

CITY OF ARMADALE

AGENDA

OF DEVELOPMENT SERVICES COMMITTEE TO BE HELD IN THE FUNCTION ROOM, ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON MONDAY, 17 AUGUST 2020 AT 7.00PM.

A meal will be served at 6.15 p.m.

PRESENT:

APOLOGIES:

OBSERVERS:

IN ATTENDANCE:

PUBLIC:

"For details of Councillor Membership on this Committee, please refer to the City's website – www.armadale.wa.gov.au/your council/councillors."

DISCLAIMER

The Disclaimer for protecting Councillors and staff from liability of information and advice given at Committee meetings to be read.

DECLARATION OF MEMBERS' INTERESTS

QUESTION TIME

Public Question Time is allocated for the asking of and responding to questions raised by members of the public. Minimum time to be provided – 15 minutes (unless not required). Policy and Management Practice EM 6 – Public Question Time has been adopted by Council to ensure the orderly conduct of Public Question time and a copy of this procedure can be found at <http://www.armadale.wa.gov.au/PolicyManual>. It is also available in the public gallery. The public's cooperation in this regard will be appreciated.

DEPUTATION

CONFIRMATION OF MINUTES

RECOMMEND

Minutes of the Development Services Committee Meeting held on 20 July 2020 be confirmed.

ITEMS REFERRED FROM INFORMATION BULLETIN - ISSUE 13 - JULY 2020

Outstanding Matters & Information Items

Report on Outstanding Matters - Development Services Committee

Review before the State Administrative Tribunal (SAT)

Design Review Panel Meetings 2020

Health

Health Services Manager's Report - July 2020

Planning

Planning Applications Report - July 2020

Town Planning Scheme No.4 - Amendment Action Table

Subdivision Applications - WAPC Approvals/Refusals - July 2020

Subdivision Applications - Report on Lots Registered for 2019/2020

Compliance Officer's Report - July 2020

Building

Building Services Manager's Report - July 2020

Building Health/Compliance Officer's Report - July 2020

If any of the items listed above require clarification or a report for a decision of Council, this item to be raised for discussion at this juncture.

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DEVELOPMENT SERVICES COMMITTEE

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1.1 - CONSIDERATION OF TENDERS - PREPARATION OF KELMSCOTT DISTRICT ACTIVITY CENTRE STRUCTURE PLAN

WARD : RIVER
FILE No. : M/364/20
DATE : 29 July 2020
REF : AV
RESPONSIBLE MANAGER : EDDS

In Brief:

- Tender 11 of 2020 was recently advertised for the procurement of a lead consultant and sub consultants for the Preparation of the Kelmscott Activity Centre Structure Plan and Supporting Technical Reports.
- Seven compliant tenders were received by the specified closing time and evaluated against compliance and qualitative criteria.
- Recommend that the tender from Taylor Burrell Barnett be accepted.

Tabled Items

Nil.

Decision Type

- Legislative** The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.
- Executive** The decision relates to the direction setting and oversight role of Council.
- Quasi-judicial** The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration

Nil.

Strategic Implications

- 2.2.1 Deliver attractive and functional streetscapes, open spaces, City buildings and facilities
2.2.2 Protect and enhance the character of the City's spaces and places
2.5.1 Implement and administer the City's Town Planning Scheme and Local Planning Strategy to deliver quality development outcomes
3.1.2 Encourage and facilitate public and private sector investment

Legal Implications

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Local Government Act 1995 – Section 3.57 Tenders for providing goods or services

Local Government (Functions and General) Regulations 1996 – Division 2 Tenders for providing goods or services.

Western Australian Government Policy

State Planning Policy 4.2 Activity Centres for Perth and Peel

Council Policy/Local Law Implications

Local Planning Strategy 2016

Council Policy ADM 19 – Procurement of Good or services

Budget/Financial Implications

The proposed expenditure can be accommodated in the 2020/21 (current) Budget and Long Term Financial Plan estimates commensurate with the successful tenderer recommended in this report. The project is expected to take approximately 18 months, and accordingly the anticipated expenditure will also be funded in the 2021/2022 budget.

Consultation

Intra-directorate (tender preparation and assessment). Further consultation with City business units, Executive Leadership Team, Council, community and key stakeholders will take place as the project progresses. Council adopted an Engagement Strategy for the preparation of the Structure Plan at its February 2020 meeting

BACKGROUND

The City of Armadale requires a suitably qualified and resourced Lead Planning Consultant to prepare the Kelmscott District Activity Centre Structure Plan from the initial stages of concept planning to the point of final determination by the Western Australian Planning Commission (WAPC), and associated activities/deliverables. Structure Plan preparation includes the engagement of sub consultants to prepare the necessary studies/strategies/plans as required by the WAPC planning framework.

Tender 11 of 2020 for the Preparation of the Kelmscott Activity Centre Structure Plan and Supporting Technical Reports was advertised in the 16/05/2020 edition of the West Australian newspaper and on the City's website. These methods were most appropriate in the context of the COVID-19 pandemic.

Preparation of the Structure Plan also requires the application of consultation and engagement techniques to support broad stakeholder input.

State Planning Policy 4.2

The need for the preparation of this Structure Plan arises from the WAPC's *State Planning Policy 4.2 Activity Centres for Perth and Peel* (SPP 4.2), which is a policy for the planning and development of activity centres throughout Perth and Peel. The main purpose of this policy is to specify broad planning requirements for the planning and development of new activity centres and the redevelopment and renewal of existing centres in Perth and Peel. It is mainly concerned with the distribution, function, broad land use and urban design criteria of activity centres, together with coordinating their land use and infrastructure planning.

SPP 4.2 designates Kelmscott as a District Centre. These centres focus on a servicing the daily and weekly needs of a local community with services, facilities and employment to match their catchment. There are 71 existing and proposed District Centres in the Perth Metropolitan and Peel Areas. These centres require an Activity Centre Structure Plan, as required by SPP 4.2 Policy Measure 6.4 (1).

Under Policy Measure 6.4.2 of SPP 4.2 the responsibility for preparation of an Activity Centre Structure Plan falls to Local Governments and, where appropriate, landowners. Given the fragmented ownership of the centre, it is appropriate that the City carries out the preparation of the Activity Centre Structure Plan for the Kelmscott District Centre.

In Policy Measure 6.4.3 Contents and Performance indicators of SPP 4.2 it is stated that:

1. Activity Centre Structure Plans should encompass the whole of a centre as defined by the boundaries; and
2. Activity Centre Structure Plans should demonstrate how the proposed development of the centre meets the requirements of SPP 4.2.

Local Planning Strategy 2016

The City's Local Planning Strategy 2016 contains a range of Actions associated with Activity and Retail (Commercial) Centres Strategy (ARCS). The main LPS Action relating to the Kelmscott District Centre is ARCS 6, which states:

"ARCS 6. Prepare a Centre Plan for the Armadale Strategic Regional Centre in accordance with SPP 4.2 and a Plan for Kelmscott District Centre in conjunction with normalisation of the MRA Kelmscott precinct."

Another LPS Action that will impact on the preparation of the Activity Centre Structure Plan for the Kelmscott District Centre is as follows:

"ARCS 3. Integrate the Activity Centre and Housing Strategy objectives by supporting compatible mixed uses including zoning for higher density residential development in the locality surrounding the Strategic Metropolitan Centre (Armadale) and District and appropriate Neighbourhood Centres."

The future Activity Centre Structure Plan will respond to the above action while being cognisant recent TPS No.4 Amendment No.100 (gazetted) and current Amendment No.89 (advertised for public submissions) which reviewed residential density codes in areas of Kelmscott and Camillo adjoining the Kelmscott District Centre.

MetroNet Denny Avenue Level Crossing Removal Project

Council is also aware that MetroNet have commenced works on the Denny Avenue Level Crossing Removal Project (two development applications referred by DevelopmentWA have been considered by Council in April 2020 and July 2020). These works not only relocate the existing Denny Avenue crossing to Davis Road with a proposed rail overpass, but also include substantial traffic, engineering, public realm, heritage and landscape improvements/upgrades on surrounding streets and landholdings. The Kelmscott Activity Centre Structure Plan will extend the benefits of the MetroNet project by integrating future development outcomes with the completed works.

DETAILS OF PROPOSAL

Council approval is sought to award the tender for the preparation of the Kelmscott District Activity Centre Structure Plan (Tender 11 of 2020), for a period of two years commencing 7 September 2020 with an option to be extended for a further one period of twelve (12) months up to 7 September 2023.

Tender documents originally advised that contract commencement would occur on 4 August 2020, however as tender advertising was extended due to COVID-19 this contract commencement date is proposed to be delayed by a month.

The advertised tender specification granted tenderers the opportunity to provide costings on the optional preparation of design renderings (artist's impressions) of Structure Plan design outcomes. Preparation of these deliverables is proposed to be negotiated with the successful tenderer (within budget allocations). This is addressed in the recommendation of this report.

ANALYSIS

Tender 11 of 2020 Preparation of Kelmscott Activity Centre Structure Plan and Supporting Technical Reports closed at 2pm on Tuesday 16 June 2020. Tenders were received from:

	Tenderer's Name
1.	Everett Bennett Pty Ltd (CLE Town Planning and Design)
2.	Hames Sharley Pty Ltd
3.	Land Insights
4.	Roberts Day
5.	Rowe Group
6.	Taylor Burrell Barnett
7.	The Auctioneering Co
8.	Urbis Pty Ltd

No tenders were received after the close of deadline.

One non-conforming tender was received and was not assessed on the basis that it did not satisfy the compliance criteria as it was comprised of advertising unrelated to the preparation of the Structure Plan.

An evaluation process was undertaken having specific regard to the following Qualitative Criteria:

Criteria	Weighting
Relevant Experience	25%
Key Personnel, Technical Skills & Resources	30%
Methodology and Understanding	25%
Price	20%

Based on the panel's evaluation, using a combination of the above qualitative criteria and price, the tender from Taylor Burrell Barnett represents the most advantageous tender.

OPTIONS

1. Council accept the recommendation of the panel that Taylor Burrell Barnett be awarded the contract in accordance with the pricing documented in the confidential attachment with final value of contract to be determined by final agreed scope of work.
2. Council award the contract to an alternate tenderer, providing reasons for its decision.
3. Council not accept any of the tenders, providing reasons for its decision.

CONCLUSION

Tenders for the Preparation of the Kelmscott Activity Centre Structure Plan and Supporting Technical Reports were recently invited with seven tenders being received and assessed by an evaluation panel against compliance and qualitative criteria.

The result was that the tender received from Taylor Burrell Barnett represented the most advantageous tender to the City.

The evaluation panel therefore recommends that the contract be awarded to Taylor Burrell Barnett for an initial period of two years.

N.B: The Confidential Attachment to this report detailing the recommended tenderer's price/consideration will be made public when Council has accepted the successful tender.

RECOMMEND

That Council:

1. **Accept the tender from Taylor Burrell Barnett for a period of two years commencing 7/09/2020 in accordance with:**
 - a) **The tenderer's submitted lump sum as presented in Confidential Attachment 1, subject to 1c) below;**
 - b) **Council's contract documentation, Budget and Long Term Financial Plan estimate;**
 - c) **Negotiation of a contract that factors minor (not greater than 10%)**

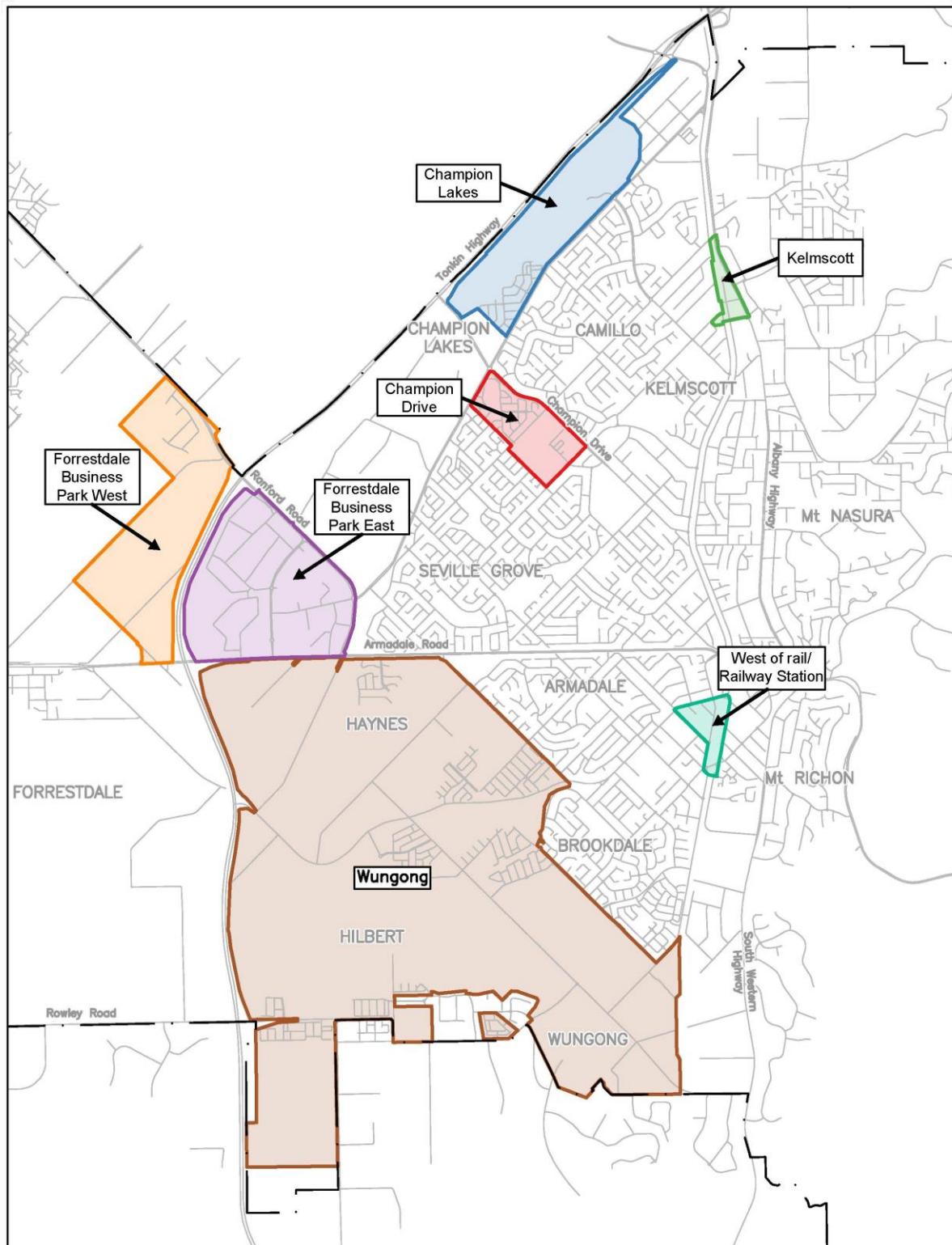
variations to the tendered price, in consideration of available information, some components of the consultancy no longer requiring extensive work, the advertised tender specifications, and optional inclusions in the tender documents and tenderer's response.

- 2. Authorise the Chief Executive Officer to extend the contract for one period of twelve (12) months up to 7 September 2023, subject to satisfactory performance by the contractor and price adjustments, as specified in the Request for Tender Special Conditions of Contract Clause 4.1.**

ATTACHMENTS

1. Confidential - Pricing Schedule - Kelmscott District Activity Centre Structure Plan - *This matter is considered to be confidential under Section 5.23(2) (b) of the Local Government Act, as it deals with the matter relates to the personal affairs of a person*
2. Confidential - Evaluation Summary Report - Kelmscott District Activity Centre Structure Plan - *This matter is considered to be confidential under Section 5.23(2) (b) of the Local Government Act, as it deals with the matter relates to the personal affairs of a person*

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LOCATION PLAN

Development WA Precincts

600 0 600 1200m

SCALE 1 : 60 000

Based on information provided by and with the permission of the
Western Australian Land Information Authority trading as Landgate (2012).
Aerial photograph supplied by Landgate. Photomerge by NextMap

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1.2 - UPDATE ON NORMALISATION OF DEVELOPMENTWA REDEVELOPMENT AREAS

WARD : ALL
FILE No. : M/403/20
DATE : 29 JULY 2020
REF : SW
RESPONSIBLE MANAGER : EDDS

In Brief:

- Work has been underway on normalisation of DevelopmentWA's Champion Drive, Forrestdale Business Park East, West of Rail/Railway Station and Wungong precincts for an extended period of time.
- DevelopmentWA has advised that s.57 of the *MRA Act* cannot be used to normalise its planning framework in Armadale as originally intended.
- New processes have to be commenced and administered to close out the 'gaps' in the planning framework where s.57 was intended to be used.
- Recommend that Council endorse the proposed changes in methodology.

