detailed, however it makes no mention of the minimum dimension of 2.4m, as stated in Figure 4.	All requirements be mentioned in the definition and/or the Deemed to Comply provisions.
Attachment 1 -Supplementary Accommodation.	Clarification required.	It could be argued that a Grouped Dwelling is Supplementary Accommodation with Design Solution variations. More thorough provisions are required to prevent exploitation.	Further explanation and rewording.
Explanatory Guidelines p. 27 -Single House vs. Grouped Dwelling.	Clarification required.	It has been noticed that there is sometimes a poor understanding within the development industry of the difference between a Single House and a Grouped Dwelling. Whilst an explanation of the Explanatory Guidelines is a welcomed initiative, the aforementioned explanation could be expanded. A Single House is not exclusive of freehold (green) titles, as discussed in p. 18; whereas reading p. 27 suggests the opposite.	Further explanation and rewording.
Technical			
Clause / Issue	Position	Comment	Corrective Action
3.6(a) & Explanatory Guidelines -justification via Objectives vs. Design Solutions.	Not agreed.	In various locations throughout the proposed RCodes and Explanatory Guidelines, the method of approval is described as either meeting the Deemed-to-Comply provisions or justifying via the 'objectives'. This could be interpreted as meeting the objectives (a generalised term) or meeting the Objectives (the specific Objective for each design element), with the latter being a significant shift from previous versions of the RCodes. In this context, the Design Solution can be skipped in favour of an inappropriately generalised statement which lacks clarity in the extreme and consequently strongly objected to.	Reword all references to the approval method as either via the Deemed-to-Comply or the Design Solutions, not via the objective(s)/Objective(s).

	Not agreed.	The addition of screening unsightly utilities is a welcomed criterion, however further provision is required to ensure that this facility is not exploited, as a solid fence is a high volume development type for DA's.	Expand criterion to control exploitation.
5.3.6 S5 -screening unsightly utilities	Not agreed.		
5.3.1 D1.iv -Building Codes of Australia (BCA) requirements.	Not agreed.	This element, and any conditions that might be imposed as a result, refers to the BCA, which is a building matter covered under separate legislation (the <i>Building Act 2010</i>). It is considered that this requirement is superfluous.	Convert to a note, as has been proposed in element 5.3.
5.10.1 D1.viii -Explanatory Guidelines	Not agreed.	Changing parapet provisions of maximum heights (3.0m to 3.5m), average heights (2.7m to 3.5m) and lengths (9.0m to 12.0m) is quite a significant additional impact to neighbouring sensitive areas. No justification or reasoning has been provided for this change. Making approvals easier for developers is not a substitute for good design and responsive environments. This change does not meet the objective, has no merit and is strongly objected to.	Revert back to old requirements.
5.3.2 -parapet heights and lengths as of right.	Not agreed.	Changing parapet provisions of maximum heights (3.0m to 3.5m), average heights (2.7m to 3.5m) and lengths (9.0m to 12.0m) is quite a significant additional impact to neighbouring sensitive areas. No justification or reasoning has been provided for this change. Making approvals easier for developers is not a substitute for good design and responsive environments. This change does not meet the objective, has no merit and is strongly objected to.	
5.3.2 D2.iv -parapets on both side boundaries	Clarification.	Are parapets on both side boundaries only allowed where both neighbours have parapets?	Expansion.
5.4.2 D2.2 -'adequate' solar access	Clarification.	A requirement for 'adequate' solar access is not clear.	Expansion.
5.5 Objective -car parking & streetscape	Not agreed.	Streetscape is heavily affected by car parking, or the lack thereof, and this needs to be represented in the objective of this element.	Rewording.
5.5.1 D1.1 -reduced car parking requirements	Not agreed.	The reduction in car parking requirement are not supported by empirical data and are therefore unjustified. Furthermore, parking requirements for small dwellings should be further broken-up to reflect varied car ownership patterns in urban, suburban and rural environments.	Research and rewording.
5.5.1 S1 & 5.5.2 S2 & 5.5.4 S4 -recognition of streetscape in car parking criteria	Not agreed.	Streetscape is heavily affected by car parking or the lack thereof; however this is not reflected in the Design Solutions.	Additional criterion.
5.5.4 D4.2.4 -textured / coloured footpaths	Not agreed.	Having textured / coloured footpaths is good theory, however greatest application will not be onsite (i.e. communal), but rather offsite (e.g. public land and infrastructure). Public land and infrastructure needs to be controlled by the Local Authority.	Remove wording.
5.5.4 D4.5.1 -driveway widths	Not agreed.	3.0m width driveway is not sufficient for larger development (or a Single House), which will need previous requirement of 4.0m.	Revert back to 4.0m wide requirement.

