

STATE PLANNING POLICY 7.3

INTERIM REVIEW OF

RESIDENTIAL DESIGN CODES,

VOLUME 1

Submissions Summary Paper

May 2021

1. INTRODUCTION

In May 2020, the Western Australian Planning Commission (WAPC) approved an interim review of Volume 1 of the Residential Design Codes. The interim review was initiated as part of the WA Government's Action Plan for Planning Reform to assist with economic recovery from the COVID-19 pandemic.

The focus of the interim review was on:

- Addressing provisions that commonly trigger development applications for single houses and additions to single houses, where there is little or no value in undertaking this additional layer of assessment;
- Simplifying provisions to enable more consistent interpretation and streamlined assessment;
- Amending provisions to address common design and development issues that have led to some local governments adopting supplementary local planning policies to address those issues.

2. PUBLIC CONSULTATION OVERVIEW

The proposed amendments were advertised for public comment between 11 July and 11 September 2020.

97 submissions were received from a range of stakeholders.

The breakdown of submitters was as follows:

Local Government	42
Developer / builder	10
Consultant	13
Landowner / homeowner	31
Other	1*

* Department of Mines, Industry Regulation and Safety

Following the closure of the public consultation period and review of the submissions, a recommendation for amendments to the R-Codes was presented to the WAPC at its meeting of 9 December 2020 together with a summary of the themes from the public submissions.

The WAPC's final approved amendments take into account the stakeholder feedback from the public consultation. This report formally summarises this feedback providing a record as to how it has been responded to in the final approved amendments and the report will be published once endorsed.

3. PUBLIC CONSULTATION FEEDBACK

General

Many comments generally supported the intent to reduce the number of applications requiring development approval and to streamline assessments through simplified provisions.

However, it was also suggested that there be a transitional period before the amendments become operational, and that this coincide with the timeframe for the housing stimulus package (originally intended to conclude on 13 December 2020, however, the requirement to commence construction has been extended to 12 months from the date of the contract).

Action: The amendments will be gazetted and become operational on Friday 2nd July 2021. This deferred timeframe is to allow stakeholders, including local government, the residential building industry, and homeowners, a transitional period to adjust to the amended provisions.

The advertised amendments proposed to incorporate the R-MD provisions from Planning Bulletin 112/2016 'Medium-density single house development standards – Development Zones', into the R-Codes. Concerns were raised as to whether the incorporation of these provisions into the R-Codes would invalidate local planning policies, structure plans, and local development plans that currently apply R-MD provisions.

Action: It was determined that the review of the R-MD provisions was beyond the scope of the interim review and that this type of change would be best considered as part of the work on the draft Medium Density Code

The advertised amendments proposed to remove the requirement for development applications to apply for single house development on lots less than 260m². This amendment, which is consistent with the *Planning and Development (Local Planning Schemes) Regulations 2015*, was mostly supported.

Action: In response to the submissions, Clause 2.3, requiring development approval for single house development on lots less than 260m², was deleted (**Amendment 2**).

5.1 Context

The advertised amendments to clause 5.1.2 Street Setback, C2.1 and C2.4 proposed that carports, verandahs, porches, balconies and equivalent be allowed forward of the setback without the requirement for averaging. A majority of respondents supported the proposed amendments to C2.1 and C2.4.

Action: In response to the submissions, the above proposed amendments were proceeded with (**Amendments 6 and 7**).

The advertised amendments to clause 5.1.3 – Lot Boundary Setback, C3.1, proposed to introduce a simplified method for calculating wall heights as per a new Table 2.

Whilst there was general support for the proposed simplified method of calculation, concern was raised that the changes could result in long, unarticulated walls and that the proposed revised setback distances would actually result in a larger setback to second storey walls without major openings. There was however support for a reduced setback being introduced for the ground floor level of dwellings.

The advertised amendments to C3.1, also introduced a provision to allow lot boundary setbacks for patios, verandahs or equivalent, to be reduced to 0m to the lot boundary. This

change was supported subject to the requirement that the roof to these structures be setback from the lot boundary, consistent with National Construction Code (NCC) requirements.

The advertised amendments also proposed to vary C3.2 by removing the 3.0m average height requirement for boundary walls. This change was well supported, and a number of respondents requested a further amendment to allow boundary wall to two side lot boundaries as this was identified as a common trigger for development applications.

Action: In response to the submissions, the simplified lot boundary setbacks of proposed Table 2 did not proceed, however, Table 2a was amended to reduce the setback for single storey height walls (**Amendment 44**).

