

## **SUGGESTED IMPROVEMENTS TO THE R CODES, DPS2, COUNCIL POLICIES, AND STRUCTURE PLANS.**

**Note that where sections are not mentioned, then no priority changes are proposed as a matter of urgency**

### **THE RESIDENTIAL PLANNING CODES**

Changes would assist the implementation of the Codes as suggested below. Note that the Codes are passed onto Local Government for implementation by the WAPC. If the Codes were to be altered, change would need to be driven and supported by the WAPC and ultimately approved by the Minister.

Suggested changes are listed in order of the content of the R Codes.

### **PART 2 – GENERAL PROVISIONS**

- 2.2 Definitions. This requires change and expansion. There seems to be a lack of definition and inconsistency with the use of terminology.
- 2.3 Codes Approval Process. This process adds confusion to the types of processes and approvals required to construct houses.
  - 2.3.4 Exercise of discretion. This has been questioned in regard to the gaps or overlap between this and the discretionary clauses of the DPS. In the very least re-drafting may assist to simplify intended interpretation of the clause and the extent of its power.
  - 2.6.1 Local Planning Policies. The WAPC effectively puts a rider over the approval of planning policies to ensure that they are consistent with the R Codes. In some cases, local government may require policies that are not consistent with the R Codes. The R-Codes also restrict what issues local planning policies may cover. Additional flexibility for local government would assist here.

### **PART 3 – DESIGN ELEMENTS**

- 3.1 Element 1 - Housing Density, single bedroom dwellings. The provisions and density calculation would benefit from being redrafted more clearly and concisely, as they are open to interpretation. The standards for subdivision would also benefit from clearer explanation.

- 3.1.1 Site area requirements would benefit from clearer drafting to assist with easy interpretation.
- 3.2 Element 2 – Streetscape. The clause can be confusing and appears to have limited benefit. It appears overly complicated and would benefit from being simplified or reduced in complexity.
- 3.3 Element 3 – Boundary Setbacks. This clause is open to differing interpretations and would benefit from simplified redrafting
  - 3.3.1 Buildings Set Back from the Boundary. This clause should acknowledge the existence of prevailing streetscapes and setback lines, to assist with assessment of applications. Where a development is required to perform to the satisfaction of a second party, it should be the Council, rather than the adjoining neighbour.
  - 3.3.2 Buildings on Boundary. The standards are clear, but are required to have variances regularly. The standard creates a gap for the assessment of development at certain setbacks.
- 3.4 Element 4 – Open Space. Hard landscaping (paving) does not perform the same benefits as soft landscaping and vegetation. The prevailing use of hard landscaping is against Sustainability principles and should be discouraged.
- 3.5 Element 5 – Access and Car Parking. The design of parking spaces needs updating to the Australian Standards and clarification in regard to the provision of visitor parking.
- 3.6 Element 6 – Site Works. The Council has a policy for retaining walls which would benefit from being revisited to align with the Codes
- 3.7 Element 7 – Building Height. This does not accord with Council Building Height Threshold Policy.
- 3.8 Element 8 – Privacy (cone of vision). People do not have a great understanding of this concept. It is hard to work out, hard to explain and restrictive. It is also difficult to implement and is very confusing.
- 3.9 Element 9 – Design for Climate. There are no provisions that relate to this section. The intent overlaps with the Building Codes.
- 3.10 Element 10 – Incidental Development.
  - 3.10.2 External fixture. The potential to enforce this is very limited.

## **PART 4 – SPECIAL PROVISIONS**

- 4.1 Special Purpose Dwellings. Some types of development are not covered by provisions.
- 4.2 Mixed Use Developments. The Codes do not align with the pre-existing City Centre Structure Plan and the connection to the DPS is unclear and the provisions overlap. Figures 2D and 2E (page 115) are ambiguous.

## **DISTRICT PLANNING SCHEME 2**

The following suggested changes to DPS2 could assist with interpretation of the DPS and improving its inter-relationship with other standards.