<p>5.5.2 S2.1 -Off-site parking criterion.</p>	<p>Not agreed.</p>	<p>The Design Solution enables approval where only two of the Deemed-to-Comply provisions have been met; and 'there will not be an impact to the surrounding area'. Firstly, it is considered that the Deemed-to-Comply provision of legal guarantee of a permanent right of access should be a necessity rather than an option. The compounding effect of discontinued access to car parking in a commercial precinct, <i>after an approval is granted</i>, is significant and highly undesirable. Secondly, all development have impacts upon the surrounding environment, however it is the extent of negative impact that should be the focus of the assessment. Accordingly, it is considered that further explanation is required in this provision. The revised provisions are acceptable; however building heights are controlled by the Scheme in the City of Nedlands.</p>	<p>Further explanation and rewording.</p>
<p>5.7.1 -building heights</p>	<p>Agreed.</p>	<p>N.A.</p>	<p>N.A.</p>
<p>5.8.1 D1.1 -varied importance for visual privacy based upon density coding.</p>	<p>Not agreed.</p>	<p>Visual privacy does not become less important in higher coded areas (R60+), as visual privacy is one of the most contentious issues in a residential development. Some people may have greater tolerances in higher density areas, many will not and have strong objections. Privacy can be assured in almost all forms of development through good design, either as a fundamental part of the design (careful positioning of buildings), or as an additional feature to it (screens etc).</p>	<p>Remove density-specific controls.</p>
<p>5.8.1 D1.1 vs. 6.4.1 D1.1 -visual privacy dependent upon dwelling type</p>	<p>Not agreed.</p>	<p>The provisions for visual privacy for Single Houses and Grouped Dwellings, varies from that of Multiple Dwellings and Mixed Use developments. Privacy is not dependent upon dwelling type.</p>	<p>Align visual privacy across all dwelling types.</p>
<p>5.9.1 S1.3 & D1 6.4.2 S2.1 & D2 -overshadowing.</p>	<p>Not agreed.</p>	<p>There is duplication where the Deemed to Comply provision is the same as the Design Solution, specifically the impact upon neighbouring sensitive areas. If this is intended, it has been experienced that overshadowing impacts upon neighbouring sensitive areas frequently cannot be totally avoided, and not just in medium and high-density precincts. Factors include lot orientation (east – west), neighbouring irregular lot configuration (strata), reasonable building heights (two-storey) and reasonable side setbacks (1.0 – 2.0m). Potentially, it is suggested that the proposed provisions will result in lots not able to be developed to a reasonable level, and undevelopable lots.</p>	<p>Revert to the old wording for only this criterion.</p>
<p>5.11.1 -Special Purpose Dwellings: Ancillary Accommodation vs. Supplementary Accommodation.</p>	<p>Not agreed.</p>	<p>Regarding Special Purpose Dwellings, the Ancillary Accommodation provisions are being replaced with Supplementary Accommodation provisions. The major change is that previously the inhabitants must be family, which is reflected by a restrictive covenant.</p>	<p>Revert to old wording or expand definition to be more restrictive, or consult the community at a comprehensible level, perhaps even workshopped.</p>

		<p>Without this type of control, the proposed provisions are fundamentally altering the dwelling density throughout WA (where lot areas are not less than 450m²). To do so would bypass neighbour, community and Local Government input, and developers would be able to breach density control as of right, to the detriment of governance and the character of the locality. In addition, considerable funding will need to be made available for retrofitting public infrastructure when it is required, including but not limited to sewerage, stormwater, reticulated water, power, telecommunications, road widening (e.g. Stirling Highway), traffic lights, police, fire, ambulances and hospitals.</p> <p>It is considered that this is a radical departure from the RCodes, which is not adequately explained. This change is not even mentioned in the "Key recommendations" or "Previous or 'parked' issues" sections.</p> <p>Furthermore, this would also seem contrary to PB89 Part 7 (2008), which speaks of reversed changes to Aged or Dependant Persons' Dwellings, which is also a Special Purpose Dwelling:</p> <p><i>'...most councils strongly opposed the change on the grounds that a relaxation in the density bonus would lead to the creation of very small houses and inappropriate forms of infill development at odds with prevailing density codes.'</i></p> <p>It is suggested that this type of change will be highly contentious with the community, if such a change was suitably made known. Accordingly, such a radical change without suitable consultation or control could be adequately described as density manipulation and poor governance.</p>	
5.11.2 D2 -Aged or Dependants Persons Dwellings	Clarification required. Not agreed.	<p>'Floor area' is not defined, is it GLA, NLA, etc?</p> <p>The floor areas are being reduced from 100/80m² to 70/60m². The need for this dwelling type is growing and should be encouraged. Appears to be a misconception that this only for single aged persons, rather than also for young disabled persons who need more space.</p>	Definition required. Revert to old sizes.
Figure series 4.0 -open space is too constrained.	Not agreed.	An additional limitation on open space has been introduced, where areas without a minimum dimension of 2.4 are not included in open space. Unreasonable and unnecessary.	Remove requirement.

5.11.3 -Single bedroom dwelling	Agreed	Increase in minimum building size from 60 to 20 m ² .	
Figure series 4.0 -existing Figure 2e has been omitted.	Not agreed.	<p>Although it is used less, existing Figure 2e is a practical method of designing buildings within the scope of the Acceptable Development standards, especially for medium and high-rise buildings. Without exception, such buildings will become non-compliant at a certain floor, which is unavoidable due to the nature of tall buildings. The proposed changes facilitate such structures via a Design Solution variation; however it has proven helpful to use the method facilitated by the existing figure, which can be assessed and approved with the need for a variation and delays involved with neighbour consultation and Council meetings.</p> <p>It is suggested that the figure and accompanying text be reinstated.</p>	Reinstate old Figure 2e and explanatory text.