Tabled Items

Nil.

Decision Type

- Legislative** The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.
- Executive** The decision relates to the direction setting and oversight role of Council.
- Quasi-judicial** The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration

Nil.

Strategic Implications

- 2.5.1 - Implement and administer the City's Town Planning Scheme and Local Planning Strategy to deliver quality development outcomes
- 3.1.1.8 - Facilitate a strong working relationship with the MRA/LandCorp to progress the planning of key areas and timely delivery of infrastructure.

Legal Implications

Environmental Protection Act 1986
Armadale Redevelopment Act 2001
Planning and Development Act 2005
Metropolitan Redevelopment Authority Act 2011
Metropolitan Region Scheme
Town Planning Scheme No.4

Council Policy/Local Law Implications

Nil.

Budget/Financial Implications

There are potential financial impacts associated with any Development Contribution Plans that may be normalised to the City.

Consultation

1. DevelopmentWA;
2. Department of Planning, Lands and Heritage.

BACKGROUND

Overview

Work has been underway on the normalisation of DevelopmentWA's Champion Drive, Forrestdale Business Park East (FBPE), West of Rail/Railway Station (WOR) and Wungong Precincts for an extended period of time. DevelopmentWA's original target date for normalisation of those precincts was 30 June 2020, however that target was not achieved for reasons discussed below.

Metropolitan Region Scheme (MRS) Amendment No.1360/57 and Amendment Nos.105, 107 and 108 to the City's Town Planning Scheme No.4 (TPS No.4), which support normalisation of the Champion Drive, FBPE and West of Rail/Railway Station precincts, were approved prior to the 30 June 2020 nominal target date. Those amendments utilised s.58 of the *Metropolitan Redevelopment Authority Act 2011* (MRA Act), which allowed them to be progressed ahead of normalisation but not take effect until normalisation occurs.

State Solicitors Office Advice

In June 2020, DevelopmentWA advised the City about advice it had received from the State Solicitors Office that s.57 of the *MRA Act* cannot be used to normalise its planning framework in the City of Armadale, due to the *Armadale Redevelopment Act 2001* having repealed rather than 'suppressed' the local planning scheme. Because s.57 was the planned method of normalising substantial portions of the planning framework, this will cause some delays to normalisation which are discussed in the sections below.

The City was advised that the option of amending s.57 of the *MRA Act* to resolve the constraint has been examined, but is unlikely to be the preferred method of normalising those precincts where work on normalisation is ongoing.

The remaining options to normalise the planning framework are:

- Amendments to TPS No.4 using s.58 of the *MRA Act*, which was used for the recently finalised Amendment Nos.105, 107 and 108, which were initiated by the City;
- S.35 of the *MRA Act* to transfer approvals which form part of the planning framework, such as Local Development Plans or Structure Plans.

Champion Drive Update

Given that the City progressed Amendment No.105 to TPS No.4 and requested the rescinding of the Champion Drive Developer Contribution Plan (DCP) there is nothing preventing transfer of the Champion Drive Precinct now, but DevelopmentWA have decided to defer that process until it can be normalised as part of a larger ‘bundle’ of precincts.

On 12 June 2020, the City received confirmation that DevelopmentWA’s Armadale Land Redevelopment Committee has resolved to approve the rescinding of the Champion Drive DCP at the time of normalisation, and to transfer the balance funds to the City. That decision was consistent with Council’s submission to DevelopmentWA which supported the rescinding of the DCP. Once normalisation has occurred and the balance funds received, a further report will be presented to Council to determine how those monies shall be spent.

Forrestdale Business Park East Update

Council, at its meeting of 24 June 2019, had indicated its in-principle support for normalisation of the FBPE DCP, subject to certain conditions. Those conditions required sufficient information to determine the DCP’s status and indemnification of the City against any liabilities arising from the ARA’s and MRA’s operation of the DCP.

The FBPE DCP is therefore required to be reviewed before the precinct is normalised to the City, and while work has commenced on that process, to date DevelopmentWA’s review has not reached the point of being formally initiated: this was the primary issue holding back normalisation of FBPE.

When it considered MRS Amendment No.1360/57 at its meeting of 28 January 2020, Council resolved to request that the area of Lot 9500 Armadale Road identified as Conservation Category Wetland and its buffers be reserved for Parks and Recreation in the MRS, rather than zoned Industrial. That portion of the City’s submission was not upheld by the WAPC and Lot 9500 will be fully zoned Industrial when MRS Amendment No.1360/57 comes into effect (*Refer to the MRS plan in the Attachments*).

Amendment No.107 did not contain any DCP provisions because the outcome of the DCP review was not known, and it was thought that they could be inserted into TPS No.4 later using *s.57 of the MRA Act*, however, more importantly the City needed to be provided with documentation to assess the FBPE DCP.

Three lots in FBPE were excluded from the now finalised Amendment No.107, because of the complications that their environmental values may have created (*refer to Location Plan for Amendment No.114 included with this report*). The expectation at the time was that those lots would be introduced into TPS No.4 using s.57 of the *MRA Act*, however as mentioned above, it is now known that this cannot be done. That is primarily an issue for Lot 9500 Armadale Road, as the other two lots are State Government owned (Crown Reserves) and will be reserved for Parks and Recreation under the MRS: the TPS No.4 mapping will need to reflect that reservation.

When considering finalisation of an amendment to the City's Local Planning Policy PLN4.1 – The Design of Industrial Estates, to incorporate some of DevelopmentWA's Design Guidelines criteria applicable to FBPE, Council resolved to advise DevelopmentWA and Western Australian Planning Commission that the City does not need or support the normalisation of the DWA's Forrestdale Business Park Design Guidelines to the City. It should be noted that the State Solicitors Office advice has subsequently confirmed that s.57 does not provide DevelopmentWA with the power to normalise the Design Guidelines, so that issue has fallen away. The amendments to the City's PLN-4.1 include appropriate development standards for the area.

West of Rail/Railway Station Update

At its meeting of 23 September 2019 Council had indicated its in-principle support for normalisation of the WOR DCP, subject to certain conditions. Those conditions required sufficient information to determine the DCP's status and indemnification of the City against any liabilities arising from the ARA's and MRA's operation of the DCP.

DevelopmentWA is required to review the WOR DCP in accordance with the requirements of the Armadale Redevelopment Scheme No.2 before the precinct is normalised to the City, and while work has commenced on that process, to date DevelopmentWA's DCP review has not reached the point of being formally initiated: transfer of the DCP is the primary issue holding back normalisation of WOR.

Amendment No.108 did not contain any DCP provisions because the outcome of the DCP review was not known, and DevelopmentWA had advised that they could be inserted into TPS No.4 later using *s.57 of the MRA Act*.

The land assembly requirements which support the WOR DCP are being progressed by DevelopmentWA and were the subject of a report to Council in July 2020.

It had been intended that a portion of the Design Guidelines for this precinct would be normalised to the City using *s.57 of the MRA Act*, however as mentioned above, that is no longer an option. The City is investigating the other options for normalising those development requirements, and that will be the subject of a future report to Council.

Wungong Urban Water Update

Council, at its meeting of 27 May 2019, had indicated its in-principle support for normalisation of the Wungong DCP, subject to certain conditions. Those conditions required finalisation of a DCP Review, sufficient information to determine the DCP's status and indemnification of the City against any liabilities arising from the ARA's and MRA's operation of the DCP.

The Wungong DCP is still undergoing review, following formal public advertising of DevelopmentWA's draft amendment in August/September 2019. The City has made a detailed submission in response to the public advertising and that submission has itself been the subject of ongoing review by both DevelopmentWA and the 'Landowner Group' which comprises the major developers operating in the area.

DevelopmentWA removed its Wungong Precinct from MRS Amendment No.1360/57 prior to initiation, to further liaise with the Environmental Protection Authority (EPA) regarding its anticipated requirements. Following that consultation DevelopmentWA requested that the Western Australian Planning Commission (WAPC) initiate a separate MRS amendment for Wungong, which was initiated in July 2020. The City was consulted by the Department of Planning, Lands and Heritage prior to that occurring, and had some input into the preparation of the draft MRS mapping for Wungong. A report will be prepared to Council on the proposed MRS Amendment for Hilbert, Haynes and Wungong when it is being formally advertised for public comment.

An outstanding issue related to the MRS Amendment for Wungong is flood modelling. The MRA engaged DWER some time ago to re-run the flood modelling for Wungong, as there were potential deficiencies in the original work that had been done. DWER subsequently identified a significant shortfall of stormwater storage in Wungong, with the main problem being storage of a 1:100 event at the 24hr duration. The City has started advocating for this issue to be resolved in the near future, with the intention of it being closed out in parallel with the MRS Amendment.

In July 2019, the City had written to the Commission requesting that the Wungong Precinct be zoned in TPS No.4 using s.126 of the *Planning and Development Act 2005*, as it would provide a far less complicated means of zoning DevelopmentWA Precincts under Town Planning Scheme No.4 (TPS No.4), as it can 'automatically' amend the TPSNo.4 Scheme Map upon finalisation of the MRS amendment to be consistent with the MRS. This would be an Urban Development zone.

The City still considers that the use of s.126 to implement TPS No.4 zonings is preferable, for the reasons outlined previously, and *s.57 of the MRA Act* not being able to normalise zones provides further justification for using s.126. Prior to the separate MRS Amendment for Wungong being initiated, the City wrote to the WAPC a second time, to reiterate its previous request. Typically, a request of this type would be considered by the WAPC upon finalisation of the MRS Amendment, following public advertising, which raises some timing issues that are discussed in this report.

COMMENT

Forrestdale Business Park East

Officer level discussion has identified an option to rescind the FBPE DCP, which had not been contemplated by DevelopmentWA when Council considered normalisation of the precinct in June 2019. The fact that Amendment No.107 did not contain any DCP provisions and a further complex scheme amendment to TPS No.4 would now be required to do that, provides additional justification for investigating the option to rescind the DCP, in addition to the financial considerations.

At this stage the preferred option is for the DCP to be rescinded / not transferred to the City with DevelopmentWA separately managing the collection of outstanding contributions. The majority of costs still to be recovered relate to a debt owed to the State Government for works that were prefunded during initial stages of the development. It is therefore considered practical and logical that the State manage the recovery of this debt in lieu of the debt being transferred to the City to recover via a DCP that is largely complete from an infrastructure delivery perspective. Given the debt included in the DCP, transferring the DCP is also something that is unlikely to be acceptable or feasible for the City given broader financial impacts/risks and the City's borrowing capacity. The few infrastructure works that remain outstanding are being reviewed with DevelopmentWA as part of the DCP review. Decisions in relation to the DCP will be confirmed following its review, with further reporting to Council or advice via memorandum to Councillors to be provided.

In response to the exclusion of Lot 9500 from Amendment No.107 and the restriction on using s.57 of the *MRA Act* to normalise that lot, DevelopmentWA propose that:

- They proceed to normalise the portion of FBPE which was subject to Amendment No.107, following finalisation of the DCP review; and
- The City initiate a further amendment to TPS No.4 that zones Lot 9500 and applies structure planning requirements to it, including environmental studies about the Conservation Category Wetland (CCW) that is mapped on the site.

DevelopmentWA's Design Guidelines for FBPE have established the requirement for a Local Development Plan to be prepared for Lot 9500, noting, "*Lot 9500 Armadale Road, Forrestdale requires further environmental assessment and endorsement from Department of Biodiversity Conservation and Attractions prior to the commencement of development*". The appropriate method of normalising that requirement is discussed in more detail in this report and the report on proposed Amendment No.114 in this Agenda.

West of Rail/Railway Station

Given that the DCP Review has not been substantially progressed by DevelopmentWA and no DCP contributions have been collected to date, DevelopmentWA propose that:

- Its DCP review should move to close the existing DCP out; and
- The City prepare a new DCP for WOR.

Wungong Urban Water

If the zonings in Wungong were dealt with as per the City's abovementioned request to the WAPC, a s.58 amendment to TPS No.4 would still be required in order to introduce the following to the Scheme:

- Schedule 6 Environmental Conditions which replicate the existing Environmental Conditions in Appendix 5 of DevelopmentWA's Armadale Redevelopment Scheme;
- An 'EC' notation on the Scheme Map to denote the existence of the Environmental Conditions;
- Schedule 8 provisions which outline the structure planning requirements for each of the "cells" in Wungong;
- Schedule 9B DCP provisions; and
- Modifications to the Special Control Area Map to highlight the application of Schedule 8 & 9B provisions to the area.

The preparation and initiation of this amendment while a number of related processes are being run concurrently raises uncertainties and risks which are discussed below.

CoA Legal Advice – Environmental Conditions

The need to replicate the existing Environmental Conditions for Wungong in DevelopmentWA's Armadale Redevelopment Scheme using an s.58 amendment to TPS No.4, and the potential for further environmental requirements to be sought via forthcoming s.58 amendments, prompted the City to obtain some legal advice on this subject. The relevant advice was that:

- Any Environmental Conditions inserted into Schedule 6 of TPS No.4 need to have been drafted by the EPA following a referral under s.38 of the *Environmental Protection Act 1986*;
- Environmental Conditions which were drafted/endorsed in response to a process other than the relevant s.58 amendment can be inserted into Schedule 6 of TPS No.4; and
- Given the above advice there is nothing preventing a s.58 amendment replicating DevelopmentWA's Environmental Conditions in Schedule 6 of TPS No.4 without requiring a further environmental review.

ANALYSIS

Overview

The overall impacts and risks created by the State Solicitors Office advice about s.57 of the *MRA Act* will be to:

- Delay normalisation as new processes have to be commenced and administered to close out the 'gaps' in the planning framework where s.57 was intended to be used;
- Place further administrative obligations on the City, as its processes such as s.58 Scheme Amendments must now be used to normalise;

- Require scheme amendments that address land with significant environmental attributes to be referred to the EPA for assessment: the City's experience with Amendment No.105 which normalises the Champion Drive precinct was that new environmental requirements were applied to that amendment and DevelopmentWA declined to fund that work;
- Extend the period during which DevelopmentWA administers the Wungong DCP, potentially increasing the scope of any legacy shortfall and decreasing the balance transferrable at normalisation; and
- Create further uncertainty for external stakeholders in the normalisation process.

Forrestdale Business Park East

There is merit in investigating the option to rescind the FBPE DCP, and it is therefore recommended that the City modify the scope of its previous approach to conditionally accept normalisation of the DCP. The City could then liaise with DevelopmentWA regarding the option to rescind, with a view to incorporating it into the DCP review.

The City agrees that a further amendment to TPS No.4 should be initiated to address the three lots in FBPE that were excluded from Amendment No.107, and that is the subject of a separate report to Council on this agenda. The intention, in broad terms, is to:

- apply a zone to Lot 9500 consistent with the forthcoming Industrial zoning in the MRS; and
- administratively replicate DevelopmentWA's requirement for further environmental assessment as a structure planning requirement in Schedule 8 of TPS No.4.

West of Rail/Railway Station

DevelopmentWA's proposal to close down its DCP and for the City to prepare its own DCP for WOR is a change of methodology that would still result in a DCP operating to facilitate development of the precinct. That methodology would avoid the need for DevelopmentWA to de-risk its DCP or indemnify the City against future claims, as per Council's requirements, however DevelopmentWA should continue to close out the land assembly project prior to normalisation, which was part of their original proposal to the City.

