

Schedule of proposed modifications R-Codes Volume 1 interim review 2020

Feedback Table

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Respondent: City of Stirling

Part/Clause	Comment	Solution	Relates to... <i>A = Advertised version C = Current R-Codes</i>
Part 1 – Preliminary	Nil		
Part 2 – R-Codes Volume 1 approval process	Proposed Clause 2.2.1 refers to 'corresponding design principle', in terms of not meeting a deemed-to-comply provision. There is not always a direct corresponding design principle for each deemed-to-comply provision. The design principles are only relevant to the R-Codes Design Element, rather than the deemed-to-comply provisions.	In proposed Clause 2.2.1 the word 'corresponding' should be replaced with 'relevant'. Use of the word 'relevant' is also consistent with other parts of the current R-Codes; i.e. Clause 3.3.1.	A
	Proposed Clause 2.4.1 references 'Local Planning Policies', but does not reference Structure, Activity Centre or Local Development Plans.	In proposed Clause 2.4.1 the words 'any relevant local planning policy' to be replaced with 'the local planning framework'. In Existing Clause 3.3.1 the word 'local planning policy' to be replaced with 'local planning framework'.	A / C
	Proposed Clause 2.4.2 states that where an application does not meet the deemed-to-comply provisions or design principles it should be refused. This suggests that there is no alternative, such as imposing a valid condition to bring the application into acceptability.	Proposed Clause 2.4.2 should be deleted.	A
Part 3 – Accompanying information	Nil.		
Part 4 – Consultation	Nil.		
Part 5 – Design elements for all single house(s) and grouped dwellings; and multiple dwellings in areas coded less than R40			
5.1.1 – Site area	Nil.		

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<p>5.1.2 – Street setback</p>	<p>Proposed Clause 5.1.2 C2.1.ii chooses to identify that a Garage is included in the assessment of building encroaching into a street setback area. A Garage already is included in the definition of 'Building' so it does not need to be listed as also being included.</p> <p>Instead proposed Clause C2.4 identifies that 'porches, balconies, verandahs or the equivalent' are not to be included in the encroachment calculation, but instead can be located at the halfway line of the street setback area.</p> <p>As such Clause 5.1.2 C2.1.ii should not state 'including garage', but should instead state 'excluding porches, balconies, verandah or the equivalent'.</p>	<p>In proposed Clause 5.1.2.C2.1.ii the phrase 'including a garage' should be replaced by 'excluding a balcony, unenclosed verandah, unenclosed porch, carport or the equivalent'.</p> <p>The definition of 'unenclosed' is discussed in more detail later.</p>	<p>A</p>
	<p>In regards to the proposed Clause 5.1.2.C2.1.ii the current practice for averaging primary street setbacks, includes doing a separate calculation for any upper floors compared to the ground floor. This is being incorporated with the new Figure 2e. Doing different calculations for different levels has not been included into the text.</p>	<p>To align proposed Clause 5.1.2.C2.1.ii with the current practice and the new Figure 2e, the wording should be updated to state 'is compensated for by at least an equal area of open space <u>on that floor level</u> that is located between'.</p> <p>Consideration should be considered to the use of the term 'open space' in regards to a Terrace or Balcony that may be on the</p>	<p>A / C</p>

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		upper floor as to whether it contributes to the 'open space'.	
	In proposed Clause 2.1.iii dot point 1, the word 'frontage' conflicts with the intention of facing a secondary street. The definition of 'frontage' refers to 'the width of a lot at the primary street setback line'. This does not align with being able to face a secondary street, and the clause does not involve the measuring of any widths.	In proposed Clause 5.1.2.C2.1.iii the word 'frontage' should be replaced with a better term, such as 'Major Entry (front door)' similar to the phrase used in the definition of 'Primary Street'.	A / C
	Clause 5.1.2 C2.4 does not need to reference the Building Code of Australia. Development is considered against the Building Code of Australia as part of the Building Permit process, and not as part of a development application.	In Clause 5.1.2.C2.4 the reference of (subject to the Building Code of Australia) should be removed.	A / C
	<p>In Clause 5.1.2 C2.4 the intent of the word 'unenclosed' in the sentence structure is not a certainty. For example, does 'unenclosed' refer to only 'porches' or to all the structures including 'balconies and verandahs' which are listed after 'unenclosed'.</p> <p>The definition of 'unenclosed' is discussed in more detail later.</p>	<p>In Clause 5.1.2 C2.4 the word 'balcony' should be moved to the front of the list of structures. The word 'unenclosed' should be added before the word 'verandah' and the term 'carport' should be included in the list.</p> <p>Alternatively the definition of 'unenclosed' may need to be addressed.</p>	A / C
5.1.3 – Lot boundary setback C3.1	The rationale provided for removing the existing Figure 4e, is that it does not provide a deemed-to-comply provision for walls with a height greater than 10m. However if the	Either Table 2 requires a deemed-to-comply provision for the setback of walls greater than 10m high, or should be provided in an updated Figure 4e for such	A

