

**Submission on the Review of the Residential Design Codes****GENERAL COMMENTS**

- There is an inconsistency in some terminology used – Local Planning Schemes should be referred to as such throughout the document – not Town Planning Schemes as is the case in a number of instances.
- Wherever possible, deemed to comply solutions should be definitive figures or standards, to ensure that these are able to be easily understood by all users of the Codes, and able to be readily applied. Some ‘deemed to comply solutions’ as drafted are highly subjective and do not achieve the objectives of this review in terms of providing greater clarity.
- Some of the wording used throughout the document is quite technical and may be difficult for landowners to understand.

**Feedback Sought By WAPC:**

The following comments are made in relation to the areas where feedback has been specifically sought by the WAPC:

<b>Feedback Sought</b>	<b>Submission Comment</b>
Terminology changes and additional clarification on how to use the provisions	<ul style="list-style-type: none"> <li>• The City is not concerned about the proposed changes to terminology such as ‘deemed to comply’, ‘design solution’ etc.</li> </ul>
Possible removal of subdivision controls and more appropriate location within the planning policy framework.	<ul style="list-style-type: none"> <li>• The City is concerned that these elements should not be considered in isolation given that dwelling design can impact on lot configuration and vice versa.</li> <li>• Notwithstanding the above comment, the City does not object to the proposed change provided that there is some onus for both documents to be considered as necessary.</li> </ul>
R-Codes vs Lot Sizes	<ul style="list-style-type: none"> <li>• The proposed change appears unnecessary, and likely to complicate the assessment process.</li> <li>• The proposed change could penalise those who have specifically purchased a larger property within an area.</li> <li>• It is not completely clear how this would apply to sites capable of accommodating two or more grouped dwellings – would this be based on the total lot size, or the size of the lots based on indicative boundaries?</li> </ul>
Use and format of Detailed Area Plans	<ul style="list-style-type: none"> <li>• The City does not have any Detailed Area Plans and as such is unlikely to be immediately impacted by the proposed changes.</li> </ul>
Use, format, and accessibility of Local Planning Policies	<ul style="list-style-type: none"> <li>• The City supports the approach that Planning Policies should only be put in place to deal with specific circumstances, and to assist in the delivery of good</li> </ul>

Feedback Sought	Submission Comment
	<p>outcomes that may not otherwise be achieved through the application of the R-Codes.</p> <ul style="list-style-type: none"> <li>• A template for the development of Local Planning Policies is viewed as a positive step as it will remove inconsistencies between Local Governments and provide guidance to the appropriate form and content of these documents.</li> </ul>
<p>Changes to the provisions, in particular those relating to overshadowing, privacy, ancillary accommodation and minimum parking requirements.</p>	<ul style="list-style-type: none"> <li>• Overshadowing – further clarity is required on these provisions as set out below.</li> <li>• Ancillary Accommodation – the change in terminology and the removal of the restriction for this to be used by a family member is considered acceptable. Further clarifications are required as set out below.</li> <li>• Minimum Parking Requirements – the reduced parking standard for a three (or more) bedroom dwelling is not supported. These reduced standards would be more appropriate to be considered as design solutions rather than deemed to comply provisions.</li> <li>• Please also refer to comments below.</li> </ul>

## ISSUES

Comments on specific clauses of the Draft R-Codes are provided below:

Clause No.	Submission Comment
<p>2.5.5 (<i>exercise of judgement</i>)</p>	<ul style="list-style-type: none"> <li>• This clause should be reworded to say that Local Planning Policies will only be considered where they are consistent with the objectives of the R-Codes rather than the provisions as is currently stated. This is because the intent of a Local Planning Policy will be to achieve area specific outcomes, and it may be necessary for the provisions to be significantly different to those in the Codes for that to be achieved.</li> </ul>
<p>3.2 (<i>applications for codes approval</i>)</p>	<ul style="list-style-type: none"> <li>• Part (a) of this clause should read parts 5 or 6, not parts 5 and 6. Both of these parts of the R-Codes will not be applicable to a development.</li> <li>• It is unnecessary for this clause to be broken down into three parts in order to explain one scenario.</li> </ul>
<p>4.1 (<i>consultation requirement</i>)</p>	<ul style="list-style-type: none"> <li>• The rewording of this clause provides better clarity on the circumstances under which adjoining owners should be consulted.</li> </ul>
<p>5.2.1 (<i>setback of buildings generally</i>)</p>	<ul style="list-style-type: none"> <li>• Clarity needs to be provided in the document as to whether a minor incursion (d1.3) can come forward one metre from the setback line, or one metre further forward than the minimum that may be achieved under this same clause.</li> <li>• D1.3 should read minor incursion rather than</li> </ul>