Options for progressing the DCP include:

1. Draft a City of Armadale DCP reflective of current DCP arrangements as part of a complex amendment;
2. Draft a City of Armadale DCP with a reduction in the scope of infrastructure to be funded, as part of a complex amendment; or
3. Not reinstate a DCP over the area and consider alternative ways to fund the works, or not progress at this time.

Infrastructure being considered for inclusion in a DCP under Option 1 includes:

- Cornish Street Construction including laneway to Fifth Avenue (\$2.4m);
- Landscaping of a public square opposite the station and streetscapes. (\$1.05m);
- Sewer and water reticulation upgrades (\$189k); and
- DCP Administration Costs.

The latter two options may be feasible if Council accepted that it would fund some or all of the DCP infrastructure works, such as the construction of Cornish Street and improvements to the public square/public open space.

At this stage, given Council has not allocated funding for the DCP projects, Option 1 is being progressed by the City. Council could request the City progress a different option if it saw the delivery of the DCP infrastructure as a priority for the area in an attempt to stimulate development or for other reasons.

Given that DCP provisions would need to be inserted into TPS No.4 as a complex scheme amendment, the City believes it would be best placed to prepare both the scheme provisions and related DCP text. Separating that task from DevelopmentWA's ongoing DCP review would mean that work could commence on the City's DCP immediately rather than wait for the result of the review. Both processes would be the subject of a future report to Council.

One issue that the City has flagged with DevelopmentWA is that normalisation of the precinct should not occur until the City's DCP has become a 'seriously entertained' planning proposal that can be enforced. That is necessary to prevent a 'gap' between the operation of the two DCPs during which a development/subdivision application would be approved without the application of a DCP contribution condition.

It is recommended that Council resolve to support further investigation and reporting on the abovementioned options.

Wungong Urban Water

Ideally the DevelopmentWA review would result in a modified DCP that the City would be content to administer, and could be replicated by the subsequent Scheme Amendment to TPS No.4 which would insert Schedule 9B provisions and modify the Special Control Area Map. However, the DCP review remains a very complex task requiring the careful management so that a balanced and implementable outcome is achieved which supports development of the area, necessary infrastructure being delivered and legacy issues being addressed.

Consistency with the outcome of the DevelopmentWA DCP could potentially make the Scheme Amendment to TPS No.4 a more streamlined process, and create an opportunity for the City to commence administration of the DCP once the Scheme Amendment became a 'seriously entertained' planning proposal, with normalisation to follow. If a satisfactory level of agreement cannot be reached and the DCP proposals are inconsistent then the Scheme Amendment may need to be initiated as a separate proposal, rather than an administrative process, requiring additional input and analysis.

In order to see if consistency can be achieved it would be necessary to let DevelopmentWA's DCP review progress further before initiating the City's DCP process, but that delay also needs to be weighed against the ultimate length of the amendment process which is likely to be 18 months to 2 years. Consideration will also be given to initiating one scheme amendment to TPS No.4, or breaking the task into separate amendments that can be progressed independently if one of the 'components' such as the DCP provisions or transferred Environmental Conditions becomes the subject of delays.

In any case, it is apparent that DevelopmentWA's DCP cannot be normalised to the City as anticipated and regardless of their potential similarities, the two DCPs will be separate frameworks and the DevelopmentWA's DCP will need to be closed out and the balance monies transferred into the City's DCP and legacy issues addressed. It is recommended that Council resolve to endorse the abovementioned change in DCP methodology, which will be reported on in more detail in due course.

The City's request to deal with the zoning of Wungong via s.126 of the *Planning and Development Act 2005* also affects the timing of this process. Typically a request of that type would be considered by the WAPC upon finalisation of the MRS Amendment which, in this case, would more than likely be after initiation of the City's own scheme amendment which omits zonings. Because the City's own amendment would likely be a complex amendment, it would be referred to the WAPC prior to advertising, giving the Commission an opportunity to consider the proposed method of normalising zonings.

A report to Council will be prepared on the Wungong MRS Amendment when the proposal is advertised for public comment.

OPTIONS

Council could:

1. Continue progressing normalisation in accordance with the methodology previously established, requiring the State Government to address the 'gaps' created by the s.57 restriction;
2. Endorse the changes in methodology foreshadowed in this report for dealing with DevelopmentWA's Forrestdale Business Park East, West of Rail/Railway Station and Wungong Precincts.

CONCLUSION

It is unfortunate that the restriction on using s. 57 was discovered by DevelopmentWA so close to the nominal target dates, as that has significantly pushed back normalisation in precincts where it is now necessary to initiate alternative methods to establish the planning framework. The City is content to take on administration of those alternate methods, as it is best placed to do so and will do appropriate project planning, but it requests Council support for necessary changes to the previously endorsed methodology. A substantial amount of additional reporting will be required before the process is complete in the Forrestdale Business Park East, West of Rail/Railway Station and Wungong Precincts and it is likely that may highlight the need for further refinements to the process in due course.

RECOMMEND

That Council:

- 1. Endorse the changes in methodology foreshadowed in this report for dealing with normalisation of DevelopmentWA's Forrestdale Business Park East, West of Rail and Wungong precincts, specifically:**
 - **Support DevelopmentWA's advice that the Forrestdale Business Park East Developer Contribution Plan may potentially be rescinded;**
 - **DevelopmentWA's advice that the West of Rail Developer Contribution Plan may potentially be rescinded following a City of Armadale Developer Contribution Plan becoming seriously entertained; and**
 - **DevelopmentWA's advice that the Wungong Developer Contribution Plan would need to be the subject of an amendment to Town Planning Scheme No.4.**

ATTACHMENTS

- 1.[1](#) MRA Normalisation Armadale - Proposed Minor Modification



LOCATION PLAN

TPS Amendment No. 114

DATE 14 July 2020 - REVISION 2001
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75 0 75 150m

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SCALE 1 : 7500

CITY OF  Armadale

2.1 - PROPOSED AMENDMENT NO.114 TO TPS NO.4 - NORMALISATION OF LOT 2, 4853 AND 9500 FORRESTDALE BUSINESS PARK EAST FROM DEVELOPMENTWA TO CITY OF ARMADALE

WARD	:	Ranford
FILE No.	:	- M/402/20
DATE	:	29 JULY 2020
REF	:	JC
RESPONSIBLE MANAGER	:	EDDS
APPLICANT	:	City of Armadale
LANDOWNER	:	Multiple Landowners
SUBJECT LAND	:	Lot 2 Keane Road, Lot 4853 Allen Road and Lot 9500 Armadale Road, Forrestdale
ZONING MRS / TPS No.4	:	No Zone (within Redevelopment Area) No Zone (within Redevelopment Area)

In Brief:

- Three lots in Forrestdale Business Park East were excluded from Amendment 107 (intended to be normalised using s.57 of the *MRA Act*) that are required to be appropriately zoned, prior to normalisation from DevelopmentWA to the City.
- DevelopmentWA has advised that s.57 of the *MRA Act* cannot be used to normalise its planning framework in Armadale.
- The proposal designates appropriate zones and reservations over the subject lots to enable the environmental assets on site to be protected.
- Recommend Council initiate Amendment No.114 for public review and submission.

Tabled Items

Nil.

Decision Type

Legislative

The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.

Executive

The decision relates to the direction setting and oversight role of Council.

Quasi-judicial

The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration

Nil.

Strategic Implications

- 2.1 Long term planning and development that is guided by a balance between economic, social and environmental objectives.
- 2.1.1 Review, update and implement the City's Town Planning Scheme, taking into account the Local Biodiversity Strategy and other environmental considerations.



AERIAL PLAN

TPS Amendment No. 114

50 0 50 100m
SCALE 1 : 5000

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DATE 14 July 2020 - REVISION 2001
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CITY OF  Armadale

- 2.5.1 Implement and administer the City's Town Planning Scheme and Local Planning Strategy to deliver quality development outcomes.
- 3.2.2 Broadly promote Armadale as a place of business and investment.
- 3.1.1.8 Facilitate a strong working relationship with the MRA/LandCorp to progress the planning of key areas and timely delivery of infrastructure.

Legal Implications

Metropolitan Redevelopment Authority Act 2011
Metropolitan Redevelopment Authority Regulations 2011
DevelopmentWA Armadale Redevelopment Scheme 2
Planning and Development Act 2005
Planning and Development (Local Planning Schemes) Regulations 2015
Metropolitan Region Scheme
City of Armadale Town Planning Scheme No.4

Council Policy/Local Law Implications

Nil.

Budget/Financial Implications

Normalisation of MRA areas creates a requirement for additional resources, a portion of which have already been funded and put in place.

Consultation

DevelopmentWA.
Department of Planning Lands and Heritage.

BACKGROUND

The Forrestdale Business Park East Project Area (FBPE), a DevelopmentWA (DWA) Redevelopment Area bound by Tonkin Highway, Ranford Road and Armadale Road, is one of a number of Redevelopment Areas, DevelopmentWA are currently proposing to normalise to the City of Armadale's planning control. DevelopmentWA's original target date for normalisation of FBPE was 30 June 2020, however this has since been delayed. MRS Amendment 1360/57 and Amendment 107 were approved in June 2020 to facilitate the normalisation of FBPE into the Metropolitan Region Scheme (MRS) and Town Planning Scheme No.4 (TPS No.4)

Site Description

Amendment No.114 relates to three lots which were excluded from Amendment 107. Please refer to Attachment – Location Plan. The subject sites are located in the south-western portion of FBPE being:

- Lot 2 Keane Road, Forrestdale;
- Lot 4853 Allen Road, Forrestdale; and
- Lot 9500 Armadale Road, Forrestdale.

A fairly extensive Conservation Category Wetland (CCW) is located on a large portion of all three subject lots. Please refer to Attachment – Conservation Category Wetland. There are four Threatened Ecological Communities mapped as potentially occurring on the subject sites, and a priority fauna species (Quenda) has been observed on the subject sites. The site is mapped as an Environmentally Sensitive Area and the majority of existing vegetation is mapped as a potential vegetated natural area in the City's Local Biodiversity Strategy.

Land Tenure

The majority of this wetland is located within Lot 2 Keane Road, which is held as a freehold lot by the Department of Lands. The wetland also affects all of Lot 4853 Allen Road which is Crown land held by the Department of Lands. A portion of the wetland also traverses the privately owned Lot 9500 Armadale Road, affecting approximately half of the lot area. Environmental studies are yet to be completed to determine the extent of developable land within Lot 9500.

Normalisation

At its meeting on 24 June 2019, Council resolved to support the normalisation of FBPE subject to several conditions. Council then initiated Amendment 107 to normalise FBPE at its meeting on 23 September 2019, prior to the corresponding MRS Amendment being advertised. The three subject lots were excluded from Amendment 107, because of the complications with the DevelopmentWA planning framework and their environmental values. The expectation at the time was that two lots would be reserved for Parks and Recreation in the MRS and Lot 9500 would be introduced into TPS No.4 using s.57 of the *Metropolitan Redevelopment Act 2011 (MRA Act)*, however it is now known that cannot be done. That is primarily an issue for Lot 9500, as the other two lots are State Government owned and will be reserved for Parks and Recreation under the MRS. This is discussed in further detail in subsequent sections of this report.

DevelopmentWA's original target date for normalisation of FBPE was 30 June 2020. This target has been delayed and no revised target has been provided to date. Discussions between DWA and the City are ongoing to determine a revised normalisation schedule for the subject lots and a number of other Redevelopment Areas.

DETAILS OF PROPOSAL

Amendment No.114 is part of the process to facilitate the transfer of planning control over the subject lots to the City, which is currently under the control of DWA. The Amendment proposes to:

- Introduce Lot 9500 into the TPS No.4 boundary to enable TPS No.4 zoning and development requirements to apply to the lot;
- Zone Lot 9500 'Industrial Development' under TPS No.4 and include relevant structure planning provisions into Schedule 8 – Development (Structure Planning) Areas, enabling the preparation of a Local Structure Plan to further investigate the environmental constraints of the land;

- Amend Special Control Area Map 3 to identify Lot 9500 as Development Area No.69; and
- Update the TPS No.4 mapping to reflect the recently approved ‘Parks and Recreation’ reservations under the MRS for Lots 2 and 4853.

Refer to the Attachment – Scheme Amendment Plan.

DevelopmentWA Scheme Amendment Proposal

DWA wrote to the City on 16 July 2020 providing a draft Amendment report for the subject site. This correspondence indicated DWA consider the Amendment be classified as a basic amendment. Basic amendments are generally prepared for very minor administrative changes to a Local Planning Scheme and are not required to be advertised.

State Solicitors Office Advice

In early June 2020 DevelopmentWA advised the City about advice it had received from the State Solicitors Office (SSO) that s.57 of the *MRA Act* cannot be used to normalise its planning framework in Armadale, due to the *Armadale Redevelopment Act 2001* having repealed rather than ‘suppressed’ the local planning scheme. Because s.57 was the planned method of normalising the subject lots, the City is now required to determine an alternative approach.

One option remains, to normalise the subject lots utilising s.58 of the *MRA Act*, which enables the City to prepare an Amendment to TPS No.4 whilst the land is still included within a Redevelopment Area. S.58 of the *MRA Act* provides that the Amendment does not take effect until the land is removed from Schedule 1 of the *Metropolitan Redevelopment Authority Regulations 2011 (MRA Regs)*. This is the method used for the recently finalised Amendments 105, 107 and 108.

MRS Amendment

A MRS Amendment for a number of Redevelopment Areas including FBPE was formally advertised from 6 December 2019 to 28 February 2020, with Council resolving at its meeting on 28 January 2020 to recommend to the WAPC that it supported the Amendment subject to the entirety of Lot 2 Keane Road and Lot 4853 Allen Road and the portion of Lot 9500 Armadale Road affected by the Conservation Category Wetland (CCW) and its buffer be reserved for ‘Parks and Recreation’ under the MRS. The WAPC resolved to partially support the City’s recommendation, to reserve Lots 2 and 4853 under the MRS, however did not reserve Lot 9500, instead zoning the entire lot ‘Industrial’ in the MRS.

Lot 9500 Armadale Road

As part of the MRS Amendment process, the MRS Amendment application was formally referred to the Environmental Protection Authority (EPA) for consideration and DWA held discussions with the Department of Water and Environmental Regulation (DWER) relating to the CCW located partially within Lot 9500. DWA acknowledged that Lot 9500 contains a mapped CCW, however advised that the required environmental studies have not yet been completed. DWA and DWER considered it inappropriate to reserve the entire lot ‘Parks & Recreation’ under the MRS given Lot 9500 has some development potential.

Existing DWA Planning Framework

The existing DWA planning framework for Lot 9500 comprises:

- Expired FBPE Structure Plan

The Structure Plan does not provide a consistent approach to this lot. The Structure Plan text states that the Conservation Category Wetland and a 50 metre buffer should be identified as POS on the Structure Plan, however “*the Structure Plan map identifies the lot being subject to further assessment and will be determined upon further advice from the Department of Environment.*”

- Forrestdale Design Guidelines

DWA’s Design Guidelines for FBPE establish the requirement for a Local Development Plan to be prepared for Lot 9500 prior to development, noting, “*Lot 9500 Armadale Road, Forrestdale requires further environmental assessment and endorsement from Department of Biodiversity Conservation and Attractions prior to the commencement of development.*”

DWA Proposal for Lot 9500 Armadale Road

DWA and DWER agreed a recommended pathway to progress the normalisation of Lot 9500, which was subsequently supported by the WAPC in June 2020. Specifically, the following approach was proposed:

- Applying an ‘Industrial’ zoning under the MRS;
- Applying an ‘Industrial Development’ zone under TPS No.4 to Lot 9500. The Industrial Development zone would require a structure plan/local development plan to be prepared and approved, in consultation with DWER and the Department of Biodiversity, Conservation and Attractions (DCBA) and other stakeholders prior to development taking place;
- Identification of the symbol ‘EC’ on the TPS No.4 map to indicate that environmental conditions apply to the land; and
- Environmental Conditions be embedded into TPS No.4 requiring the preparation of environmental studies and a Structure Plan/Local Development Plan prior to any development taking place.