### **PART 1 – PRELIMINARY**

- 1.9 Interpretation. New terminology is required to be defined in this section to avoid confusion and misinterpretation.

### **PART 2 – RESERVES**

- 2.4 Local Reserves. There are no development standards for local reserves and land use is regulated only by assessment of an application in the context of the intent of the reservation. This is similar to other Councils and accords with the Model Scheme Text. With Bush Forever, there may be a need to show Bush Forever in the scheme. This will be determined by State Government.

### **PART 3 – ZONES**

- 3.1 Classification. As the City of Joondalup no longer has any Rural Zones, this classification can be removed from the DPS.
  - 3.3.3 The “Special Use Zone” is redundant and not used. This can be removed from the DPS.
- 3.4 The Residential Zone - the provisions would benefit from rewording to add clarity.
- 3.6 The Business Zone. Modifications would assist in relation to the intent of the zone and reference to permitted land uses.

- 3.7.3 Changes would assist with this clause of the DPS and the related schedule that limits floorspace on commercial lots. Not all lots have floor space determined within the DPS.
- 3.9 The Private Clubs/Recreation Zone. This requires the establishment of some planning objectives and guidelines.
- 3.10 The Service Industrial Zone - (Joondalup Business Park). It is difficult to evaluate certain types of land use in this zone due to the evolving nature of retail operations and the increasingly blurred division between retail, warehouse and showroom land uses. Redrafting may assist with the application of this clause.
- 1.10 The Centre Zone. This clause could benefit from redrafting and assessment of the differences and similarities with the Commercial zone and its objectives.
- 1.11 The Urban Development Zone. The intent seems sound, although the prevalent use of Structure Plans adds complication to assessment of development across the City and, if possible, it would be advantageous to reduce the number of references required to assess developments. The clause could benefit from some clarity in this regard.
- 3.17 The Special Use Zone (Schedule 2 – Section 3). This can be removed.
- 3.18 New Development around Existing Railway Stations. This clause is misplaced and needs to sit with the General Intent of the DPS.

#### **PART 4 – GENERAL DEVELOPMENT REQUIREMENTS**

- 4.1 Exclusions - Could benefit from re-wording to assist with clarity. Reference to the Rural Zoning can be removed.
- 4.2 Residential Planning Codes. It is noted that the wording is derived from the MST but it needs to be altered to reflect the new (2002) R Codes.
  - The automatic coding of Structure Plan areas requires revision and reconsideration.
- 4.3 Special Application of Residential Planning Codes. It is unclear as to how this fits into the DPS. A review of this aspect could be done to reflect new R Codes
- 4.3 Home Business. The controls and ability to remove approvals should be examined
- 4.4 Variations to Site and Development Standards and Requirements. This needs a review as it pre-dates the new R Codes, but now relates to them. The relationship to Structure Plans would also benefit from clarification as this has been questioned in the past. The evaluation of amenity impact requires re-wording.
- 4.6 Environmental Conditions. This clause needs to be checked for alignment with the Environmental Protection Act and required referral practices for applications.

- 4.7 Building Setbacks for Non Residential Buildings. The clause could be redrafted to give flexibility and provide greater guidance for developments.
- 4.12 Landscaping Requirements for Non Residential Buildings. The advantages of soft and hard landscaping need to be examined and reflected in the DPS.

#### **PART 5 – SPECIAL CONTROLS**

- 5.1 Control of Advertisements. Defined standards are required. The City has the opportunity to regulate this by local law, DPS controls, or through policy and this needs to be resolved.
- 5.3 Landscape/Environment Protection. The clause may require reviewing, pending the finalisation of the Bush Forever initiatives by the WAPC.