Clause No.	Submission Comment
	<p>minor projection.</p> <ul style="list-style-type: none"> <li>• Clarification needs to be provided in the explanatory guidelines about what does, and does not, constitute contiguous open space? ie. should areas behind buildings, or solid front fences be included if otherwise within the compensating area as this does not seem to achieve the intent of the provision.</li> <li>• The references to the minor incursions clause are incorrect in the explanatory guidelines which will present confusion for users of the R-Codes.</li> </ul>
5.2.2 ( <i>setback of garages and carports</i> )	<ul style="list-style-type: none"> <li>• D2.4 conflicts with Clause 5.2.1 in that 5.2.2 seemingly allows a carport to come to the front boundary, whereas 5.2.1 requires it to be set back in accordance with the minimum set back provisions. This problem resulted when the wording 'other than carports and garages' was removed from the beginning of clause 5.2.1 in the drafting of the 2008 R-Codes.</li> </ul>
5.2.5 ( <i>street walls and fences</i> )	<ul style="list-style-type: none"> <li>• It may be appropriate for this clause to include a reference to clause 5.2.6 to ensure that fence designs incorporate adequate vehicle sightlines.</li> </ul>
5.3 ( <i>boundary set-back requirements</i> )	<ul style="list-style-type: none"> <li>• There has been no further clarification provided on the term 'up to a boundary'. This concern has previously been raised by the City as it is not clear whether buildings that do not meet the deemed to comply standard should be assessed against the design solutions of 5.3.1, or the deemed to comply standards of clause 5.3.2. This is especially problematic where ground floor setbacks satisfy the deemed to comply standards of 5.3.1 but upper floor setbacks do not as it would seem inappropriate for these to be treated as a building on the boundary.</li> </ul>
5.3.1 ( <i>buildings set back from the boundary</i> )	<ul style="list-style-type: none"> <li>• The amendment to this clause to include a reference to the BCA introduces an additional onus on planners to have a good working knowledge of legislation other than planning knowledge. It also directly conflicts with the intent of the R-Codes review for the Codes to not control anything that is already set out in other legislation.</li> </ul>
5.3.2 ( <i>buildings on boundary</i> )	<ul style="list-style-type: none"> <li>• The increased height and length proposed as part of this review seem excessive.</li> <li>• It is suggested that the Department consider removing the average height control, and a maximum height control only is used; or alternatively, that the average height standard be maintained at 2.7 metres.</li> <li>• D2 (iv) is unclear as to whether both boundary</li> </ul>

Clause No.	Submission Comment
	<p>walls are required to abut existing walls, or only one.</p> <ul style="list-style-type: none"> <li>• These provisions do not allow for a boundary wall to a rear boundary. Is this the intent?</li> <li>• S2 uses different terminology to that used throughout the document. Are the 'values' referred to actually the design solutions contained in S1? If this is the case, it seems that it would be difficult to argue that a boundary wall reduces the impact of building bulk on a neighbouring property where it does not satisfy the deemed to comply standards.</li> </ul>
5.3.3	<ul style="list-style-type: none"> <li>• This clause has been poorly reworded, and is now very subjective. It is unclear as to when the deemed to comply standards are actually met or not and does not improve clarity or understanding for any R-Codes user.</li> <li>• A planner should not be required to make a decision about whether a retaining wall is legitimately required or not.</li> <li>• Furthermore, the references to the other clauses seem to render this clause somewhat unnecessary. This could all be assessed against 5.6.1.</li> <li>• This clause should state that 'where retaining walls exceed 500mm as measured from natural ground level...'</li> <li>• The explanatory guidelines seem to contradict the provision.</li> <li>• S3 requires a retaining wall to be 'engineered' it is not clear to what extent this is required, and is again outside of the scope of planning legislation. Furthermore it is not set out what is considered to be adequate landscaping.</li> </ul>
5.4.2 ( <i>outdoor living areas</i> )	<ul style="list-style-type: none"> <li>• There is no guidance provided about what is, and is not, considered to be 'adequate solar access'.</li> </ul>
5.4.5 ( <i>landscaping requirements</i> )	<ul style="list-style-type: none"> <li>• D5 (vi) should read 'communal open space' not 'communal public open space'.</li> <li>• D5 (vii) should be reworded to say 'landscaping shall not restrict vehicle sightlines in accordance clause 5.2.6'.</li> </ul>
5.5.4 ( <i>vehicular access</i> )	<ul style="list-style-type: none"> <li>• This should be reworded to make it clearer that it is the driveway that needs to be an alternative texture, not the footpath.</li> <li>• The majority of S4 should be contained within the explanatory guidelines rather than in the design solution.</li> </ul>
5.6.1 ( <i>excavation or fill</i> )	<ul style="list-style-type: none"> <li>• These provisions are highly subjective and extremely unclear. This will make them difficult to implement as there is insufficient guidance on how developments should be assessed.</li> <li>• The provisions are more confusing than the existing provisions, with the design solution</li> </ul>