WAPC and DWER considered the above approach appropriate being consistent with the requirements identified by the expired FBPE Structure Plan and Design Guidelines.

Two options exist to insert environmental provisions into TPS No.4. Conditions can either be inserted into Schedule 6 – Environmental Conditions or where provisions relate to a structure plan, Schedule 8 – Development (Structure Planning) Areas. Provisions can only be inserted to Schedule 6 where they have been drafted by the EPA following a referral under s.38 of the *Environmental Protection Act 1986*. Alternatively, Schedule 8 provisions can be drafted by the City, without a s.38 EPA referral being required.

CoA Legal Advice – Environmental Conditions

The above approach agreed to be DWA, DWER and WAPC indicates that Environmental Conditions and the associated ‘EC’ symbol can be embedded into TPS No.4 in relation to environmental studies required for Lot 9500. The City obtained legal advice on this subject, as this matter affects both Lot 9500 and the Wungong Urban Water precinct. As expected, the advice stated that any Environmental Conditions inserted into Schedule 6 – Environmental Conditions of TPS No.4 need to have been drafted by the EPA following a referral under s.38 of the *Environmental Protection Act 1986*. This is in place in Wungong, but not in Forrestdale Business Park.

Local Planning Scheme and Metropolitan Region Scheme Consistency

Whilst the WAPC determined to zone Lot 9500 as ‘Industrial’ under the MRS, choosing to only partially support Council’s resolution of 24 June 2019, which recommended applying appropriate protections for the wetland under the MRS, the *Planning and Development Act 2005 (PD Act)* restricts the City’s options to amend its Scheme in this instance. The City’s TPS No.4 is required to be consistent with the MRS ‘Industrial’ zoning of the land. The reservation of the Conservation Category Wetland on Lot 9500 as a local ‘Parks and Recreation’ reserve under TPS No.4 may not be in consistent with the MRS Industrial zone, however, this is not desirable as it is anticipated that subsequent structure planning will need to determine the extent of the wetland. More importantly, any reservation of the land under TPS No.4 will make the City liable to pay the landowner compensation.

ANALYSIS

Scheme Map

The ‘Industrial Development’ zone of TPS No.4 is the closest aligned TPS No.4 zone to the current classification for Lot 9500 under the current DWA planning framework. The ‘Industrial Development’ zone provides for future industrial development, subject to the preparation of a structure plan to guide development and determine site features and constraints, effectively replicating DWA’s requirement for further environmental assessment as a structure planning requirement in Schedule 8 of TPS No.4. The zoning of Lot 9500 as ‘Industrial Development’ is consistent with advice received from the Department of Planning, Lands and Heritage (DPLH) and DWA.

- Amend Special Control Area Map 3 to identify Lot 9500 as Development Area No.69.

Refer to Attachment – Special Control Area Map. The inclusion of Lot 9500 into a Development Area enables the City to introduce provisions guiding the preparation of a structure plan for the lot into Schedule 8 - Development (Structure Planning) Areas of the Scheme.

- Update TPS No.4 mapping to reflect the recently approved ‘Parks and Recreation’ reservations under the MRS for Lots 2 and 4853.

These lots were reserved under the MRS Amendment 1360/57, approved by the Minister for Transport and Planning in June 2020. The City has received legal advice indicating that s.126 of the *Planning and Development Act 2005*, which enables MRS reservations to automatically be applied to the affected LPS does not occur in this instance as TPS No.4 does not currently apply with the Redevelopment Area. As a result, the City proposes to maintain consistency by reflecting the ‘Parks and Recreation’ reservations of the MRS on the TPS No.4 mapping for Lots 2 and 4853.

Scheme Text

The following changes are proposed to the TPS No.4 text:

- Including provisions into Schedule 8 of TPS No.4 requiring the preparation of a structure plan for Lot 9500 prior to any subdivision or development.

Following discussions with DWA, the City recommended the required environmental/structure planning provisions be included in Schedule 8 - Development (Structure Planning) Areas, rather than Schedule 6 – Environmental Conditions, to enable the City to progress the Amendment without requiring formal assessment of the Amendment by the EPA. This approach reduces the potential for a Local Planning Scheme Amendment being subject to environmental assessment, instead requiring environmental studies to be undertaken by an applicant as part of structure planning.

The preparation of a structure plan for the site will enable the environmental constraints and the extent of the site not affected by these constraints to be determined. The provisions proposed to be included within Schedule 8 of TPS No.4 aim to provide more specific requirements than DWA’s current requirements for the site. The Amendment proposes the use of a structure plan to undertake further planning for this site, rather than an LDP, as is indicated under the current DWA framework. LDPs are designed to be used for more detailed stages of planning, addressing built form and usually where a structure plan and subdivision have already been approved for a site. The City does not consider an LDP is appropriate in this situation.

Since the Armadale Redevelopment Authority (ARA) took over planning control of FBPE in the early 2000’s, environmental studies for Lot 9500 have not been completed, restricting the ability to develop the lot. There are four Threatened Ecological Communities mapped as potentially occurring in the vegetated portion of the lot, and a priority fauna species (Quenda) has been observed in the vegetated portion of the lot. The proposed structure planning provisions of Amendment No.114 include the requirement for detailed environmental studies to be undertaken which will include investigations into the Conservation Category Wetland located on the site and associated flora and fauna.

Development Contribution Plan

This Amendment does not propose the inclusion of Development Contribution Plan (DCP) provisions for the subject lots. This is consistent with Amendment 107, which excluded DCP provisions for the remainder of FBPE. The *Update on Normalisation of Development WA Redevelopment Areas* report on this agenda provides further information on the FBPE DCP.

Standard Amendment

Amendment No.114 is proposed as a standard amendment as it meets the following standard amendment criteria (r.34) identified in the *Planning and Development (Local Planning Schemes) Regulations 2015 (PD Regs)*:

- (b) an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
- (c) an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment; and
- (e) an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment.

The Amendment will facilitate the normalisation of the subject lots and is consistent with the normalisation strategy of the City's Local Planning Strategy. The Amendment is consistent with the approved MRS Amendment 1360/57 over the subject lots. The City's officers consider the Amendment will have a minimal impact on the surrounding land.

The City's officers do not consider the proposal meets the basic amendment criteria. This criteria indicates that amendments consistent with another Act which applies to the Scheme area can be considered basic amendments. In this instance, the Amendment is not wholly consistent with the DevelopmentWA planning framework (prepared under the *MRA Act* which applies to the Scheme area) therefore City officers do not consider the Amendment can be classified as basic. The City considers engagement to affected parties is necessary as part of the proposed amendment. This is a best practise approach and will ensure future planning stages (structure planning, subdivision and development) are managed more efficiently as the landowner will be engaged at the scheme amendment stage.

Scheme Amendment Process

If Amendment No.114 is progressed as a standard amendment, following initiation the Amendment will be required to be forwarded to the EPA for a decision as to whether an environmental assessment is required. Following a decision by the EPA that no assessment is required, the Amendment is to be advertised for 42 days in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

DWA has discussed the proposed amendment with DWER and have advised the City that DWER support the application of structure planning provisions requiring environmental studies to be undertaken as part of a future structure plan. Given discussions have already been held with DWER, the City's officers anticipate the amendment is unlikely to require formal assessment by the EPA.

OPTIONS

1. Council may initiate the Scheme Amendment as proposed.
2. Council may decline the initiation of the Scheme Amendment if it considers the proposed rezoning to be contrary to the orderly and proper planning of the area or for any other reason.

CONCLUSION

Advice from the State Solicitor's Office advises that the subject lots are no longer able to be normalised via s. 57 of *MRA Act*. Amendment No.114 will facilitate the normalisation of the three subject lots within FBPE into TPS No.4, appropriately zoning the subject lots and enabling a process for the protection of the Conservation Category Wetland. It is recommended Council adopt Option 1.

Once initiated, following the closure of the advertising period, the proposed amendment and any submissions received during the advertising period will be forwarded to Council for its consideration for final adoption.

RECOMMEND

That Council:

1. Pursuant to Part 5 of the *Planning and Development Act 2005*, initiate Amendment No.114 to Town Planning Scheme No.4 as a standard amendment in accordance with Part 5 Clause 34 – standard amendment subsections (b), (c) and (e) of the *Planning and Development (Local Planning Schemes) Regulations 2015* to:
 - a. Include Lot 9500 Armadale Road, Forrestdale as designated on the Scheme Amendment Map into the Scheme boundary;
 - b. Rezone Lot 9500 Armadale Road, Forrestdale as depicted on the Scheme Amendment Map from unzoned to 'Industrial Development' zone;
 - c. Rezone Lot 2 Keane Road, Forrestdale and Lot 4853 Allen Road, Forrestdale from unzoned to 'Parks and Recreation (Regional)' reserve;
 - d. Amend Special Control Area Map 3 to designate Development Area No.69 over Lot 9500 Armadale Road, Forrestdale as depicted on the Special Control Area Map 3;
 - e. Amend Schedule 8 – Development (Structure Planning) Areas to include the following new Development Area:

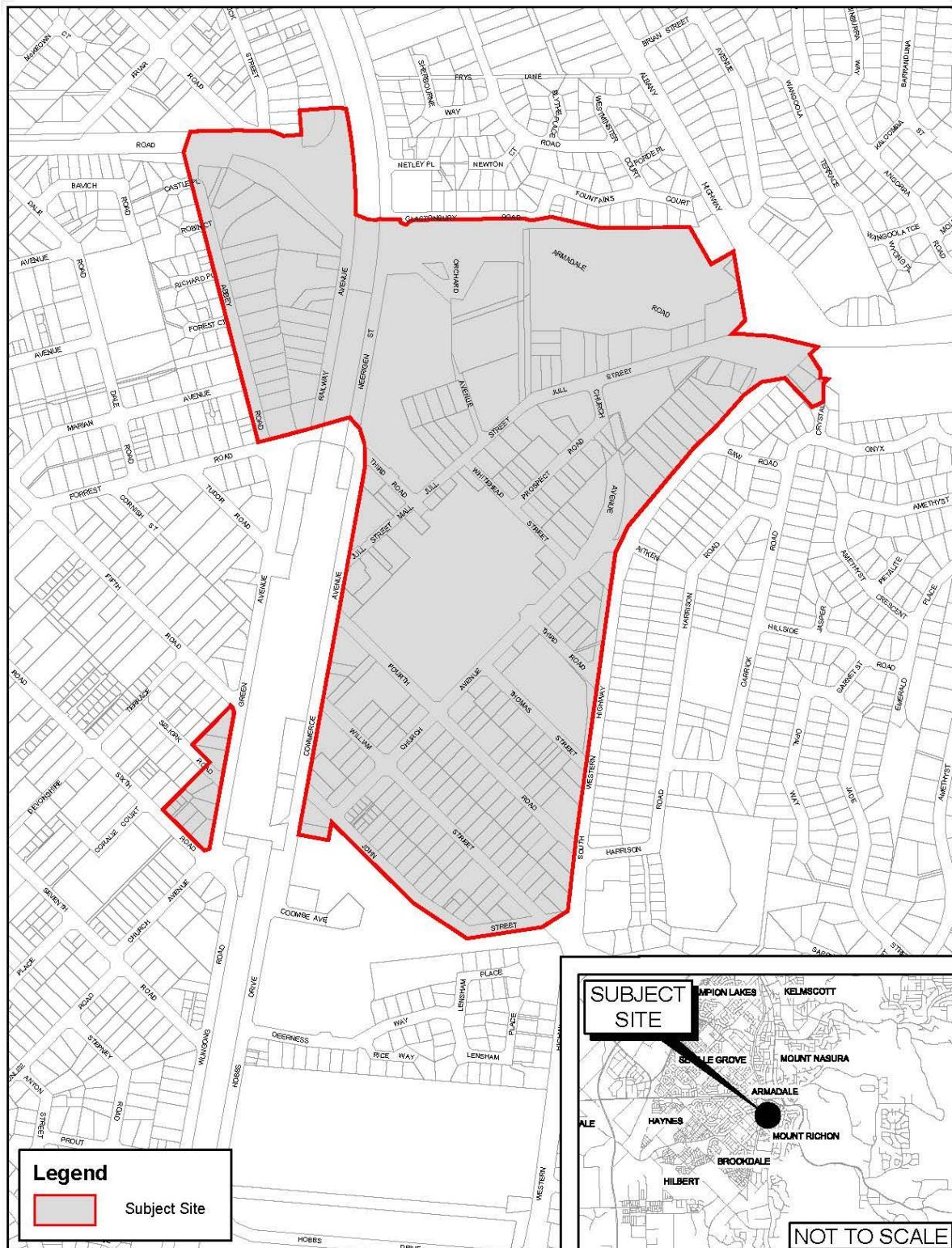
No.	Description of Land	Additional provisions applicable to subdivision and development	
69	Lot 9500 Armadale Road, Forrestdale.	69.1 Prior to any subdivision or development, comprehensive planning shall be undertaken by the preparation of a Structure Plan to guide subdivision and development.	69.2 Any Structure Plan shall be accompanied by detailed environmental studies of the Conservation Category Wetland and its buffers on the subject

		<p>site including, but not limited to:</p> <p>1. flora assessment; 2. fauna assessment; and 3. wetland management plan.</p> <p>The recommendations of any environmental studies shall be implemented and any environmental assets protected in the Structure Plan and at the subdivision and/or development stages to the satisfaction of the City of Armadale on advice from the Department of Water and Environmental Regulation and the Department of Biodiversity, Conservation and Attractions.</p>
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- f. Amend the Scheme Map accordingly.
2. Refers the above Amendment to Town Planning Scheme No.4 to the Environmental Protection Authority (EPA) pursuant to section 81 of the *Planning and Development Act 2005*. Should the EPA advise that the amendment does not require assessment, advertise the amendment for a period of 42 days.
 3. Authorise the Mayor and the Chief Executive Officer to execute the Amendment documents.
 4. Forward a copy of the amendment to the Western Australian Planning Commission and DevelopmentWA for information.

ATTACHMENTS

1. [1.](#) Existing and Proposed Zoning Plan - TPS No.4 - Amendment No.114
2. [2.](#) Existing and Proposed Zoning Plan - SCA 3 - Amendment No.114



LOCATION PLAN

Amendment No.103

100 0 100 200m



SCALE 1 : 10000

DATE 28 January 2020 - REVISION 2001
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**2.2 - FINAL ADOPTION - AMENDMENT NO.103 TO TPS NO.4 - OMNIBUS
AMENDMENT FOR THE ARMADALE STRATEGIC METROPOLITAN CITY
CENTRE**

WARD	:	Minnawarra
FILE No.	:	- M/416/20
DATE	:	20 JULY 2020
REF	:	SF
RESPONSIBLE MANAGER	:	EDDS
APPLICANT	:	City of Armadale
LANDOWNER	:	Various
SUBJECT LAND	:	Various
ZONING MRS / TPS No.4	:	Central City Area, Urban and Parks and Recreation Strategic Regional Centre, Mixed Business / Residential and Residential

In Brief:

- At its meeting in February 2020, Council initiated amendment No.103 to TPS No.4.
- Amendment No.103 consists of a number of Scheme Map and Scheme Text changes which ensure that TPS No.4 aligns with the Armadale Strategic Metropolitan City Centre Structure Plan (ASMCCSP).
- The amendment was advertised for public comment for a period of 60 days concluding on the 3rd July 2020. A total of 12 submissions were received during the advertising period of which 7 submission supported or had no objection to the amendment, 2 submissions objected and 3 had no comment.
- Council is required to consider the submissions received during the advertising period and the amendment for final adoption.
- The proposed amendment No.103 should be supported as it is consistent with the ASMCCSP.
- Recommend that Council adopt Amendment No.103 with minor modification and request that the Hon Minister for Transport and Planning grant final approval to the amendment.