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	<p>figure is removed, there is no guidance as to what a wall setback might be.</p> <p>For significantly sloping sites, a wall height for a single house could be greater than 10m, despite meeting the building height requirement.</p>	<p>wall heights.</p>	
	<p>Proposed Clause 5.1.3 C3.1.ii does not define how large the upright post of a Patio or other open sided structure can have for width dimensions.</p> <p>It is discussed later that it is unclear as to what the proposed second Note for C3.2 refers to in regards to pillars and posts that are a width of exactly 450mm.</p> <p>However C3.1.ii makes no requirement as to the size a post/pillar can be to a Patio or such structure where it has a nil setback, which means a post might be 1m wide.</p>	<p>In line with the second Note for C3.2, C3.1.ii should identify that the posts/pillars of a Patio etc can only be up to a maximum of 450mm dimension, or a similar dimension that might match standard brick dimensions.</p> <p>When measuring other walls under Clause 5.1.3 C3.2, it should be stated whether the length of a Patio with a Nil setback under Clause 5.1.3 C3.1.ii, will be included in the calculation of the total length of walls that are built to a site boundary.</p>	A
	<p>Proposed Clause 5.1.3 C3.1.ii incorrectly references 'street setback' and only mentioned 'primary street'.</p> <p>Street setback is only up to a building, not the requirement of Table 1 or Table 2.</p> <p>This means a Patio could be built up to a</p>	<p>Proposed Clause 5.1.3 C3.1.ii should replace the term 'primary street setback' with the term 'primary or secondary street setback area'.</p>	A

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	rear boundary in the secondary street setback area.		
	The existing Clause 5.1.3 C3.1.ii which becomes C3.1.iii is no longer necessary. The provision previously required 'unenclosed outdoor living area' to be considered as if it had a major opening. This was to identify that the structure was to be assessed against Table 2b and not Table 2a. By condensing Tables 2a and 2b into one Table, and by removing the phrase 'were major openings to habitable rooms with' the assessment would occur with or without this subclause. If there were to be no roof, and therefore no support structures, this setback would not be assessed. This is because of the definition of 'unenclosed', which means there must be an impermeable roof structure and therefore would be considered as a building.	Proposed Clause 5.1.3 C3.1.iii should be deleted, with subsequent subclauses renumbered.	A / C

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	<p>The existing Clause 5.1.3 C3.1.iii which becomes C3.1.iv refers to grouped dwellings on the same site to be setback as if there were a boundary between them. However the term 'site' for a grouped dwelling is defined as 'the area occupied by the dwelling together with any area allocated for the exclusive use or benefit of that dwelling'. This means there are no other grouped dwellings on the site to require a setback from. This wording should be updated to require grouped dwellings on a parent lot to be setback as if there were a boundary between them.</p>	<p>Proposed Clause 5.1.3 C3.1.iv to replace the term 'buildings on the same site' with the term 'buildings on the same lot'.</p>	A
	<p>Proposed modification to Table 1 primary street setback for R20/R25 to 5m is not supported. The 6m setback has resulted in established streetscapes meeting this requirement.</p> <p>Developments will be able to have more building forward of this setback line, with the exclusion of Carports, Verandahs and Porchs from the calculation of areas that encroach into the primary street setback area.</p> <p>The proposed modification is unnecessary.</p>	<p>Proposed modification to Table 1 primary street setback for R20/R25 is deleted.</p>	A
5.1.3 – Lot boundary setback C3.2-C3.5	Proposed Clause 5.1.3 C3.2 and associated	In proposed Clause 5.1.3 C3.2 and the	A / C

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	<p>Notes the use of the term 'wall' excludes open sided Patios and such structures, from being built closer than the setback requirement of Table 2. This is because these open sided structures have posts/pillars and not solid external faces.</p> <p>This means a Patio that is not within the standards of C3.1.ii (such as 2.8m high, or 11m long), would have to be setback in accordance with Table 2 instead of being able to be built up to a site boundary as a deemed-to-comply.</p>	<p>associated Notes, the term 'wall' should be replaced by 'building'</p>	
	<p>In proposed Clause 5.1.3 C3.2 there is a reference to 'overshadowing, clause 5.4.2 and figure series 11'. The assessment of any building would require the assessment against Clause 5.4.2 regardless, the same as any other requirement of the R-Codes Volume 1. There is also a new note being added that advises that Clause 5.4.2 still applies. There is no need for this reference to be included in the provision.</p>	<p>In proposed Clause 5.1.3 C3.2 the term 'and subject to the overshadowing provisions of clause 5.4.2 and Figure Series 11' should be deleted to remove the duplication.</p>	A / C
	<p>In proposed Clause 5.1.3 C3.2 and the Notes, it is unclear as to the intent of the second Note. Is the reference to 'pillar and posts', in regards to:</p> <ul style="list-style-type: none"> • a Patio or such open sided structure, or • is it in regards to a fence like structure, 	<p>In proposed Clause 5.1.3 C3.2 second dot point, it should be clarified as to what the 'Pillars and posts' relate to. Or if they are meant to relate to a Patio the dot point should be deleted.</p>	A

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	<p>such as a street wall that has piers, or</p> <ul style="list-style-type: none"> • is it in regards to design features like an archway. <p>It is unclear as to what this Note is attempting to exclude as a 'wall built up to a site boundary'.</p> <p>The measurement of 450mm by 450mm is worded as an exact, rather than a maximum dimension, meaning any pillar/post that is smaller would not fit this Note, and should be included as a 'wall built to a site boundary'.</p> <p>If the term is meant to relate to the posts of Patio, so that they are not included in the length of a wall built to a boundary, this would mean any larger Patio can not be considered as being 'built up to a site boundary' which would be problematic as raised earlier.</p>	<p>If the dot point is kept, the 450mm by 450mm reference should be re-worded to '450mm by 450mm or less'.</p>	
	<p>In proposed Clause 5.1.3 C3.2.i and ii, the maximum height of a wall built to a site boundary of 3.5m is excessive where there is no average. This maximum height was based off the average of 3m being acceptable, which is a result of sloping sites. Removing the average of 3m, means walls built to a site boundary could be up to 3.5m on a flat site, which is nearly double a</p>	<p>In proposed Clause 5.1.3 C3.2.i and ii with the removal of the average height requirement for a wall built to a site boundary, the maximum height should be reduced below 3.5m to 3.2m or the like (being 31course with space for rafters and external fixtures such as gutters).</p>	A