Further, boundary walls provisions were amended to remove the average height calculation requirement and to allow boundary walls to two site boundaries as deemed-to-comply (**Amendment 9**).

Lot boundary setback requirements for patios, verandahs and the like, were reduced to 0m in the final adopted amendments, with the requirement for roofing to be setback 450mm (**Amendment 8**).

The advertised amendments to clause 5.1.6 Building Height C6 proposed to increase the maximum permissible building heights to accommodate modern building standards. The amendments also proposed a simpler calculation of wall heights for gable and skillion roofs, to avoid inconsistent calculation methods.

Respondents provided mixed opinions, with some supporting the additional building heights while others raised concerns about potential building bulk and overshadowing impacts of additional height and found the proposed new table for building heights were potentially confusing.

Action: In response to the submissions, the advertised amendments to clause 5.1.6 did not proceed. However, a revised Table 3 and additional figures were adopted that improve clarity of the wall and total building height (for different roof profiles) requirements (**Amendment 45**).

Comments regarding overshadowing were noted, however, it was also noted that the current height limits do not support contemporary building designs (with improved internal volumes) and this is a common DA trigger. Furthermore, it was considered that the additional permissible height would not preclude an application from having to address the overshadowing provisions.

5.2 Streetscape

To reduce the visual impact of garages on streetscapes, the advertised amendments to clause 5.2.1 Setback of garages and carports C1.1 proposed garages to be setback in accordance with the primary street setback (current provision allow garages to be setback 4.5m from primary street setback), with the potential reduction of up to 50 per cent only where the garage is located at least 0.5m behind the dwelling alignment. This change received good support from local government but was less favoured by the residential building industry due to the potential disruption to standard building designs. It was also noted by some respondents that the proposed reduced garage setbacks would exacerbate

the existing issue of parked vehicles overhanging footpaths and obstructing pedestrian access.

Action: The proposed changes to clause 5.2.1 C1.1 did not proceed with due to the above feedback received.

The amendments also proposed to change clause 5.2.2 Garage Width by prohibiting garage doors to single storey dwellings from exceeding 50% of the frontage, whereas the existing clause only applies this limitation where the garage is located in front of or within 1.0m of the dwelling frontage. This change was supported, as was the change allowing a garage door to extend across 60% of a two-storey dwelling, where there is a balcony / upper floor that extends for more than half the width of the garage. Submissions suggested carports should be allowed to extend across a greater percentage of the frontage, compared to garages.

Action: The proposed changes to clause 5.2.2 were retained in the final amendments and a further amendment introduced to allow carports to extend across 60% of the frontage as deemed-to-comply (**Amendment 15**).

The amendment to clause 5.2.4 Street walls and fences, allowed solid pillars to form part of the deemed-to-comply front fence profile. This amendment was supported, however, some respondents found that the proposed inclusion of a minimum separation distance of 1.5m between front fence pillars (infill panelling) was overly prescriptive.

Action: The proposed amendments to clause 5.2.4 were retained (**Amendment 16**), with the additional inclusion of a maximum pillar width (400mm by 400mm) to discourage extra wide pillars and maintain sightlines (**Amendment 17**).

5.3 Site planning and design

The advertised amendments to clause 5.3.1 Outdoor living areas, proposed increasing the minimum outdoor living area ('OLA') to 32m² across all density codes and reducing the minimum open space requirements by 5% for all density codes. Clarification of the minimum dimension required across all areas contributing to the OLA was also proposed.

Additionally, it was proposed that the OLA be integrated with the dwelling's 'primary living space' (a new introduced definition), to promote better connectivity between the central living part of the dwelling and the main outdoor area, and for it to be clarified that the minimum 4.0m dimension for OLAs is to be applied to all areas that contribute to the OLA. This change was proposed to achieve better quality outdoor areas, recognising that many developments were roofing much of the OLA and counting side setbacks and other unusable narrow tracts of land as part of the OLA calculation.

There was a mix of responses to the proposed increased minimum size of OLAs, with local governments and landowners/homeowners mostly in support, and developers and consultants mostly objecting due to potential disruptions to standard house designs. Some respondents recommended a sliding scale, with the minimum required OLA size decreasing as density codes increased.

Action: The proposed increase to the minimum OLA did not proceed with due to the above feedback. As the proposed 5% reduction to the minimum open space was contingent upon the increased OLA requirements, this requirement also did not proceed.

A new figure clarifying that 4.0m is the minimum required dimension in order for an area to contribute to the OLA, together with the requirement for OLAs to be connected to the primary living space of the dwelling, were included (**Amendment 79**).