Tabled Items

Nil.

Decision Type

- Legal** The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.
- Executive** The decision relates to the direction setting and oversight role of Council.
- Quasi-judicial** The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration

Nil.



AERIAL PLAN
Amendment No.103

80 0 80 160m



SCALE 1 : 8000

DATE 22 January 2020 - REVISION 2001
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CITY OF Armadale

Strategic Implications

Strategy 2.5.1 Implement and administer the City's Town Planning Scheme and Local Planning Strategy to deliver quality development outcomes.

Legal Implications

Planning and Development Act 2005

Metropolitan Region Town Planning Scheme Act 1959

Metropolitan Region Scheme

Town Planning Scheme (TPS) No.4

Council Policy/Local Law Implications

Local Planning Strategy 2016

Budget/Financial Implications

Costs associated with the advertising of the Amendment in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations 2015)* are covered by the current budget.

Consultation

In accordance with the Planning and Development (Local Planning Schemes) Regulations 2015, for a ‘Complex’ amendment, the amendment was referred to the WAPC for consideration and approval to advertise. Following WAPC approval, the amendment was advertised for public comment for a period of 60 days with letters sent to all landowners effected by the amendment. In addition, information concerning the amendment including FAQ’s, Maps and the Amendment Report was placed on the City’s website. An advertisement was also placed in the Western Australian Newspaper.

BACKGROUND

Armadale Strategic Metropolitan City Centre Structure Plan

The Armadale Strategic Metropolitan Centre is approximately 85 hectares in area and is located predominantly within the Strategic Regional Centre zone under Town Planning Scheme No.4 (TPS No.4). There is however, an area of secondary influence on the periphery of the City Centre area which contains a number of complementary zones and opportunities for growth and development, including Mixed Business/Residential and Residential zones.

In accordance with the City’s Local Planning Strategy (2016) and the State Government’s Statement of Planning Policy 4.2 – Activity Centres for Perth and Peel, the City in 2017 embarked upon the preparation of an Activity Centre Structure Plan for the Armadale Strategic Metropolitan Centre to guide, promote and motivate future land use/development within the Armadale City Centre and to enable it to develop to its full potential as the primary Activity Centre for the South-east growth corridor.

The Activity Centre Structure Plan aims to facilitate new development within the Armadale City Centre, economic development and increase the level of service and amenity provided to the Armadale and sub-regional community. New and additional site opportunities for development/redevelopment were also identified including the opportunities presented by the State Government’s MetroNet project to extend the Armadale passenger rail line to Byford, which is anticipated to commence in the 2021/22 financial year. This opportunity helped shape the framework for the Armadale Strategic Metropolitan City Centre Structure Plan (ASMCCSP).

Following a period of Government Stakeholder, Landowner and Elected Member consultation during 2017, the draft ASMCCSP together with supporting Technical Documents was prepared and presented to Council at its meeting on the 23rd April 2018 for consideration. Council resolved to support the various documents for the purposes of public consultation enabling further consultation to occur prior to the ASMCCSP and supporting documents being referred to the WAPC for final determination. Following a 42 day public consultation period, the Council resolved to support the ASMCCSP and Technical Documents at its meeting on the 27th August 2018 and refer the document to the WAPC for final approval.

Acknowledged by the City as part of preparing the ASMCCSP and later by the WAPC during its assessment of the Structure Plan, and included in its advice to the City on the 10th September 2019, an amendment to the City's Town Planning Scheme No.4 is required to ensure that Structure Plan and the City's Town Planning Scheme align, particularly in terms of zoning. The City also identified the need to incorporate a number of subdivision and development provisions within TPS No.4 to give some of the provisions in the Structure Plan such as setbacks, building height, plot ratio and car parking greater statutory weight.

At its February 2020 meeting, Council initiated amendment No.103 to TPS No.4. The amendment consists of a 25 proposals involving Scheme Map and Scheme Text changes designed to align TPS No.4 with the ASMCCSP. Given the number of properties impacted by the amendment and significance of the changes, the amendment was deemed under the Planning and Development (Local Planning Schemes) Regulations 2015 as a 'Complex' Amendment requiring extended advertising for a period of 60 days.

DETAILS OF PROPOSAL

After adopting Amendment No.103 at Council's meeting on the 24th February 2020, the amendment was referred to the Western Australian Planning Commission (WAPC) for consent to advertise. The WAPC granted its consent on the 1st April 2020 subject to a number of minor modifications as listed below:

- New Proposal 8 – Modify the Scheme Map by recoding Lot 55 (30) William Street, Armadale from 'R40' to 'R-AC0'. This change separated this proposal from another proposal for ease of reference;
- New Proposal 10 – Modify the Scheme Map by rezoning Lot 22 (91), Lot 25 (89) and Lot 1 (69) Jull Street, Armadale from 'Strategic Regional Centre R-80' to 'Mixed Business / Residential R-AC0'. This change separated this proposal from another proposal for ease of reference;
- New Proposal 17 – Modify the Table of Contents in the Scheme Text to include titles for 4A.4 to 4A.6. This is a separate recommendation to reflect the new text included for clauses 4A.4 to 4A.6 as detailed in Proposal 16; and
- Modifying some of the text to a few proposals so they present more clearly.

The updated Amendment No.103 to Town Planning Scheme No.4 consists of 25 proposals (22 previously), the purpose of which is to align TPS No.4 with the ASMCCSP to:

- facilitate opportunities for new development, redevelopment of existing buildings and land use changes;
- improve the quality of development;
- remove some constraints and financial implications (i.e. car parking requirements) to assist redevelopment and appropriate land uses; and
- restrict/prevent development that does not achieve the desired built form and density required for a Strategic Regional Centre.

A brief summary of the key proposals are listed below:

- A number of zoning changes to the Scheme Map for the Armadale City Centre – 16 proposals altogether which encouraged diversity and increased density in residential development and increased commercial and retail opportunities;
- Modification to selected land uses against the Mixed Business / Residential zone and Strategic Regional Centre zone in Table 1 (Zoning Table) of the Scheme which identifies ‘grouped housing and ancillary accommodation’ as non-permitted land uses in the City Centre. This type of development is seen as ‘under development’ in the City Centre with the aim to encourage apartment development rather than grouped dwellings;
- Modification to Clause 4 in the Scheme to include development standards such as setbacks, building height and plot ratio for the Mixed Business / Residential and Strategic Regional Centre zone;
- Modifications to Additional Use No.19 which includes Lot 123, 157 & 17 South Western Hwy and Lot 49 Crystal Court, Mount Richon which includes greater flexibility for land use permissibility;
- The removal of Restricted Uses No.7 and No.8 from the Scheme which improves retail and commercial opportunities for properties zoned Strategic Regional Centre;
- Modifications to Restricted Use No.12 (includes Lots 1, 330 to 332 Abbey Rd, Armadale) by including greater flexibility in land use;
- Creation of a new Restricted Use No.13 to create subdivision and development provisions for the Abbey Road Precinct, which encourages diverse residential and mixed use development;
- Modifications to Schedule 7A and 7B of the Scheme (car parking and end of trip facilities) to include new provisions for the City Centre.

Public Advertising of the Amendment

The proposed amendment was advertised for 60 days, closing on the 3rd July 2020. This advertising was carried out by way of letters to all affected landowners, notification to relevant Government agencies, advertisements in the “West Australian” newspaper, and provision of FAQ’s, Maps and Scheme Amendment Report on the City’s website.

Total No. of submissions received	:	12
No. of submissions of conditional support/no objection	:	7
No. of submissions of objection	:	2
No. of submissions on no comment	:	3

Refer to Confidential Attachment to this report for submitter details.

The issues raised by the submissions have been summarised and recommendation made on each submission in the Attachment to this report.

The main issues raised in the submissions, together with a comment on each issue are outlined below.

Key Issues

Issue 1 – Lack of public open space in the City Centre

Comment

When the ASMCCSP was prepared, future development was balanced with the availability of existing public open space, noting that Minnawarra Park and Memorial Park are significant public open space areas within the Centre. All areas with the City Centre with the exception of the William Precinct are adequately serviced by public open space. The ASMCCSP proposes the creation of a small pocket park in the William Street Precinct to ensure all residents in the William Street Precinct are within walking distance of public open space. In addition a new public open space area is proposed in the West of Rail Structure Plan area immediately west of the Armadale Train Station.

Recommendation

That the issue is not supported.

Issue 2 – With growth where will the City continue to hold events such as the Annual Fireworks and pop up events.

Comment

The City of Armadale intends to continue to hold events at existing locations such as Minnawarra Park and Memorial Park. These areas are intended to be retained.

Recommendation

That the issue is not supported.

Issue 3 – Development will increase local traffic.

Comment

As the City Centre expands traffic in local areas will increase. This was examined during the preparation of the ASMCCSP. Upgrades to selected roads such as Armadale Road will be required over time. This is balanced in the context of the timing for the City Centre vision which is expected to evolve over a 30 year period.

Recommendation

That the issue is supported in part.

Issue 4 – Building more shops in the Abbey Precinct will dilute the two Shopping Centres in the Armadale City Centre.

Comment

The ASMCCSP makes provision for the City Centre to expand its shopping capacity significantly from 50,000sqm to 150,000sqm over a 30 year period to accommodate the expected growth in population in the south-east corridor which the Armadale City Centre services. Allowing areas such as the Abbey Precinct to provide a small level of retail and commercial activity via corner stores and restaurants adds to the vitality of the City Centre and these types of landuses are considered to be supportive rather than directly competing with the two shopping centres within the Armadale City Centre.

Recommendation

That the issue is not supported.

Issue 5 – Rezoning of Lots 77 and 78 Jull Street to ‘Parks and Recreation’ is not supported as it will attract anti-social behavior.

Comment

Lots 77 and 78, whilst zoned Strategic Regional Centre and Regional Road currently, the Strategic Regional Centre component of the two lots is currently used as public open space area supporting the nearby function of Minnawarra Park. This area creates a soft interface between the northern edge of the Armadale City Centre adjacent to Armadale Road and Jull Street. The area is used for passive recreation and is not seen as an area attributing anti-social behaviour. Reserving the relevant portion of the two lots to Parks and Recreation is in keeping with the current function of the land.

Recommendation

That the issue is not supported.

Issue 6 – If the Train Station is undergrounded there will need to be assurances that there will be no damage to adjoining properties.

Comment

The decision to redevelop the Armadale Train Station is a State Government decision and MetroNet would be required to prepare and implement a Construction Management Plan and may undertake dilapidate surveys to ensure any damage to nearby properties during construction is documented and appropriately repaired.

Recommendation

That the issue is supported in part.

Issue 7 – Object to Neerigen Brook becoming a Living Stream due to anti-social behaviour

Comment

The creation of Neeirgen Brook into a ‘living stream’ would require significant investment and land assembly. The City at this stage has not made a decision to progress the establishment of a ‘living stream’ along Neerigen Brook. Should it do so in future the City will consult with effected landowners on the proposal and also consider Crime Prevention Design Principles to reduce any potential for anti-social behaviour from occurring in future.

Recommendation

That the issue is supported in part.

Issue 8 – Note that a Bushfire Assessment is required.

Comment

The City has undertaken a Bushfire Assessment over the Bushfire prone area near the South West Highway as part of the Structure Plan preparation for the Armadale City Centre. A copy of the Bushfire Assessment has been provided to the submitter for their information.

Recommendation

That the issue is noted.

COMMENT

Most submissions received during the public consultation period outlined support for the proposed amendment, with only a small number of submissions objecting to selected proposals in the amendment.

ANALYSIS

The amendment is necessary to ensure the City’s TPS No.4 aligns with the ASMCCSP supported by Council in August 2018. Amendment No.103 to TPS No.4 is considered a ‘complex’ amendment under the Planning and Development (Local Planning Scheme) Regulations 2015 and consists of 25 proposals. The proposals consist of an array of scheme map changes and scheme text changes to align with the City Centre Structure Plan.

OPTIONS

That Council:

1. Adopt Amendment No.103 with or without modifications and request that the Hon Minister for Transport and Planning grant final approval to the amendment.
2. Not adopt Amendment No.103 and provide reasons for doing so.

CONCLUSION

The proposed complex amendment will ensure that all lots associated with the ASMCCSP and in the City's TPS No.4, align with the ASMCCSP in terms of zoning, land use, subdivision and development requirements and precinct development intent.

The amendment is considered critical to the approval process of the ASMCCSP and to ensure a more united planning framework for the Armadale Strategic Metropolitan City Centre between TPS No.4 and the ASMCCSP. If supported by Council the amendment will be referred to the WAPC for assessment and recommendation to the Minister for Transport and Planning. Ministerial approval of the amendment will pave the way for the ASMCCSP to be finalised as it has been held in abeyance by the WAPC pending the completion of Amendment No.103. Completion of the two planning processes will completing the Planning Framework for the Armadale City Centre.

Given the above, Option 1 is recommended.

RECOMMEND

That Council:

1. Pursuant to Part 5 of the *Planning and Development Act 2005* to adopt, with modifications, Amendment No.103 to Town Planning Scheme No.4 the following proposals:

Proposal 1 – Modify the Scheme Map by rezoning from ‘Residential R40’ to ‘Strategic Regional Centre R-AC0’, Lot 35 (9), Lot 36 (11) and Lots 1 to 4 (15A to 15D) Sixth Road, Armadale.

Proposal 2 – Modify the Scheme Map by rezoning from ‘Mixed Business / Residential R40’ to ‘Strategic Regional Centre R-AC0’, Lots 11 (479) to 13 (483), Lot 33 (489) and Lots 1 and 2 (493 and 495) Green Avenue, Armadale and Lot 31 (4) and Lot 32 (2) Selkirk Road, Armadale.

Proposal 3 – Modify the Scheme Map by recoding the area bounded by Armadale Road – except Lots 22 (91), 25 (89), 1 (69), 77 and 78 Jull Street, Armadale (north); South Western Highway, Church Avenue and the south-eastern boundaries of Lot 120 and Lot 31 (90) Jull Street, and Lot 894 and Lot 58 (4) Church Avenue, Armadale (east); Thomas Street, Church Avenue - except Lot 109 (23) Thomas Street and Lot 125 (16) Third Road, and John Street (south); and Commerce Avenue and Neerigen Street (west) from ‘R-AC3’ and ‘R80’ to ‘R-AC0’.

Proposal 4 – Modify the Scheme Map by recoding the area bounded by Forrest Road (south), Aragon Court (east), the southern boundary of Lot 301 Abbey Road, Armadale (north) and Abbey Road (west) from ‘R40’ to ‘R-AC0’.

Proposal 5 – Modify the Scheme Map by recoding from ‘R80’ to ‘R-AC0’, Lot 1, Lot 330 and Lots 301 to 302 Abbey Road, Armadale.

Proposal 6 – Modify the Scheme Map by rezoning the area bounded by John Street (south); South Western Highway (east); Thomas Street (north) and the south-eastern

boundaries of Lot 42 (43) John Street, Lot 55 (30) William Street, Lot 59 (33) William Street, Lot 82 (30) Fourth Road, Lot 5 (29) Fourth Road and Lot 107 (22) Thomas Street, Armadale (west); from ‘Mixed Business / Residential R40’ and ‘Strategic Regional Centre R80’ to ‘Residential R-AC0’.

Proposal 7 – Modify the Scheme Map by rezoning from ‘Strategic Regional Centre R80’ to ‘Mixed Business / Residential R-AC0’, Lot 42 (43) John Street, Lot 56 (32) William Street, Lots 1 and 2 (52 and 54) Church Avenue, Lot 59 (33) William Street, Lot 50 (35) William Street, Lot 82 (30) Fourth Road, Lot 83 (32) Fourth Road, Lot 5 (29) Fourth Road, Lot 201 (31) Fourth Road, Lot 107 (22) Thomas Street, Lot 108 (24) Thomas Street, Lot 109 (23) Thomas Street and Lot 125 (16) Third Road, Armadale.