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	dividing fence. This is an overbearing height. A lower maximum height should be used, such as what is a reasonable single storey wall height.		
	Proposed Clause 5.1.3 C3.3 should relate to all walls built to a boundary, including the new C3.4 and C3.5.	Proposed Clause 5.1.3 C3.3 should reference C3.2, C3.4 and C3.5 and be re-ordered accordingly.	A
	In proposed Clauses 5.1.3 C3.3, C3.4 and C3.5 the term 'boundary wall' is used. However this is not a defined term.	In proposed Clauses 5.1.3 C3.3, C3.4 and C3.5 the term 'boundary wall' should be changed to 'buildings built up to a site boundary'. The same with any other time the term may be used.	A
	In proposed Clause 5.1.3 C3.4 and C3.5 there is to the provisions of Clause 5.3.1 outdoor living areas. The assessment of any building would require the assessment against Clause 5.3.1 regardless, the same as any other requirement of the R-Codes Volume 1. There is no need for this reference to be included.	In proposed Clauses 5.1.3 C3.4 and C3.5 the provision of 'an outdoor living is provided in accordance with clause 5.3.1' should be deleted.	A
	In proposed Clause 5.1.3 C3.4 and C3.5 the term 'two boundary walls' does not distinguish clarify whether the walls could be built to two separate boundaries, or two walls on the same boundary.	In proposed Clauses 5.1.3 C3.4 and C3.5 the term 'two boundary walls are permitted within the following limits' should be replaced to the term 'a building built up to a two site boundaries is permitted within the following limits'.	A
5.1.4 – Open space	In proposed Table 1 modifications relating to Clause 5.1.4 for open space, the City does not support the decreased open space	Do not alter the minimum open space requirements for Table 1 and Clause 5.1.4.	A

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	<p>amounts.</p> <p>The tree canopy cover loss throughout the City is largely impacted by infill development, with reduced open space and vegetation areas. Any variation to open space requirements should be considered on a case by case basis against the design principles of the R-Codes Volume 1.</p> <p>The rationale provided by the State Government for the decreased open space provision is that it is balanced by the increased minimum requirement for outdoor living areas.</p> <p>The City's officers have reviewed a sample size of 1000 development applications and found that open space was a variation in only 20% of single house developments. Generally outdoor living areas in single house developments tend to exceed the proposed minimum outdoor living area requirements. Therefore trading off open space for increased outdoor living areas is not required and could result in negative impacts.</p> <p>The review undertaken by the City's officers</p>		

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	<p>also found the provision of open space was a variation in over 50% of developments for three or more grouped dwellings.</p> <p>In areas coded R40, the current minimum requirement for outdoor living area is 20m², the proposed modifications increase this to 32m². The existing 20m² outdoor living areas provide poor amenity outcomes for occupants and this change to outdoor living area is supported, as the outdoor living area is often the only useable area of open space available.</p> <p>For the development of three or more grouped dwellings (in particular R40 coded areas), the modifications to the minimum outdoor living area requirements will result in increases to the provision of open space. Open space variations will reduce in size and in frequency in development applications for three or more grouped dwellings.</p> <p>The review undertaken shows the proposed R-Codes Volume 1 open space modifications will have a limited impact in cutting red-tape, whilst allowing greater site cover than is currently permitted.</p>		
	The rationale for the reduction in the open	The proposed modification to Table 1 for	A

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	space requirement of Table 1 as referred to in Clause 5.4.1, is that the minimum area for outdoor living area is increasing. This is not the case in regards to multiple dwellings as Clause 5.3.1 C1.2 is the requirement for outdoor living area for multiple dwellings and it is not changing.	open space, if they are still made, should only reduce the open space requirements for Single Houses and Grouped Dwellings in table 1 and do not reduce the open space requirement for Multiple Dwellings.	
	In Table 1 Column 6 Multiple Dwellings in R17.5 do not have a minimum open space requirement.	In Table 1 Column 6 for Multiple Dwellings the open space requirement for R17.5 should be 50% in line with R20 and R15.	C
	In Clause 5.1.4 C4 there is no clarity as to what is the 'proportionate share' of any associated common property. It is understood different local governments interpret 'proportionate share' differently. Such as allocating the area by third between three dwellings, or as a percentage based on the size of each dwelling site.	In Clause 5.1.4 for the term 'proportionate share' a note should be included or a figure series to explain how the common property is measured proportionately between the dwellings.	A / C
5.1.5 – Communal open space	Nil.		
5.1.6 – Building height	Proposed Clause 5.1.6 C6.1 removes the reference to 'relevant local planning policy, structure plan or local development plan'. This removes the acknowledgment that a large number of local governments in WA have a specific local planning policy for residential building height, more so than any other R-Code Volume 1 provision.	In proposed Clause 5.1.6 C6.1 reference should still be made to 'relevant local planning framework', to ensure applicants are aware that this clause is regularly amended by local governments.	A
5.2.1 – Setback of garages and carports	In proposed Clause 5.2.1 C1.1.ii it excludes Porchs, Verandahs and Balconies as part of	Proposed Clause 5.2.1 C1.1.ii to reference 'Patios and Carports' as being excluded as	A