#### **PART 6 – DEVELOPMENT AND USE OF LAND**

- 6.1 Application for Planning Approval - this is standard MST clauses.
  - 6.1.3 (b) Clause needs to be simplified to show where DAs are required for single house applications.
  - 6.1.3 (e) Clause requires redrafting to simplify and clarify intent - “Increase Floor Space” - a DA is required, but this is not written here. Needs to be re-written to reflect this.
- 6.5 Deemed Refusal. It is unclear “who” has the authority to deem a DA as refused. This should be clarified.
- 6.6 Dealing with “P”, “D”, “A” and “X” Uses. The clause would benefit from stating when a DA is required for a change of use. In some cases, the question has arisen where a tenancy has altered but within the same use category.
- 6.7 Public Notice. Advertising requirements for “D” uses could be clearer in terms of the detailed requirements.
- 6.8 Matters to be considered by Council. The clause could be simplified with the aspects listed together, rather than spread into different clauses.
  - 6.12.1 Planning Approval and R Codes approval need to be shown here.

The Council reviews its own policies annually and also as a component of the application of policies to applications that test the logic and suitability of them on a very regular basis. Current policies and suggested enhancements are listed below.

### 3.1.1 Child Care Centres

- Only relates to the development in residential areas.
- No standards or objectives etc in non-residential areas.
- Policy does not deal with signage.
- Policy includes standards that might be best situated in the DPS, but this requires evaluation.

### 3.1.3 Alfresco dining

- Relatively new policy
- Still being 'tested'

### 3.1.6 Uniform Fencing

- Ongoing maintenance of estate fences is an issue.
- The issue of property owners wishing to modify estate fences is not covered or requirements are unclear.

### 3.1.7 Retaining Walls

- Requires review and alignment with 2002 R Codes requirements

### 3.1.9 Height & Scale of Buildings

- Difficult to interpret / understand / implement.
- Most customers do not understand requirements.
- Does not align with R Code standards.
- Conflicts with R Code setback standards.
- Approval process is seen as complex by some applicants
- Advertising requirements may be excessive for minor encroachments of the BTE.
- Performance review of policy required and assessment of R Codes provisions suitability also required.

### 3.1.11 Home Business

- Parking requirements unclear / not articulated in the clearest manner.

### 3.1.12 Cash in Lieu

- Cost of bays requires review.
- Policy not reviewed since introduction of DPS2, therefore reference to DPS2 clauses are incorrect.

### 3.1.13 Telecommunication Facilities

- Relatively new policy.
- No known problems.

### 3.1.14 Building Setbacks

- New policy.
- Still being 'tested'.

### 3.2.4 Carine Glades Mews, Duncraig

- Not reviewed since introduction of new R Codes and DPS2.
- No known problems

### 3.2.5 Waterview Estate, Kingsley

- No known problems.

### 3.2.6 Subdivision Adjoining Public Open Space

- No known problems.

### 3.2.7 PAWs

- No known problems.

## STRUCTURE PLANS

### General

- The general intent and vision of the current Structure Plans is usually quite clear.
- The specific wording of the different Structure Plans has presented some confusion in regard to interpretation and implementation of the various development control provisions.
- The general issue is that of alignment between the Structure Plans, DPS2 and R Codes. This is particularly the case with the new R Codes, where a new format (ie the use of ‘acceptable’ and ‘performance’ criteria) is being used.
- Various challenges have been made to the implementation of Structure Plans (in particular the JCCDPM), which has lead to an increase in the need for legal advice to ensure that discussions are legally tight.
- This ‘splitting hairs’ approach has resulted in considerable additional officer time and resources in progressing development applications in these areas.
- With new Structure Plans, reference can be made to the R Codes, which has lead to clever provisions within the Structure Plans.

### Joondalup City Centre Development Plan & Manual

- The reading of this document has become very literal, where this may not have been the intent when the document was drafted in the early 1990s.
- The document does not relate clearly to the DPS2 or the R Codes and it is therefore problematic how to implement the Structure Plan.
- The performance eof the SP in terms of built outcomes is occurring as intended, however, with changes to the R Codes and DPS, the approvals of development consistent with the intended form of development requires increasingly more performance evaluation and use of discretion by the Council
- The SP requires a review to align with contemporary needs, to align with new policies and standards and to maintain the desirable built form objectives included in the original JCCDPM.