The advertised modifications requiring a tree for every two bays, instead of every six bays of uncovered car parking (clause 5.3.3 C2.1), was not supported by respondents due to the perceived impact this change would have on a site's developable area.

Action: A revised ratio of one tree for every four uncovered car parking spaces was adopted in response to the feedback (**Amendment 25**).

Within the advertised amendments, clause 5.3.2 Landscaping C2.2 proposed that at least one tree planting area be allocated per dwelling. Respondents requested that, so as to improve canopy cover, the provision be strengthened by also requiring a tree in addition to a designated planting area for the tree.

Action: In response to the submissions, the provision was modified to require a tree and a tree planting area for single and grouped dwellings. The minimum tree requirement for a multiple dwelling development was further amended to be calculated based on site area (similar to R-Codes Volume 2), rather than dwelling numbers (**Amendment 26**).

The proposed inclusion of a visitor parking table was supported in many submissions for the improved clarity it provided. However, some submissions took the view that the bays required by the table were above the numbers previously interpreted. Upon further review, it was found that the proposed new table reflected the number of visitor bays required under the original provision, however that there was an inconsistency in the Explanatory Guidelines' interpretation of this clause that had contributed to different interpretations.

Action: The visitor parking table was retained to support consistent interpretation. Explanatory guidelines will be amended to address the current inconsistency (**Amendment 28**).

Respondents supported the consolidation of the provisions for site works and retaining walls (5.3.7 and 5.3.8) however, some of the proposed setback distances for retaining/siteworks were not supported, particularly the requirement for retaining walls, between 0.5m - 1.0m in height, to be setback 1m from lot boundaries.

Action: The consolidation of site works and retaining wall provisions proceeded (**Amendment 25**), however the lot boundary setbacks to retaining walls was not changed as it was considered that retaining walls above 0.5m have the potential to impact on the amenity of adjoining lots and should be subject to planning assessment.

A majority of respondents did not support the Table 4 setback requirements for walls longer than 10m.

Action: The Table 4 setback requirements for walls longer than 10m were removed as a result of the feedback. Additionally, Table 4 was amended to require the setback of walls to be calculated based on height only and ‘Universal access’ was added to the considerations for deemed-to-comply retaining walls and siteworks greater than 0.5m within the street setback (**Amendment 32**).

5.4 Building design

There was a mix of responses to the proposed reduction in visual privacy setbacks (clause 5.4.1 Visual privacy), with some submissions raising concerns about impact on privacy and others suggesting these changes would best be addressed as part of the larger body of work on the draft Medium Density Code.

Action: In light of the feedback received, the proposed changes to clause 5.4.1 Visual privacy did not proceed.

Respondents supported the modifications to clause 5.4.3 Outbuildings C3. This included the introduction of two categories of outbuildings, that effectively would permit small outbuildings (up to 10m²) to be built on two boundaries and to have a wall and ridge height of 2.7 metres as deemed to comply (currently 2.4m).

Regional stakeholders requested that there be the ability for regional local governments to vary outbuilding provisions without the need to seek WAPC approval as it is often required and is a time consuming process.

Action: The advertised changes have been adopted (**Amendment 38**). Furthermore, in response to the feedback received, clause 5.4.3 – Outbuildings has been added to the list of deemed-to-comply provisions under section 7.3 that can be amended or replaced by a local planning policy or local development plan without WAPC approval (**Amendment 43**).

5.5 Special purpose dwellings

The proposed reduction in the minimum lot area for ancillary dwellings from 450m² to 350m² was very well supported.

The amendments to the ancillary provisions (clause 5.5.1 C1v) also proposed to introduce the requirement for ancillary dwellings to ‘complement’ the single house within its lot. This provision was proposed to ensure that a minimum standard for ancillary dwellings is achieved, preventing substandard structures being used (e.g. shipping containers or ‘dongas’).

Respondents provided mixed feedback in regard to the inclusion of this provision, with some respondents commenting that ‘complement’ could be too subjective resulting in uncertainty and inconsistencies between assessors. Additionally, it was identified that ‘complement’ may suggest that the development must add further to the appearance of the existing dwelling.

It was noted that some respondents recommended that the plot ratio of ancillary dwellings be increased to 80m² to allow for two (2) bedrooms.

Action: In response to the feedback received, the reduction in lot area for ancillary dwellings was adopted and C1v has been modified to replace “*complement*” with “*compatible*”. Additionally, a correlating design principle has been added to require that ancillary dwellings be designed to contribute positively to their setting (**Amendment 39**).

Feedback suggesting an increase in size of ancillary dwellings to 80m² was noted, but considered beyond the intent of an ancillary dwelling and not supported.