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	the dwelling alignment that a Garage can be 0.5m behind. This list does not reference Carports or Patios which can be located in the street setback area.	part of the dwelling alignment, that a Garage can be 0.5m behind for a reduced street setback.	
	<p>In proposed Clause 5.2.1 C1.1 the inclusion of the new sub clause 'i' it results in the use of two different conjunction words. The use of 'and' between sub clause 'i' and 'ii', and then the use of 'or' between sub clause 'ii' and 'iii'.</p> <p>This makes interpreting the intent of the clause difficult. Clause 5.2.1 C1.1 should be split to be two deemed-to-comply provisions, one for garages facing the street, and one for garages not facing the street.</p>	Proposed Clause 5.2.1 C1.1.iii should be made into a separate C1.2 with the other subclauses renumbered accordingly.	A
	<p>The existing Clause 5.2.1 C1.1.ii which becomes C1.1.iii the use of the word 'parallel' is too prescriptive.</p> <p>The dictionary definition means the wall must be on an alignment that would never intersect with the alignment of the street boundary. A note outlining that the term 'parallel' does not need to be applied so stringently, would be practical.</p>	Regardless of whether the above matter is addressed, after proposed Clause 5.2.1 C1.1.iii there should be a note stating 'the term parallel does not need to be stringently applied'.	A / C
	Proposed Clause 5.2.1 C1.2.i requires 'the carport roof pitch, colours and materials complement the dwelling'. This assessment	Proposed Clause 5.2.1 C1.2.i should be deleted.	A

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	<p>is subjective and is not a measurable item that is suitable as a deemed-to-comply provision.</p>		
	<p>Proposed Clause 5.2.1 C1.2 ii. uses the term 'building line' in reference to measuring the width for a carport. Proposed Clause 5.2.2 C2 uses the term 'setback line' for this same purpose except for garages.</p> <p>However both of these clauses use the defined term of 'frontage' which is 'the width of the lot at the primary street setback line'. Besides from being inconsistent terminology between the two clauses for essentially the same assessment, the location to measure the width is confusing since 'frontage' defines this location as well.</p>	<p>In proposed Clause 5.2.1 C1.2 the term 'at the building line' should be removed.</p> <p>Similarly for Clause 5.2.2.</p>	A
	<p>Proposed Clause 5.2.1 P1 uses the consideration of 'contribute positively to streetscapes and to the appearance of dwellings'. The explanatory guidelines for Garage Width is only two paragraphs. There is limited guidance as to what are considered issues with garages and how they have an impact to the street to be able to assess whether they have a negative, neutral or positive impact to the street or to the dwelling. It is considered a Garage can not positively contribute to a streetscape.</p>	<p>The Clause 5.2.1 design principle P1 should remain with 'does not detract' instead of the proposed new wording. It requires the explanatory guidelines to give further guidance on how to consider negative, neutral and positive impacts to streetscapes and dwellings.</p>	A

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5.2.2 – Garage width	Proposed Clause 5.2.2.C2 is too long and attempts to cover too many situations as it tries to also create a separate provision where there is an upper floor.	Proposed Clause 5.2.2.C2 should be split into C2.1 and C2.2. With the provision allowing a Garage width to be increased to 60% where there is an upper floor, being the sole purpose of deemed-to-comply provision C2.2.	A / C
	<p>Proposed Clause 5.2.2 C2 uses the term 'setback line' in reference to measuring the width for a garage. Proposed Clause 5.2.1 C1.2 ii. uses the term 'building line' for this same purpose except for carport.</p> <p>However both of these clauses use the defined term of 'frontage' which is 'the width of the lot at the primary street setback line'. Besides from being inconsistent terminology between the two clauses for essentially the same assessment, the location to measure the width is confusing since 'frontage' defines this location as well.</p>	<p>In proposed Clause 5.2.2 C2 the term 'at the setback line' should be removed.</p> <p>Similarly for Clause 5.2.1.</p>	A
5.2.3 – Street surveillance	Nil.		
5.2.4 – Street walls and fences	Proposed Clause 5.2.4 C4.1 does not include a maximum height for the visually permeable section of street fencing. This means it could be 5m as a deemed-to-comply.	Proposed Clause 5.2.4 C4.1 to include a height limit for the visually permeable section of street fencing of 1.8m.	C
	Proposed Clause 5.2.4 C4.2 for the height of piers at 1.8m does not match the common practice of a 2.1m height. This does not cater	Proposed Clause 5.2.4 C4.2 should have the height of piers increased to 2.1m.	A

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	for pier features above the visually permeable sections.		
5.2.5 – Sightlines	Nil.		
5.2.6 – Appearance of retained dwelling	Nil.		
5.3.1 – Outdoor living area	<p>Strong support is given for the increased minimum size for outdoor living area to 32m².</p> <p>However for simplification, the R17.5 minimum outdoor living area requirement could be reduced from 36m² to 32m² to match the other densities. Any property that is coded R17.5 will have sufficient lot area, and provision of open space, that the reduced outdoor living area requirement would not be noticed. Similar for any property coded less than R17.5.</p> <p>Table 1 Column 6 minimum outdoor living does not provide a requirement for Multiple Dwellings. Despite C1.2 stating it is for Multiple Dwellings, C1.1 does not distinguish that it is only for Single Houses and Grouped Dwellings.</p> <p>Clause 5.3.1 C1.1 should state it is only for Single Houses and Grouped Dwellings, with the minimum 32m² requirement identified in the text of proposed C1.1.i.</p>	<p>Proposed Clause 5.3.1 C1.1 to state 'an outdoor living area to be provided to a Single Houses or Grouped Dwelling'.</p> <p>C1.1.i have the phrase 'in accordance with Table 1' be replaced with the provision 'with a minimum total area of 32m²'.</p>	A / C