Proposal 8 – Modify the Scheme Map by recoding Lot 55 (30) William Street, Armadale from ‘R40’ to ‘R-AC0’.

Proposal 9 – Modify the Scheme Map by rezoning the area bounded by Church Avenue (south), South Western Highway (east), Jull Street (north) and the south-eastern boundaries of Lot 120 and Lot 31 (90) Jull Street, and Lot 894 and Lot 58 (4) Church Avenue, Armadale (west) from ‘Strategic Regional Centre R-AC3’ and ‘Strategic Regional Centre R80’ to ‘Mixed Business / Residential R-AC0’.

Proposal 10 – Modify the Scheme Map by rezoning Lot 22 (91), Lot 25 (89) and Lot 1 (69) Jull Street, Armadale from ‘Strategic Regional Centre R-80’ to ‘Mixed Business / Residential R-AC0’.

Proposal 11 – Modify the Scheme Map by rezoning from ‘Residential R15/25 – Additional Use No.19’ to ‘Mixed Business / Residential R-AC0 – Additional Use No.19’, Lot 17 (16) South Western Highway, Armadale, Lot 123 (16) South Western Highway, Armadale, Lot 157 (10) South Western Highway, Armadale and Lot 49 (4) Crystal Court, Mount Richon.

Proposal 12 – Modify the Scheme Map by recoding from ‘R-AC3’ to ‘R-AC0’, Lots 162 Commerce Avenue, Armadale and Lot 163 Church Avenue, Armadale.

Proposal 13 – Modify the Scheme Map by recoding from ‘R15/60’ to ‘R-AC0’, Lot 100 (1) Little John Road, Armadale.

Proposal 14 – Modify the Scheme Map by rezoning from ‘Strategic Regional Centre R80’ to ‘Parks and Recreation (Local)’, Lots 77 and 78 Jull Street, Armadale.

Proposal 15 – Modify the Zoning Table in Part 3 of the Scheme Text as follows:

Use Class	Zones			
	Mixed Business / Residential (current)	Mixed Business / Residential (Proposed)	Strategic Regional Centre (Current)	Strategic Regional Centre (Proposed)
Ancillary Accommodation	X	X	D	X
Convenience Store	X	D	P	P

Display Home Centre	D	D	A	X
Grouped Dwelling	D	X	D	X
Hospital	D	D	X	D
Multiple Dwelling	D	D	A	D

Proposal 16 – make the following modifications to Part 4A and 4C of the Scheme Text:

- (a) **Include a new Clause 4A.4 and title ‘Setbacks in the Armadale Strategic Metropolitan City Centre’ with the following:**

“In the case of Residential R-AC0 in the Armadale Strategic Metropolitan City Centre, setbacks are to be in accordance with an approved Activity Centre Plan or Precinct Plan prepared in accordance with the requirements of the Commission’s State Planning Policy 4.2 – Activity Centres for Perth and Peel and/or State Planning Policy 7.2 – Precinct Design.”

- (b) **Include a new Clause 4A.5 and title ‘Building Heights in the Armadale Strategic Metropolitan City Centre’ with the following:**

“In the case of Residential R-AC0 in the Armadale Strategic Metropolitan City Centre, building heights are to be in accordance with an approved Activity Centre Plan or Precinct Plan prepared in accordance with the requirements of the Commission’s State Planning Policy 4.2 – Activity Centres for Perth and Peel and/or State Planning Policy 7.2 – Precinct Design.”

- (c) **Include a new Clause 4A.6 and title ‘Building Bulk in the Armadale Strategic Metropolitan City Centre’ with the following:**

“For Residential R-AC0 in the Armadale Strategic Metropolitan City Centre, plot ratio is to be determined in accordance with an approved Activity Centre Plan or Precinct Plan prepared in accordance with the requirements of the Western Australian Planning Commission’s State Planning Policy 4.2 – Activity Centres for Perth and Peel and/or State Planning Policy 7.2 – Precinct Design.”

- (d) **Modify Clause 4C as follows:**

“This Part applies to the Strategic Regional Centre Zone, the Mixed Business / Residential Zone, the District Centre Zone and the Local Centre Zone, unless expressly stated to the contrary in a clause of this Part.”

- (e) **Delete Clause 4C.1.1 and replace with the following:**

“4C.1.1 – Buildings are to be setback from boundaries in accordance with an adopted Activity Centre Plan and/or Precinct Plan prepared in accordance with the requirements of the Commission’s State Planning Policy 4.2 – Activity Centres for Perth and Peel and/or State Planning Policy 7.2 – Precinct Design.”

- (f) **Include a new Clause 4C.1.2 as follows:**

“In the case of District Centres, Local Centres and Mixed Business / Residential

Zones outside of the Armadale Strategic Metropolitan City Centre, buildings are to be setback having regard to any Structure Plan and/or Precinct Plan and the following criteria:

- i. The setbacks of any adjoining or adjacent development with which the proposed building is likely to relate, and in the case of a site which adjoins land in another zone, the setback requirements for that zone;
- ii. The use or usability of the setback area, taking into consideration the nature of the adjoining street and the desirability or otherwise of direct vehicular access to that street, and from any adjoining property;
- iii. The desirability of continuous building frontages where pedestrian access is to be provided adjacent to the frontage of the building or where such access and associated pedestrian shelter would be desirable to facilitate movement between adjoining sites;
- iv. The space requirements for pedestrian access, and the need and/or desirability of segregating pedestrian access from vehicular access and parking;
- v. The desirability or otherwise of landscaping within the setback area in order to reduce any adverse visual impact associated with the proposed building façade and/or associated use of setback areas; and
- vi. The safety and convenience of pedestrian and vehicular access to the site from the adjoining street and from adjacent sites.”

(g) Delete Clause 4C.2.1 and replace with the following:

“4C.2.1 – Buildings heights are to be in accordance with the adopted Activity Centre Plan and/or Precinct Plan prepared in accordance with the requirements of the Commission’s State Planning Policy 4.2 – Activity Centres for Perth and Peel and/or State Planning Policy 7.2 – Precinct Design.”

(h) Include a new Clause 4C.2.2 as follows:

“In the case of District Centres, Local Centres and Mixed Business / Residential Zones outside of the Armadale Strategic Metropolitan City Centre, building heights are to have regard to any Structure Plan and/or Precinct Plan and the following criteria:

- i. The height of any adjoining or adjacent development, and the desirability or otherwise of maintaining consistency in relation to the height and scale of buildings within the particular centre or precinct;
- ii. In the case of a site which adjoins land in another zone, the height and setback requirements of that zone;
- iii. The effect of shading associated with the proposed development and in particular whether there will be any significant overshadowing of existing or proposed pedestrian spaces;
- iv. The need for safe and convenient pedestrian shelter, and the desirability of maintaining continuity and/or compatibility in relation to adjoining pedestrian facilities;
- v. The design of the external facades of the building, including the height of any awnings or parapets and their relationship with those of adjacent buildings; and

vi. The finished ground level proposed for the development site in relation to that of the adjoining sites.”

(j) Modify Clause 4C.3.1 to read as follows:

“Unless otherwise approved by the local government in accordance with the provisions of clause 4.5, the maximum plot ratio within the respective zones and precincts is to accord with the following standards:

- (a) Mixed Business / Residential: 1.5
- (b) District Centre Zone: 1.0
- (c) Local Centre Zone: 1.0
- (d) Strategic Regional Centre: To be determined by an approved Structure Plan or Precinct Plan.

For Mixed Business/Residential R-AC0 in the Armadale Strategic Metropolitan City Centre, plot ratio is to be determined by an approved Structure Plan or Precinct Plan.”

Proposal 17 – Modify the Table of Contents in the Scheme Text to include:

- (a) “4A.4 Setbacks in the Armadale Strategic Metropolitan City Centre”.
- (b) “4A.5 Building height in the Armadale Strategic Metropolitan City Centre”.
- (c) “4A.6 Building bulk in the Armadale Strategic Metropolitan City Centre”.

Proposal 18 – In Schedule 2 – Additional Uses, modify Additional Use No.19 to read as following:

No.	Description of Land	Additional Use	Conditions and Requirements (See Note 1)
19.	Lots 123, 157 and 17 South Western Highway and Lot 49 Crystal Court, Mount Richon.	<p>Permitted (P) use: Mixed Uses incorporating key elements of the old Armadale Tea Rooms consisting of:</p> <ul style="list-style-type: none"> • Shop • Office(s) • Restaurant • Holiday Accommodation • Cottage Industry • Market • Motel; and • Showroom <p>The following land uses is a ‘X’ use:</p> <p>Grouped Dwellings</p>	<p>19.1 In determining any planning application for subdivision and development approval, the local government shall have regard to the approved Activity Centre Structure Plan or Precinct Plan.</p> <p>19.2 The overall development may comprise either, a single building or multiple buildings with a common theme, and shall incorporate key elements of the Old Armadale Tearooms (Muckross Hall) building as follows to the satisfaction of the local government:</p> <ul style="list-style-type: none"> a) the use of the building, at least in part, is to recognise the building’s original function as a meeting place; b) recognition of the large open truss construction of the internal parts of the building; c) respect for the existing roofline and the original cladding style

			<p>of the roof;</p> <ul style="list-style-type: none"> d) materials for the existing walls may be replaced provided the appearance respects the original character; and e) the building could be extended out the back and side, provided the outline of the façade and roofline, as visible from the Albany Highway approach into Armadale, retains its character and shape. <p>19.3 A Traffic Management Plan addressing site access and car parking both on and off site will need to be prepared and implemented, to the satisfaction of Council, as part of any development application for redevelopment of the land.</p> <p>19.4 Vehicular access to Crystal Court shall be limited to residential uses only and may require a traffic study prior to Council granting approval.</p> <p>19.5 In preparing and/or assessing any planning application for development approval, the applicant and the local government should consider the possible provision of access for vehicular and pedestrian movement and parking, together with drainage, where applicable over the adjacent Lot 100 (Pioneer Village Narrogin Inne premises) Albany Highway, in a manner satisfactory to the Local Government to ensure safe, convenient and integrated traffic circulation. Such an arrangement may require agreement with the landowners of Lot 100 Albany Highway.</p> <p>19.6 Notification in the form of a Section 70A notification, pursuant to the <i>Transfer of Land Act 1893</i> (as amended) is to be placed on the Certificate of Title on Lot 17 South Western Highway, Armadale advising prospective purchasers that the lot may be affected by noise from the Water Corporation pump station on the adjoining Lot 18 South Western Highway.</p>
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Proposal 19 - Delete Restricted Use No.7 and Restricted Use No.8 from the Scheme

Map and Schedule 3 of the Scheme Text.

Proposal 20 - In Schedule 3 – Restricted Uses, delete Restricted Use No.12 and replace with the following:

No.	Description of Land	Restricted Use	Conditions and Requirements (See Note 1)
12.	Lot 1, Lot 330 and Lots 301 to 302 Abbey Road, Armadale.	All land uses permissible in the Strategic Regional Centre zone shall be 'X' Uses, with the exception of the following Discretionary (D) uses: <ul style="list-style-type: none"> • Holiday Accommodation • Hotel • Multiple Dwellings • Reception Centre • Restaurant • Small Bar • Tavern • Motel • Exhibition Centre 	12.1 Development shall be in accordance with an approved Activity Centre Plan or Precinct Plan. 12.2 No vehicular access permitted from Armadale Road. 12.3 Reception Centre, Restaurant, Tavern, Exhibition Centre and Small Bar shall only be permitted where the uses form part of an integrated Hotel / Motel / Holiday Accommodation development.

Proposal 21 – Modify the Scheme Map and the table in Schedule 3 – Restricted Uses of the Scheme Text to include a new Restricted Use No.13 as follows:

No.	Description of Land	Restricted Use	Conditions
13	Lots 158 (19) to 162 (33), 500 (17) to 502, 153 (5 - 7) to 156 (11), 700 (3) Abbey Road, Armadale and Lots 51 (6), 800 (8), 150 (10), 146 (18) to 150 (10) 6 (20), 33, 12 (24) and 4 (26) Aragon Court, Armadale. Area bounded by and including Lot 43 (41) John Street, Lot 54 (28) William Street, Lot 60 (31) William Street, Lot 81 (28) Fourth Road, Lot 4 (27) Fourth Road and Lot 106 (20) Thomas Street, Armadale to the west; Thomas Street to the north; John Street to the south; and the South Western Highway to the east.	The following land uses are to be a 'X' use: <ul style="list-style-type: none"> • Grouped Dwelling The following land uses are to be an (A) use in areas prescribed as semi-active edge only in an approved Structure Plan or Precinct Plan: <ul style="list-style-type: none"> • Restaurant • Convenience Store • Office The following land use is to be a (D) use: <ul style="list-style-type: none"> • Single House 	13.1 Development shall be in accordance with an approved Activity Centre Plan or Precinct Plan.

Proposal 22 – Modify Schedule 7A – Car Parking Standards of the Scheme Text to:

- (a) Insert the following paragraph between the heading “Schedule 7A – Car Parking Standards” and the Table:**

“The car parking standards for the City apply as per Table 1, with the exception of the Armadale Strategic Metropolitan City Activity Centre Structure Plan area where car parking standards apply as per Table 2.”

- (b) Insert a new heading “Table 1” above the Table.**

- (c) Insert a new Table at the end of the Schedule as follows:**

Table 2 – Armadale Strategic Metropolitan City Centre”

Land Use	Minimum Parking Standard
Residential	In accordance with Clause 6.3.3 Criteria A (Properties within 800m of a high frequency rail line and/or within 250m of a high frequency bus route) for all residential development. A minimum of one in four bays shall be designated for visitor use, which may on agreement with the City of Armadale be publicly available.
Non-Residential Uses (Office and Shop)	A capped rate of 1 space per 45m ² . Reduction in car parking supply will be supported based on shared / reciprocal parking for retail and office use due to different peak periods. A minimum 10% of commercial / office and 50% of retail parking shall be designated publicly available.
Education uses (Tertiary)	15 bays per 100 FTE's (staff and students)
Civic and Community Purpose	1 space per 50m ² for community purpose and civic uses.
Other	Car parking for all other land uses is to be in accordance with Table 1.

”

Proposal 23 - Modify Schedule 7B – End of Trip Facilities for Bicycle Users by introducing the following notation:

“All non-residential developments that are required to provide 6 or more employee bicycle parking bays in accordance with Schedule 7B, must also provide end of trip facilities meeting the following criteria:

- i. A minimum of one female and one male shower, located in separate change rooms or a minimum of two separate unisex showers and change rooms.**
- ii. Additional shower facilities to be provided at a rate of one shower for every 10 additional bicycle parking bays.**
- iii. End of trip facilities are to be located as close as possible to the bicycle parking facilities.”**

Proposal 24 – Modify the Table in Schedule 8 – Development (Structure Plan) Areas of the Scheme Text, and include corresponding changes on the Scheme Map,

identifying a new Development Area No.66 as follows:

No.	Description of land	Additional provisions applicable to subdivision and development
DA 66	<p>Armadale Strategic Metropolitan City Centre being the area:</p> <ul style="list-style-type: none"> ▪ bounded by Armadale Road (north), South Western Highway (east), John Street (south), Commerce Avenue and Neerigen Street (west); ▪ bounded by Armadale Road (north), Abbey Road (west), Forrest Road (south) and Aragon Court (east); and ▪ including Lot 100 (1) Little John Road; Lots 11 (479) to 13 (483), Lot 33 (489) and Lots 1 and 2 (493 and 495) Green Avenue, Armadale, Lots 31 (4) and 32 (2) Selkirk Road, Armadale; Lot 163 Church Avenue and Lot 162 Commerce Avenue; and Lots 17 (16), 123 (16) and Lot 157 (10) South Western Highway, Armadale, and Lot 49 (4) Crystal Court, Mount Richon. 	<p>66.1 Generally in accordance with an approved Activity Centre Structure Plan or Precinct Plan.</p>

Proposal 25 – Modify the definition of ‘Strategic Regional Centre’ under Section 3.2.11 of the Scheme Text to read as follows:

“Strategic Regional Centre

- (a) To provide for an extended range of shopping, commercial, administrative, business, entertainment, educational and employment opportunities in the retail core of the Armadale Strategic Metropolitan City Centre and a range of supportive mixed use including office, civic and community purpose type uses in the Civic Precinct.
- (b) Encourage a mixture of high density residential development in accordance with the R-AC0 coding of the R-Codes in the Abbey and William Precincts; and
- (c) To ensure the urban design of new developments in the Armadale Strategic Metropolitan City Centre provides for landmark development and a high amenity mixed use shopping environment and contributes to Armadale’s distinctive sense of place and community.”