Clause No.	Submission Comment
	being easier to interpret and a more definite standard than the deemed to comply solution.
5.8.1 ( <i>visual privacy</i> )	<ul style="list-style-type: none"> <li>• D1.1 should refer to natural ground level not finished ground level. Finished ground level is incorrect, and is also not defined under the R-Codes.</li> <li>• D1.1 should allow for the provision of either permanent vertical or horizontal screening.</li> <li>• D1.2 should set out the minimum height for screening above the finished floor level.</li> <li>• D1.3 – The City does not support this change as these areas still do not constitute ‘habitable rooms’ and it is subjective as to whether there is ‘the potential to impact on neighbouring amenity’. Furthermore, if these requirements are to be included, applicants should have the option to set these windows back a certain distance but clear glazed the same as with other windows (without having to have such a development assessed against the design solutions).</li> </ul>
5.9.1 ( <i>solar access for adjoining sites</i> )	<ul style="list-style-type: none"> <li>• The clause is too subjective. How will it be determined what will and will not adversely impact on an existing outdoor living area etc?</li> </ul>
5.10.1 ( <i>outbuildings</i> )	<ul style="list-style-type: none"> <li>• The reference to the BCA again suggests that the assessing officers will need to look at applications against legislation other than the R-Codes.</li> <li>• Does D1 (viii) exempt outbuildings from the requirement to meet the provisions of either 5.3.1 or 5.3.2, and if not, should it?</li> </ul>
5.10.2 ( <i>external fixtures</i> )	<ul style="list-style-type: none"> <li>• S2.1 should be a deemed to comply provision rather than a design solution.</li> </ul>
5.11.1 ( <i>supplementary accommodation</i> )	<ul style="list-style-type: none"> <li>• Also refer to comments above.</li> <li>• Is it possible to amend D1 so that it does not use the terminology ‘an additional dwelling’ so as to reduce confusion about the development potential of sites.</li> <li>• In relation to D1 (v) it is noted that the City generally does not allow for Ancillary Accommodation to be separately fenced off which is implied as a requirement in this instance.</li> <li>• The design solutions lack clarity.</li> <li>• The reference to Ancillary Accommodation in the explanatory guidelines has not been corrected.</li> <li>• The reference in the explanatory guidelines in relation to meeting the requirements for grouped dwelling development is not considered appropriate and could again, lead to confusion.</li> </ul>

Clause No.	Submission Comment
<i>Part 6 – Multi Unit Housing Code</i>	<ul style="list-style-type: none"> <li>• The City has not utilised these provisions as yet to facilitate detailed comment on the proposed changes.</li> <li>• Refer to retaining wall comments above.</li> </ul>
<i>Part 7 – Local Planning Policies</i>	<ul style="list-style-type: none"> <li>• Refer to comments above.</li> </ul>
<i>Definitions</i>	<ul style="list-style-type: none"> <li>• The definition of driveway should include a reference to ‘the boundary from which vehicle access is being taken’.</li> </ul>
<i>Tables</i>	<ul style="list-style-type: none"> <li>• The City has no comments on the amendments made within the tables.</li> </ul>
<i>Figures</i>	<ul style="list-style-type: none"> <li>• The 3 dimensional diagrams do not assist in the legibility. Figure 3 is more difficult to read than the previous 2D version.</li> <li>• Figure 1 no longer makes a reference to not including a side setback area in the compensating space. Is this the intent?</li> <li>• H2 in Figure 2a seems unnecessary, as H1 could simply state that the height of the wall is measured from natural ground level at the adjacent boundary irrespective of whether this level is higher, lower, or the same as at the base of the wall.</li> <li>• Is the boundary wall height demonstrated in figure 2b intended to be maximum wall height, or average wall height, or both? (refer also to comments above).</li> <li>• It is suggested a diagram demonstrating measuring building height of a dwelling with a skillion roof would be a useful addition to these figures.</li> <li>• Clarification needs to be provided in relation to point 1 of the notes relating to figure series 3. Does this only apply to two portions of wall, both without major openings?</li> <li>• Figure Series 4 – point D of the notes is not supported by the City. The impact on adjoining properties and the subject property is not dramatically altered based on whether land is visible from a major opening or not. This will prevent side setbacks of 1.0- 2.4 metres being included in open space which does not seem appropriate.</li> </ul>