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	This makes the column in Table 1 for minimum outdoor living redundant and can be removed, simplifying Table 1.		
	Proposed Clause 5.3.1 C1.1.v is difficult to interpret for new users of the R-Codes Volume 1. It could be simplified, by instead of referring to '50% of the required area', which is confusing, simply stating '16m ² ', as this is 50% of 32m ² .	Proposed Clause 5.3.1 C1.1.v replace the phrase 'no more than 50% of the required area with permanent roof cover (Figure Xc)' with the phrase 'a minimum 16m ² without permanent roof cover (such as unenclosed structures, eaves or the like)'.	A
	<p>The existing Clause 5.3.1 C1.2 for Multiple Dwellings does not reference the term 'outdoor living area'. The requirement of a minimum area of 10m² and dimension of 2.4m is smaller than the corresponding requirements for terraces in the R-Codes Volume 2.</p> <p>The proposed minimum dimension of 32m² for Clause 5.3.1 C1.1 has not been replicated for Multiple Dwellings, including ground floor courtyards.</p> <p>Proposed Clause 5.3.1 C1.2 should be updated to provide a better outdoor living area for Multiple Dwellings on properties coded less than R40.</p>	To be consistent with the R-Codes Volume 2, and match the improvements proposed for Single Houses and Grouped Dwelling outdoor living area, proposed Clause 5.3.1 C1.2 should be replaced to state 'each multiple dwelling is provided with an outdoor living area that is a courtyard, balcony or the equivalent, that opens directly from a primary living space and with a minimum area of <u>15m²</u> and minimum dimensions of <u>3.0m</u> .	A / C
	The proposed design principles of Clause 5.3.1 P1.1 should be identified as not being	Proposed design principle Clause 5.3.1 P1.1 should start with 'for dwellings located	A

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Feedback Table

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Part/Clause	Comment	Solution	Relates to... <i>A = Advertised version C = Current R-Codes</i>
	<p>applicable to Multiple Dwellings that are on upper floors, P1.2 specifically identifies balconies.</p>	<p>on the ground floor', to identify that Multiple Dwellings on upper floors do not need to meet this requirement.</p>	
	<p>The City regularly finds proposals for dwellings with no roof cover over the outdoor living area, so a reduced area is considered to meet the design principle including being open to the sun. Once the dwelling is constructed the City immediately receives a development application to cover part of the reduced size outdoor living area with a Patio, where it would be unjust not to allow a Patio to be located.</p> <p>The City is concerned similar habits could occur, to circumvent the proposed increased outdoor living area requirement. The design principles for outdoor living area, needs to address the outdoor living area being of a sufficient size, if there was to be a roof cover in instances that none is currently proposed.</p>	<p>For proposed design principle Clause 5.3.1 P1.1 the third and fourth dot points about uncovered area, are modified to start with 'sufficient uncovered area (with consideration for future roof cover when none is yet provided)...'</p>	A
	<p>The R-Codes Volume 2 outline that it is preferable for multiple dwellings to be north facing for access to sunlight, this includes for private open spaces.</p> <p>The existing design principles Clause 5.3.1 P1.2 is rather weak in regards to Balconies facing the northern sun with the wording 'and</p>	<p>Proposed design principle Clause 5.3.1 P1.3 should be amended to require greater expectation from balconies that proposed a variation to the deemed-to-comply provisions and are southern facing, such as the Element Objectives in the R-Codes Volume 2.</p>	C

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	<p>if possible, open to winter sun’.</p> <p>This design principle which is proposed to be renumbered to Clause 5.3.1 P1.3 needs to be strengthened in regards to the outcomes for southern facing Balcony outdoor living areas.</p>		
5.3.2 – Landscaping	<p>Clause 5.3.2 makes reference to ‘hard surface’ but this is not defined. It is unclear as to whether this should or shouldn’t include astro-turf, paving slabs, or pebbles. Clarity is required.</p>	<p>A definition is required for ‘hard surface’ that distinguishing between astro-turf, soil and pebbles etc. Alternatively further guidance should be provided in the Explanatory Guidelines as to what would be acceptable in terms of ‘hard surface’.</p>	A / C
	<p>Strong support is given for proposed Clause 5.3.2 C2.1. It does not specifically require the planting of a tree per dwelling, but instead only provides the minimum length. This approach fills a gap in the City’s Trees and Development Local Planning Policy which does not identify a minimum length for a tree planting area. It also means the City’s policy (which did not require approval from the WAPC at the time of adoption), would not be considered to amend the new provisions of Clause 5.3.2 therefore being superseded by proposed Clause 7.4.</p>	<p>Clause 5.3.2 C2.1 should be included in Clause 7.3 as a provision a local government is able to amend in the local planning framework without the approval of the WAPC.</p>	A
5.3.3 – Parking	<p>Based on research the City initiated in 2016 it is considered there is a flaw with the concessions for minimum car parking</p>	<p>In Clause 5.3.3 to be considered a ‘Location A’ area, the site should be within 250m of an ‘Activity Centre’ as per State</p>	C

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	<p>requirement in the R-Codes Volume 1 and Volume 2. The R-Codes Volume 1 allows dwellings to be designated Location A, thereby have a reduced car parking requirements by being near high frequency public transport. The R-Codes Volume 2 does the same but also identifies sites within an Activity Centre as being Location A.</p> <p>It should be considered individuals make two types of trips; short trips (to shops, cafes etc) and long trips (to work, entertainment etc). Being located within an activity centre, allows residents to walk for the short trips. Whilst being located on high frequency public transport allows the residents to take long trips. The only way residents can choose to decrease their car ownership, and therefore require less car bays, is if they can undertake both the short and long trip without a car.</p> <p>If a site is not located within walking distance of an Activity Centre for the short trip, a car would still be required regardless of the presence of high frequency public transport. If located within walking distance of an Activity Centre, the additional car would be necessary for long trips if high frequency public transport is not nearby.</p>	<p>Planning Policy 4.2 Activity Centres for Perth and Peel, in addition to the proximity to high frequency public transport.</p> <p>In regards to the second dot point for the 250m catchment area, it should be changed from 'bus route' and 'along any part of the bus route' to 'transit route' and 'a transit stop'.</p>	