2. Authorise the Mayor and Chief Executive Officer to execute the Amendment documents.

3. **Forward the amendment documentation to the Western Australian Planning Commission for its consideration and requests the Hon Minister for Transport and Planning grant final approval to the amendment.**
4. **Endorse the comments made in this report regarding the submissions received on this scheme amendment for inclusion in the schedule of submissions to be forwarded to the Western Australian Planning Commission.**
5. **Advise the submitters and the applicant of its decision.**

ATTACHMENTS

- 1.[1](#) Schedule of Submissions - Amendment No.103
- 2.[2](#) Schedule of Modifications - Amendment No.103
- 3.[3](#) Existing and Proposed Zoning Plan - Amendment No.103 - TPS No.4
- 4.[4](#) Existing and Proposed Zoning Plan - SCA 3 - Armadale City Centre
- 5.[5](#) Existing & Proposed Zoning Plan - Combined Proposals Scheme Map - Amendment No.103
- 6.[6](#) Existing & Proposed Zoning Plan - Proposals 1 to 14, 19 and 21 - Scheme Maps - Amendment No.103
7. Confidential - Submitter Plan - Amendment No.103 - *This matter is considered to be confidential under Section 5.23(2) (b) of the Local Government Act, as it deals with the matter relates to the personal affairs of a person*
8. Confidential - Schedule of Submitters - Amendment No.103 - *This matter is considered to be confidential under Section 5.23(2) (b) of the Local Government Act, as it deals with the matter relates to the personal affairs of a person*

**3.1 - INTERIM REVIEW OF STATEMENT OF PLANNING POLICY 7.3 -
RESIDENTIAL DESIGN CODES - VOLUME 1**

WARD : ALL
FILE No. : M/417/20
DATE : 20 July 2020
REF : BH
RESPONSIBLE MANAGER : EDDS

In Brief:

- The WAPC is advertising the Interim Review of State Planning Policy 7.3 Residential Design Codes – Volume 1.
- The advertising period closes on 10 September 2020.
- Recommend that the City prepare a submission largely in support of the proposed changes to State Planning Policy 7.3 Residential Design Codes – Volume 1, subject to several modifications, and a concern regarding the accumulation of a number of R-Code variations resulting in concerns regarding over development, loss of effective backyard area and ability for vegetation to be accommodated.

Tabled Items

Nil

Decision Type

Legislative

The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.

Executive

The decision relates to the direction setting and oversight role of Council.

Quasi-judicial

The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration

Nil

Strategic Implications

- 2.1 Long term planning and development that is guided by a balance between economic, social and environmental objectives.
- 2.5.1.1 Implement the Local Planning Strategy recommendations through amendments to TPS No.4, Structure Plans, Planning Policies and Strategies

Legal Implications

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Town Planning Scheme No.4

State Planning Policy SPP 7.3 Residential Design Codes Volume 1

Council Policy/Local Law Implications

Local Planning Policy PLN 3.4 Outbuildings

Local Planning Policy PLN 3.10 Residential Design Codes Variations

Budget/Financial Implications

Nil

Consultation

The WAPC is advertising the Interim Review of State Planning Policy 7.3 Residential Design Codes – Volume 1. The consultation period closes on 10 September 2020.

BACKGROUND

Planning reform has been a topic of discussion for many years by the Western Australia State Government and its stakeholders.

In August 2019, the Minister for Planning, the Hon Rita Saffioti, MLA released an Action Plan for Reform of the Western Australian Planning System. The action plan was built around the key themes: consistent; efficient; accountable and transparent.

Whilst there is a wider review being undertaken by the DesignWA DPLH team, as part of the State Government's economic recovery response to COVID-19, it has launched an interim review of Statement of Planning Policy 7.3 Residential Design Codes – Volume 1 (SPP7.3 R-Codes – Vol 1).

The WAPC's R-Codes Volume 1 are design standards that apply to all single house, grouped dwelling and multiple dwelling (coded less than R40) developments in Western Australia. They specify what can be built and where it can be built, to ensure residential development is responsive to a range of considerations, including streetscape, neighbourhood amenity and liveability.

Local governments are required to use the R-Codes in conjunction with their local planning frameworks to guide development within their boundaries. Applications for single houses, ancillary buildings and some home improvements must be considered by the relevant local government to ensure they comply with the R-Codes. If they comply, they are exempted from the requirement for development approval – these proposals are regarded as ‘deemed-to-comply’ and only need a Building Permit.

A key objective of the interim review is to make it easier for local governments to deem more applications compliant, allowing applicants to proceed straight to building permit. Its aim is to make it easier and simpler to build a new home or carry out improvements by streamlining the approvals process. Proposed amendments include revised deemed-to-comply standard and simplification of clauses and related assessment methods.

The City utilises adopted Local Planning Policies LPP 3.10 Residential Design Codes Variations that already vary the current deemed to comply provisions on certain aspects of the R-Codes, namely side setbacks to dwellings and patios.

The City also utilises adopted LPP 3.4 Outbuildings which varies the deemed to comply provisions relating to outbuilding floor area, wall height and building height.

DETAILS OF PROPOSAL

There are 61 proposed modifications to the relevant clauses in the R-Codes. Many are minor modifications that serve to clarify intent to improve understanding and implementation. A number of modifications have more significance and will have a larger impact on the assessment of applications.

The proposed changes to the R-Codes would allow a wider range of smaller residential projects such as patios, decks and extensions to be exempt from requiring development approval. In order to achieve this, changes are proposed to the requirements for open space, building setbacks, wall heights and visual privacy setbacks.

Simplified language is proposed to improve both the understanding and usability of the document. Changes are also proposed to improve the design and liveability of residential developments, including increasing the size of outdoor living areas, provide adequate space for a tree to be planted for each dwelling and that carport and ancillary dwelling designs complement the main dwelling.

For a more detailed explanation on the more significant modifications refer to Attachment – An Overview of the Major Modifications Proposed to R-Codes Volume 1.

For the full details on all modifications proposed refer to Attachment – Schedule of proposed modifications R-Codes Volume 1 interim review.

These modifications relate to Residential zoned land only, the City has a number of Local Planning Policies and Scheme provisions that relate to residential development on land zoned Special Residential, Rural Living and General Rural.

COMMENT

The City, like many Local Governments accepts development applications to vary the provisions of the RCodes through the process of a Residential Design Code Variation application (RDCV) for proposals for single houses and associated development.

The City already currently supports a number of the proposed modifications through the process of an RDCV for proposals for single houses and associated development, as well as adopted Local Development Plans. This is common in most growth Local Governments.

The interim review proposes 19 notable modifications:

- 7 are new provisions;
- 4 are already covered by the City's LPPs;
- 2 are already covered through the Local Development Plan process; and
- 8 are generally supported through the City's planning approval process.

These modifications relate to Residential zoned land only, the City has a number of LPPs and Scheme provisions that relate to residential development on land zoned Special Residential, Rural Living and General Rural.

R-Codes Interim Review – Overview of More Significant Modifications

- Introduction of R-MD codes into R-Codes Volume 1 (currently exists as a WAPC Planning Bulletin 112).
 - The City has already invoked the R-MD Codes as a modification to LPP 3.10, this came into effect on 4 June 2020.
- Removal of requirement for development approval on lots less than 260m².
 - In growth areas, Local Development Plans have been required for smaller lots to address development requirements and the streetscape.
- Carports will no longer contribute to average front setback calculation.
 - The City recognises that, given carports are open style structure, permitting them in the front setback area still permits clear views of the dwelling from the street.
 - The City has been supportive of the above modification, and have been considering development applications (RDCVs in the case of single houses), permitting front setback variations for carports in accordance with the proposed modification.
- Simplified assessment of lot boundary setbacks.
 - This modification acknowledges that dwelling proposals were encouraged to have highlight windows on the ground floor in order to achieve a compliant 1m setback. It also acknowledges dwellings were being encouraged to have staggered designs simply to achieve compliant setbacks.
 - The City has, for a number of years, been supportive of the above modification, through the provision on PLN 3.10 Clause 4.4, permitting a 1m setback to ground floor walls without major openings, irrespective of length.
 - The City acknowledges that the current setback requirements promotes highlight windows on the ground floor and as such have been considering supporting the proposed setback modifications through the consideration of a development applications (RDCVs in the case of single houses).
- Patios with a maximum of 10m length and 2.7m height permitted with a nil setback to posts behind the street setback.
 - Since 2012, LPP 3.10 has permitted the above modification, and has also permitted further variation to the above requirement for patios over 10m in length (subject to a maximum area of 75m²). This has meant that development approval has not been required by the City.
- Simplified assessment of boundary wall heights, removal of 3m average height requirement, modified to 3.5m maximum wall height.
 - The City acknowledges that, due to the change in levels across a lot, minor variation to boundary wall average heights occur.
 - The City has been supportive of the above boundary wall height modification through the consideration of development applications (RDCVs in the case of single houses).

- The City is supportive of this modification as it will reduce the number of proposals requiring a development application (RDCV in the case of single houses) for minor variations to boundary wall heights.
- Reduction of 5% of the provision of open space for lots coded R20-R60.
 - The City has been supportive of the above modification, and have been considering Local Development Plans and development applications (RDCVs in the case of single houses), permitting up to 5% reduction to open space provisions. This is a common practice in many Local Governments.
- Increase in deemed-to-comply provision by 1m for wall heights and building heights, new inclusion of skillion roofs.
 - The City is supportive of this modification as it will reduce the number of proposals requiring a development application (RDCV in the case of single houses) for minor variations to wall heights and building heights.
 - The City has, for a number of years, been supportive of the above modification, and have been considering development applications (RDCVs in the case of single houses), permitting up to 1m variation to wall height and building height provisions.
- Uniform outdoor living area requirement for lots coded R20 to R80 increased to 32m².
 - The City is supportive of the above modification. The City is supportive of the increased, more uniformed approach to the provision of outdoor living area. For some time the City has been concerned with the increasing loss of backyards. However, it is worth noting that the benefits of this increase in size is partly offset by the increase proposed in the outdoor living area that can be covered.
- Increased permissibility of covered outdoor living from 33% to 50%
 - The City has concerns that excessive coverage of outdoor living areas may reduce the useability of open backyard space.
 - The City acknowledges that patios are open sided and still permit access to natural sunlight and natural ventilation.
 - The City supports applications to vary the covered outdoor living area, subject to the patio being open sided to limit the loss of open space.
- New requirement for the provision of space for 1 tree per dwelling and maximum 50% hard surface within the street setback area.
 - The City is supportive of this modification. For some time the City has been concerned with the increasing loss of trees and vegetation and lack of space provided.
 - The City acknowledges that the wider review of the R-Codes Volume 1 being conducted through the DesignWA DPLH team will further consider details of deep soil area dimensions, tree sizes etc for single houses.
 - Note: The proposed provision is for a 4m² space only, it does not require a tree to be planted.
 - The City is very supportive of the provision to limit the amount of hard surface within the street setback area.

- In relation to parking provisions, introduction of the inclusion of multiple bus routes to meet the definition of high frequency bus route.
 - The City acknowledges this provision will result in a greater number of lots being eligible for reduced car parking provisions. The Department's approach relies on residents making the choice to use public transport rather than purchase a vehicle.
 - The City's Intramaps currently stores information of the presence of a high frequency bus route in accordance with the current requirements of the RCodes. The City's Intramaps data would need to be updated to conform to the new requirements.
- Simplification of calculation of site works and retaining wall setbacks, permitting minor works within front setback.
 - The City acknowledges that the differing levels across a lot often requires minor earthworks and retaining within the front setback.
 - The City has been supportive of the above modification through the lodgement of an application.
- Reduced privacy cone of vision setback requirements.
 - The City acknowledges this modification is a result of reduction in lot sizes.
 - The City appreciates this modification will promote full size windows to habitable spaces on the upper floor, thus improving the liveability for occupants of the dwelling.
 - It is worth noting that overlooking and perceived loss of privacy is in some ways, a subjective issue, given the current requirements still permit the naked eye to view further than the cone of vision setback requirements.
- Modification to overshadowing calculations.
 - The City acknowledges that some sites are challenged due to lot orientation and have been supportive of the above modification through the submission of an application.
- Variation to outbuildings requirements, permitting outbuildings less than 10m² permitted on two lot boundaries.
 - The City is supportive of this modification given such development is minor and generally exempt from Development Approval.
 - LPP 3.4, adopted in 2003, supports greater variations than the above modification. The policy is based on supporting sheds with wall heights and building heights on a sliding scale, as the lot sizes increase.
- Minimum lot area for ancillary dwellings reduced to 350m².
 - The City acknowledges that this will promote options for this alternative housing form in the City.
 - This is a new provision and as such, the City has not previously varied the lot size requirement for ancillary dwellings.
- Reduction of front setback for R20/25 from 6m to 5m.
 - The City has been supportive of the above modification, and have been considering Local Development Plans and development applications (RDCVs in the case of single houses), permitting variations to the front setback requirement.

- Clarification of ability of instruments adopted under local planning frameworks to amend deemed-to-comply provisions.
 - The City is supportive of this clarification as it permits the City to adopt future LPPs as required.
- Clarification of status of existing planning instruments adopted prior to gazettal of R-Codes, that they can continue to operate.
 - The City is supportive of this clarification as it wishes to continue to utilise LPP 3.4 and PLN 3.10.

R-MD Codes

As part of this interim review, the R-MD Codes have been introduced into the R-Codes Volume 1, as opposed to sitting separately as Planning Bulletin 112. Planning Bulletin 112 advised that 6 monthly reviews of the R-MD Codes would occur, however, this stance appears to have altered given the R-MD Codes now being introduced into the R-Codes Volume 1. It is understood that the review of the R-MD Codes will now occur as part of the wider review of the R-Codes Volume 1 being conducted through the DesignWA DPLH team.

The modifications made as part of this interim review are expected to be monitored and assessed while the wider review is taking place.

ANALYSIS

The modifications proposed to SPP 7.3 Residential Design Codes – Volume 1 has considered a number of commonly accepted variations and as a result has varied the deemed-to-comply provision to include a number of these variations.

As a result, a number of proposals that previously required a planning approval, will be considered deemed-to-comply under the modified provisions, thus streamlining the development process. It should be noted that in many cases the City has already exempted a number of these requirements from needing development approval.

One of the most significant modifications is the uniform outdoor living area requirement for lots coded R20-R80 of 32m². It will afford a wider range of lot sizes the benefit of a substantial and useable outdoor living area for leisure and entertaining. The City is supportive of this increase in size, however part of the benefits of the increase in size will be offset by the increase proposed in the outdoor living area that can be covered.

The City for some time has had concerns of the over development of lots and the subsequent loss of backyards. Introducing a uniform 32m² outdoor living area requirement for all lots coded R20 to R80 will ensure that all occupants regardless of lot size will have a backyard.

Overall, the modifications will negate the need for planning approval within the City for a number of already commonly accepted variations. It is important to note that this report discusses the changes to the R-Codes individually in terms of each clause and their merit. Individual variations to R-Codes are often granted by local governments, as individual modifications tend to be easy to measure or assess their impacts and consider whether they are acceptable or not. The City has identified that overall there are substantial changes and if multiple variations are applied to a dwelling then it could lead to concerns regarding over development, loss of effective areas for gardens and green space, loss of the ability of a tree

canopy to develop over time on privately owned land, urban heat impacts, etc... Therefore the City is concerned about the impact of the accumulation of all of the new R-Code variations resulting in a situation where lots are over developed with the above impacts, particularly on smaller sized lots. It is also likely over time that the City will receive additional requests for new types of variations to the R-Codes in addition to those proposed (i.e. another 5% decrease in open space).