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Part/Clause	Comment	Solution	Relates to... <i>A = Advertised version C = Current R-Codes</i>
	<p>Providing concessions where a development is only located in close proximity of high frequency public transport or an activity centre only, is not appropriate.</p> <p>It is recommended the definition of Location A for a reduced car parking requirement, is modified to be within 250m of an Activity Centre, in addition to the existing requirement for proximity of a high frequency public transport option.</p> <p>This allows the resident to take both the long and short trips and own less cars. The current requirement based only on proximity to high frequency public transport, is not sufficient for parking concessions to dwellings.</p>		
	<p>Proposed modifications to Location A classification for bus routes, add the reference to 'multiple bus routes'. This new phrase is too simplistic for grouping multiple routes that can function as one route. It benefits sections of Wanneroo Road which has four bus routes function complementary to provide a high frequency service to the City.</p>	<p>In Clause 5.3.3 to be considered a 'Location A' area for a bus route, it should mention 'multiple bus routes <u>with a common destination</u> that if combined have timed stops'.</p>	A

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	<p>This new phrase does not contemplate sections of road that have multiple bus routes that do not go to the same destination. For example, bus route 371 and 385 serve Marloo Road and Princess Road in Westminster and Balga, and provide a service atleast every 15mins in peak hour.</p> <p>However the 371 runs between Morley and Warwick Train Station. Whilst the 385 runs between Perth and Kingsway Shopping Centre. Whilst living along this section of road there is a bus every 15mins, when you are at your destination, there is not that high frequency service to get you home. Residents along this section of road may be more inclined to use public transport, but they are not likely to own less cars, as they would not have the reliable high frequency public transport service expected.</p>		
5.3.4 – Design of car parking spaces	Nil.		
5.3.5 – Vehicle access	Nil.		
5.3.6 – Pedestrian access	Existing Clause 5.3.6 C6.3 which becomes proposed C6.5 is a requirement for a building setback to pedestrian walkways. A requirement that is not frequently enforced. This requirement conflicts with Clause 5.2.3 for surveillance to the street.	Existing Clause 5.3.6 C6.3 should be deleted.	A / C
5.3.7 – Retaining walls and site works	Proposed Clause 5.3.7 C7.2 and Table 4	In proposed Clause 5.3.7 C7.2 excavation	A

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Part/Clause	Comment	Solution	Relates to... <i>A = Advertised version C = Current R-Codes</i>
	<p>have the same setback requirements for fill and excavation and the associated retaining walls. This is now a larger setback than previously, and is likely to make retaining walls less likely to be exempt from requiring development approval, increasing red tape.</p> <p>Excavation which is likely to result in buildings being lower, do not have the same amenity implications as fill which are likely to result in higher buildings. The structural integrity of retaining walls is a matter for building legislation, not planning legislation.</p> <p>As such the location of excavation and associated retaining walls should not have such strict setback requirements.</p> <p>Similarly the length of fill and associated retaining walls has less of an impact compared to the height. Requiring a retaining wall that is 11m in length to have a setback that is twice the distance of a retaining wall that is 9m in length is absurd.</p>	<p>and associated retaining walls should be removed from Table 4 so that there is no setback requirement when located outside the street setback area.</p> <p>Proposed Table 4 should not have different setback requirements for fill and associated retaining walls, based on the length being more or less than 10m long.</p>	
5.3.7 – Site works	Nil.		
5.3.8 – Retaining walls	Nil.		
5.3.9 – Stormwater management	Nil.		

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Part/Clause	Comment	Solution	Relates to... <i>A = Advertised version C = Current R-Codes</i>
5.4.1 – Visual privacy	<p>The proposed R-Code Density change lowering the applicable visual privacy setback, is an incremental erosion of the visual privacy expected by residents.</p> <p>Whilst the visual privacy setbacks are an arbitrary value, as people can see further than these values anyway, they provide some sense of privacy.</p> <p>The City does not support the decrease in the R-Code Density that triggers reduced visual privacy setback requirements.</p>	<p>Proposed Clause 5.4.1 does not change the R-Code Density values for the visual privacy setback requirements.</p>	<p align="center">A</p>
	<p>Proposed Clause 5.4.1 provides setback requirements for visual privacy. In column one when describing outdoor active habitable spaces, the word 'unenclosed' is used.</p> <p>The definition of 'unenclosed' specifically states the area is to be 'covered in a water impermeable material'. This means any outdoor area or raised balcony without a roof over the top would not be considered 'unenclosed'. Similarly for a balcony with rooms of the dwelling on three sides.</p> <p>This means these areas, despite being raised, would not be defined as an</p>	<p>Proposed Clause 5.4.1 should remove any reference to the word 'unenclosed'.</p>	<p align="center">A / C</p>

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	<p>'unenclosed outdoor active habitable space', and therefore the visual privacy setback requirements are not applicable.</p> <p>In the existing Clause 5.4.1 minor changes to correct terminology include:</p> <ul style="list-style-type: none"> • references to 'lot boundary' are changed to 'site boundary' • references to 'adjoining property' are changed to 'adjacent site'. • These changes are needed so overlooking to a dwelling on the same site is not considered to be deemed-to-comply. <p>The existing Clause 5.4.1 C1.2 should not be a separate deemed-to-comply provision. It is already covered by Clause 5.4.1 C1.1.ii.</p> <p>This text should be made into a Note or added to the definition of 'Screening'.</p>	<p>In the existing Clause 5.4.1:</p> <ul style="list-style-type: none"> • references to 'lot boundary' are changed to 'site boundary' • references to 'adjoining property' are changed to 'adjacent site'. <p>Existing Clause 5.4.1 C1.2 is to be made into a Note, or is added to the definition of 'Screening'.</p>	<p style="text-align: center;">A / C</p> <p style="text-align: center;">A / C</p>
<p>5.4.2 – Solar access for adjoining sites</p>	<p>The proposed Note to Clause 5.4.2 C2.1 that excludes the overshadowing contribution from building with a wall height of 3.5m or less is not supported.</p> <p>The 'rationale' that the exclusion from overshadowing calculations caters for decreasing lot dimensions, ignores the purpose of a deemed-to-comply provision, which is that it will always be acceptable. By</p>	<p>In the proposed Note to Clause 5.4.2 C2.1 the phrase 'and buildings with a wall height of 3.5 metres' should be deleted.</p>	<p style="text-align: center;">A</p>

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	excluding these walls from a design principle assessment removes the ability to prevent poor outcomes to adjoining properties.		
5.4.3 – Outbuildings	<p>Proposed Clause 5.4.3 creates the new Table 7 that differentiate between multiple/large outbuildings (column A) and small outbuildings (column B). It is considered this table is unnecessary and complicates future assessments for Outbuildings.</p> <p>By creating the category of Small Outbuilding, it achieves the short term political win of exempting some Outbuildings, it results in owners of those properties have larger planning issues should they wish to install a second or larger Outbuilding on their same site.</p> <p>For instance, an Outbuilding that is exempt as a Small Outbuilding could be built to two site boundaries, with the length not contributing to the assessment of Lot Boundary Setbacks. However should a second Small Outbuilding be proposed, the originally exempt Small Outbuilding would now have the walls included in the assessment of Lot Boundary Setback, and may not be able to remain in place without</p>	<p>The existing Clause 5.4.3 C3 should be retained with the deletion subclauses C3.vii and viii. As Outbuildings are classified as Buildings, the provisions for open space and lot boundary setbacks are still applicable. By deleting the reference to Table 2, an Outbuilding could be built to a site boundary in accordance with Clause 5.1.3 C3.2.</p> <p>The wall height of an Outbuilding should be increased in the provision of C3.iv to match the maximum height permitted for any other wall built to a site boundary in Clause 5.1.3 C3.2.</p> <p>Should the existing Clause 5.4.3 C3 not be retained, the above points are still applicable for the proposed Table 7 Column A. Any reference to 'boundary wall' should be changed to 'built to site boundary'.</p>	A / C

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	<p>having the previous approval.</p> <p>It is recognised that a Small Outbuilding that meets the requirements of Column B would also meet the requirements for Column A except for having walls built to a site boundary. This could be rectified by allowing any sized Outbuilding to have a wall built to a site boundary where it complies with the provisions of Lot Boundary Setbacks.</p> <p>By having the two categories of types of Outbuildings is not proper or orderly planning, and will result in property owners having longer term frustrations with the planning system.</p>		
5.4.4 – External fixtures, utilities and facilities	Nil.		
5.5.1 – Ancillary dwellings	Proposed Clause 5.5.1 C1.v requires that 'the ancillary dwelling is designed to complement the colour, roof pitch and materials of the single house on the same lot'. This assessment is subjective and is not a measurable item that is suitable as a deemed-to-comply provision.	Proposed Clause 5.5.1 C1.v should be deleted.	A
5.5.2 – Aged or dependent persons dwellings	Nil.		
5.5.3 – Single bedroom dwellings	Nil.		
Part 7 – Local planning framework			
7.1	In Clause 7.1 after the second mention of R-Codes the term 'Volume 1' is missing.		A

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7.3	In Clause 7.3: <ul style="list-style-type: none"> • 'Street Setback' is incorrectly referenced as Clause 5.1.1 instead of the correct Clause 5.1.2. • 'Setback of Garages and Carports' incorrectly mentions 'streetscape'. • The proper title to Clause 5.4.4 is 'External Fixtures, Utilities and Facilities', for which the second part of the title is missing. 		A
7.4	In Clause 7.4 reference to 'Stormwater Management' needs to be updated to be 'Clause 5.3.8'.		A
7.6.a	Clause 7.6.a does not mention 'Volume 1' when referencing the 'R-Codes'.		A
7.7	The title and following sentence of Clause 7.7 does not mention 'Volume 1' when referencing the 'R-Codes'.		A
Other			
Definition of Primary Living Space	The proposed definition for 'Primary Living Space' is not concise. This should be changed to be concise and clear.	For the definition of 'Primary Living Space' an example of a concise definition could be, 'an integrated area that is the focus of communal life for residents in a dwelling, that includes a living room, lounge room, games room, family room, or the like.'	A
Definition of Open Space	The existing definition of Open Space, is not clear as to the intent for balconies, roof spaces and raised outdoor areas. The definition has lists of areas that are to be	The existing definition of Open Space should be updated by splitting dot points to be:	A / C

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	<p>included or excluded. But these lists have multiple types of areas identified.</p> <p>The list of areas that are included or excluded as open space, should be expanded to better reflect what is suggested in the Explanatory Guidelines.</p> <p>This change clarifies that areas of roofs and balconies, and the areas below upper floors are included in Open Space. It aligns the measurement for areas raised above Natural Ground Level to 1m and addresses the definition of 'unenclosed'.</p> <p>This aligns with the Explanatory Guidelines Clause 4.3 Open Space, and separates the terms 'accessible and non-accessible' from the term 'above natural ground level'</p>	<p>'Generally that area of a lot not occupied by any building and includes:</p> <ul style="list-style-type: none"> • open areas of accessible and useable - flat roofs and balconies; and • outdoor living areas above natural ground level; and • areas accessible beneath - eaves and projecting upper floors'; and • verandahs, patios or other such roofed structures - not more than 1m above natural ground level, that are unenclosed, and covering no more than 10 per cent of the site area or 50m² whichever is the lesser; and • unroofed open structure such as pergolas; and • uncovered - driveways (including access aisles in car parking areas) and car parking spaces; <p>but excludes:</p> <ul style="list-style-type: none"> • non-accessible - roofs, verandah and balconies; and/or • outdoor living areas over 1m above natural ground level; and/or • covered - car parking spaces and walkways and areas for rubbish disposal; and/or • stores, outbuildings or plantrooms.' 	
Definition of Unenclosed	The definition of 'unenclosed' includes the	The definition of 'unenclosed' should be	A / C

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	<p>term 'and covered in a water impermeable material'. This means that there must be a solid roof for the area to be considered 'unenclosed'. If there is no solid roof, the area is not 'unenclosed', and the area may also not meet the definition of 'enclosed'.</p> <p>For example, an unroofed Balcony or a Pergola are not 'unenclosed' areas. A Balcony with a roof and a wall on three sides is not 'unenclosed.' As a result the use of the word 'unenclosed' is raised in regards to setbacks and visual privacy amongst other clauses.</p>	<p>modified to state 'an area bounded on no more than two sides by a permanent wall and <u>may be</u> covered in a water impermeable material.'</p>	
Figure 2a	<p>Figure 2a should include the depiction of an S4 between the street alignment and the Carport.</p>		A / C
	<p>In Figure 2a the carport location is misleading. The carport should be setback S3 from the side boundary, since it is in the street setback area.</p>		A / C
	<p>Figure 2a should be updated to align with the measurement methods in the new Figure 2e. In Figure 2a it should not refer to 'S3 Side boundary setback (Table 2)' but instead to 'S3 - 1 metre ground floor / 2 meter upper floor'. This makes the measurement of primary street average setback simpler and consistent with the new Figure 2e.</p>		A / C

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Figure 2b	Figure 2b should include 'carport' in the Note, for buildings that don't require an equivalent compensating area.		A
Figure 2c	Figure 2c should be updated to align with the measurement methods in the new Figure 2e. In Figure 2c it should not refer to 'S3 Side boundary setback (Table 2)' but instead to 'S3 - 1 metre ground floor / 2 meter upper floor'. This makes the measurement of primary street average setback simpler and consistent with the new Figure 2e.		A / C
Figure 2e	Figure 2e should be altered to not reference 'side setback' but instead references 'S3', the same as Figures 2a and 2c. In the Notes it should reference 'S3 - 1 metre ground floor / 2 meter upper floor'. This makes the measurement of primary street average setback simpler and consistent with Figure 2a and 2c.		A
Figure 3f	<p>Figure 3f should update the term 'pre-existing retaining wall' to 'pre-existing approved retaining wall' to align with the definition of 'natural ground level'.</p> <p>This better considers where an existing site is redeveloped, that often have existing retaining walls that are not previously approved.</p>		A / C
Figure 3g	Figure 3g is not very clear as to what is being		A

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	shown or what it means. It appears to be showing a ridged roof. The figure should probably show a 'H' symbol and updated to be more understandable as to the intent.		
Figure 3h	Figure 3h has been altered to depict the wall height measurement for a skillion or gable roof. However the title of the Figure has not been updated to reference Gables.		
Figure 4a	<p>The Figure 4a depiction of W1, W2 and W3 on the 'Elevation' diagram needs to be widened to the full width of the floor.</p> <p>W1 is only depicted as wide as the section of building with only a single storey, this suggests only this section of the ground floor can have a setback of S1.</p> <p>There is a similar depiction of W2 and W3, whereby they are only depicted as wide as the portion of wall that has no more floors above.</p> <p>It suggests a lower floor can not have a smaller setback if there is an upper floor (even if it has a larger setback).</p> <p>The figure suggests lower levels are to match the setback of the upper levels.</p> <p>In Figure 4a the labels S1, S2, and S3</p>	<p>W1, W2 and W3 should be lengthened to cover the entire width of the floor level in Figure 4a. Or Figure 4a should be updated with better graphics, so that a ground level does not require the same setback as an upper floor.</p>	<p align="center">A</p> <p align="center">A</p>

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	should be altered to a different letter, such as D1, D2 and D3, to prevent a conflict with the 'S' labels in Figure Series 2, 6 and 8.		
Figure 4b	In Figure 4b the label 'S3 - side boundary setback (Table 2)' should be altered to 'S7 – boundary setback as per Clause 5.1.3' as these setbacks are not identified in Table2, and to prevent confusion with other instances of the label S3.		A
Figure Series 5	Figure 5b and 5c now contradict each other, as they depict the same scenario but show different ways to measure. This is as a result of Ffigure 5b no longer show eaves or a ridged roof, to have the same diagram.		A
	In Figure Series 5 in the 'Notes', the term 'lot boundary' and 'wall' are both defined terms of the R-Codes. However they aren't not a defined term when put together. The term should reflect the wording from Clause 5.1.3 which is 'the height of a wall built up to a site boundary shall'. Note 5A should similarly be changed to 'where the wall is not consistent'. The Figure Series title should change to 'Walls built up to a site boundary'.		A
New Figure Xc	In the new Figure Xc the Note should be modified to say 'minimum 16m2 of OLA to		A

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	have no permanent roof cover' to match the City's suggestion to modify Clause 5.3.1.C1.1.v, to no longer refer to '50% of the required area'. This is a simpler term.		