OPTIONS

Council could:

1. Support the proposed modifications to SPP 7.3 Residential Design Codes – Volume 1 with or without changes.
2. Object to all or some of the proposed modifications to SPP 7.3 Residential Design Codes – Volume 1.

CONCLUSION

The modifications to SPP 7.3 Residential Design Codes – Volume 1 are a positive step towards planning reform and will reduce the number of minor proposals that will require a planning approval. It is noted that only a small percentage of new dwellings in the City's growth areas require development approval, with the majority of new houses proceeding straight to a building permit. However, as outlined in this report, the individual R-Codes variations proposed have merit however collectively if they are applied as multiple variations to a dwelling proposal, then they could lead to over development of a lot with a number of potential impacts.

RECOMMEND

That Council:

1. **Supports the individual proposed changes to the Western Australian Planning Commission's Statement of Planning Policy 7.3 Residential Design Codes - Volume 1, subject to several modifications as outlined in the Attachments and raises a concern that if multiple R-Code variations are applied to a dwelling then it could lead to concerns regarding over development, loss of effective areas for gardens and green space, loss of the ability of a tree canopy to develop over time on privately owned land, urban heat impacts, etc.**

ATTACHMENTS

1. [1](#) SPP7-3 Residential Design Codes - Schedule of Modifications Interim Review 2020
2. [2](#) SPP7-3 Residential Design Codes - Overview of the major modifications proposed to SPP 7.3 RDC - Vol 1

3.2 - ANNUAL LEAVE - EXECUTIVE DIRECTOR DEVELOPMENT SERVICES

WARD : ALL
FILE No. : M/470/20
DATE : 3 August 2020
REF : PS/NC
RESPONSIBLE MANAGER : EDDS

In Brief:

- Advice of proposed Annual Leave for the Executive Director Development Services.
- Recommend that Council note the Executive Director Development Services (Paul Sanders) will take Annual Leave and that the Executive Manager Development Services, Sergio Famiano or A/Executive Manager Development Services be appointed Acting Executive Director Development Services.

Tabled Items

Nil.

Decision Type

- Legislative** The decision relates to adopting/changing local laws, town planning schemes, and City policies.
- Executive** The decision relates to the direction setting and oversight role of Council.
- Quasi-judicial** The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration

Nil.

Strategic Implications

Nil.

Legislation Implications

General assessment of relevant legislation (e.g. *Local Government Act*) has not revealed any restrictions.

Council Policy/Local Law Implications

Council Policy and Management Practice ADM 12 "Acting Senior Positions".

Budget/Financial Implications

The higher duties payment associated with this matter can be accommodated within the adopted 2018-19 Annual Budget.

Consultation

- Executive Directors and Chief Executive Officer.

DETAILS OF PROPOSAL

In accordance with current practice, Council is required to authorise leave taken by the Executive Director.

RECOMMEND

That Council pursuant to Management Practice ADM 12 and on the recommendation of the Chief Executive Officer, appoint the Executive Manager Development Services, Sergio Famiano or A/Executive Manager Development Services for the period 29 September to 9 October 2020 as Acting Executive Director Development Services.

ATTACHMENTS

There are no attachments for this report.

COUNCILLORS' ITEMS

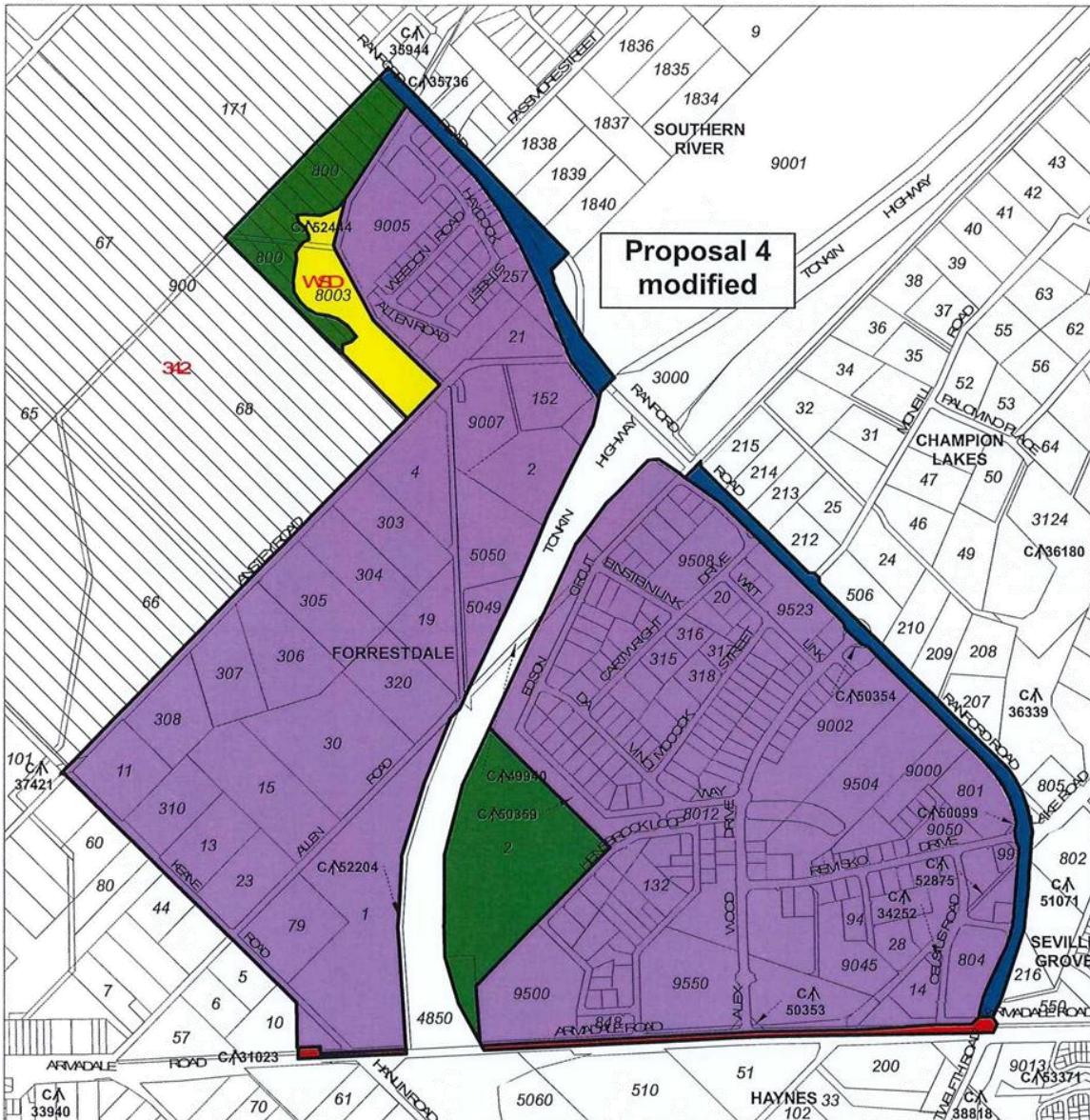
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EXECUTIVE DIRECTOR DEVELOPMENT SERVICES REPORT

Nil

MEETING DECLARED CLOSED AT _____

DEVELOPMENT SERVICES COMMITTEE		
SUMMARY OF ATTACHMENTS		
17 AUGUST 2020		
ATT NO.	SUBJECT	PAGE
1.2 UPDATE ON NORMALISATION OF DEVELOPMENTWA REDEVELOPMENT AREAS		
1.2.1	MRA Normalisation Armadale - Proposed Minor Modification	66
2.1 PROPOSED AMENDMENT NO.114 TO TPS NO.4 - NORMALISATION OF LOT 2, 4853 AND 9500 FORRESTDALE BUSINESS PARK EAST FROM DEVELOPMENTWA TO CITY OF ARMADALE		
2.1.1	Existing and Proposed Zoning Plan - TPS No.4 - Amendment No.114	67
2.1.2	Existing and Proposed Zoning Plan - SCA 3 - Amendment No.114	68
2.2 FINAL ADOPTION - AMENDMENT NO.103 TO TPS NO.4 - OMNIBUS AMENDMENT FOR THE ARMADALE STRATEGIC METROPOLITAN CITY CENTRE		
2.2.1	Schedule of Submissions - Amendment No.103	69
2.2.2	Schedule of Modifications - Amendment No.103	73
2.2.3	Existing and Proposed Zoning Plan - Amendment No.103 - TPS No.4	74
2.2.4	Existing and Proposed Zoning Plan - SCA 3 - Armadale City Centre	75
2.2.5	Existing & Proposed Zoning Plan - Combined Proposals Scheme Map - Amendment No.103	76
2.2.6	Existing & Proposed Zoning Plan - Proposals 1 to 14, 19 and 21 - Scheme Maps - Amendment No.103	77
3.1 INTERIM REVIEW OF STATEMENT OF PLANNING POLICY 7.3 - RESIDENTIAL DESIGN CODES - VOLUME 1		
3.1.1	SPP7-3 Residential Design Codes - Schedule of Modifications Interim Review 2020	94
3.1.2	SPP7-3 Residential Design Codes - Overview of the major modifications proposed to SPP 7.3 RDC - Vol 1	121



**MRA Normalisation, Armadale
Proposed minor amendment
as modified**

6 May 2020

Proposal 4

Proposed Amendment:

- [Purple] Industrial zone
- [Blue] Other regional roads reservation
- [Green] Parks and recreation reservation
- [Red] Primary regional roads reservation
- [Yellow] WSD Public purposes reservation - Water Authority of WA

(Site No) Bush forever areas

Object reference no. 2983

File number: 839022/20080

Version number: 6

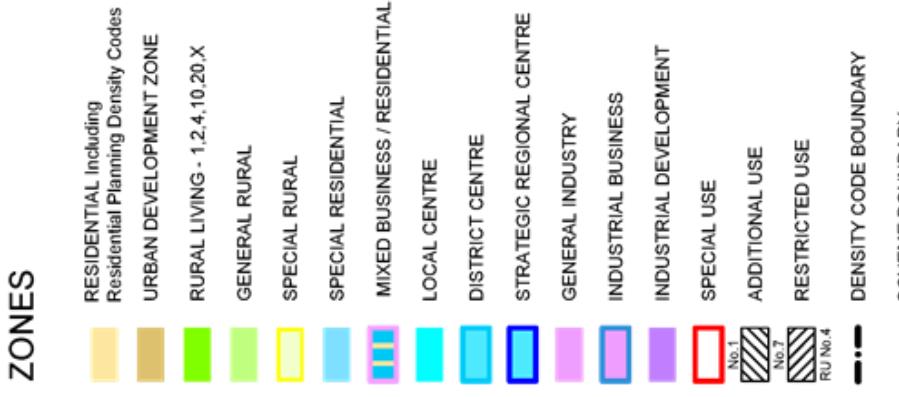
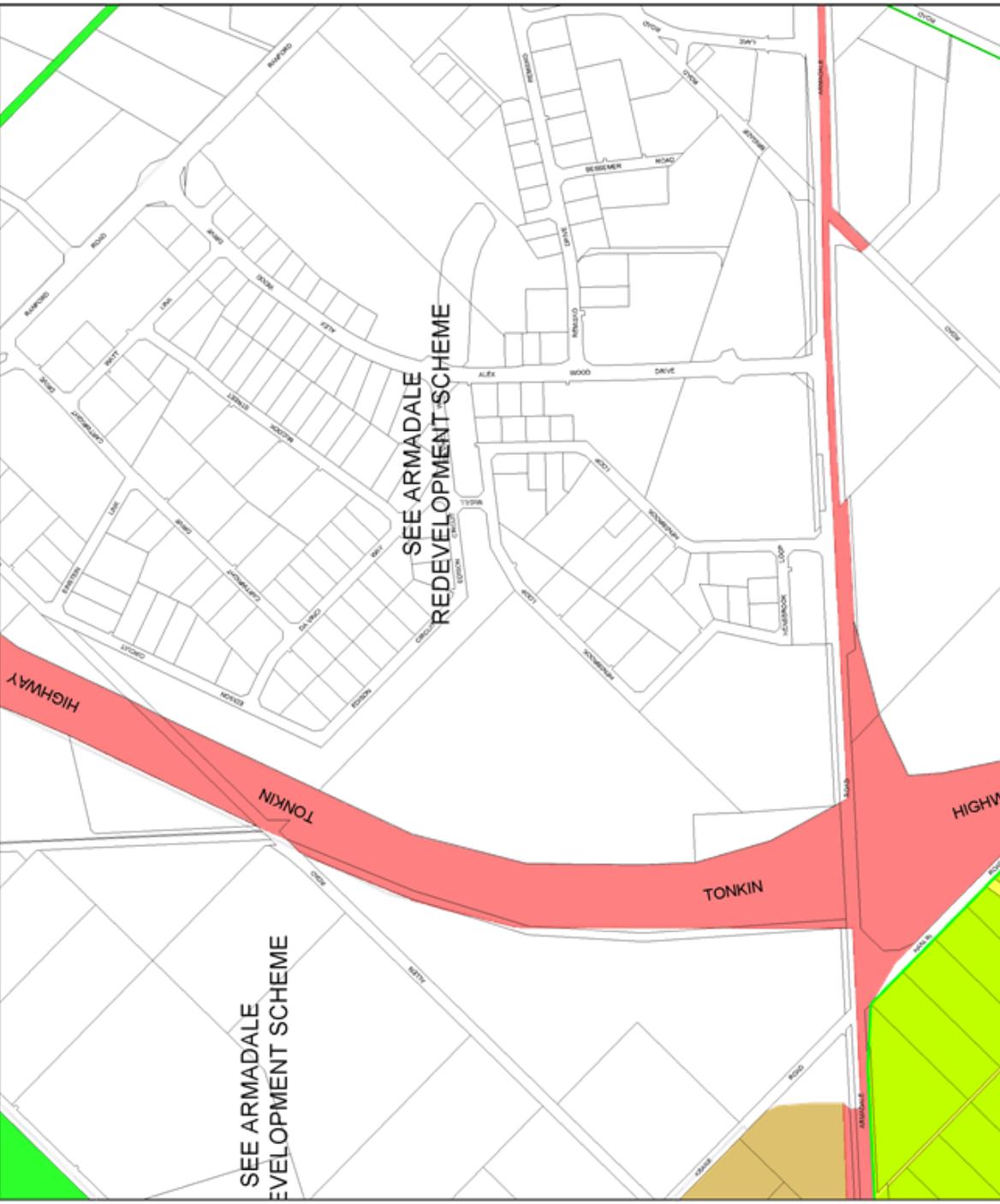


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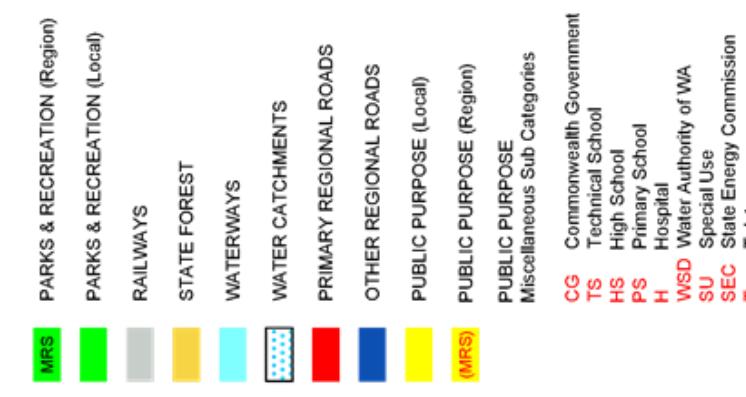


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EXISTING ZONING

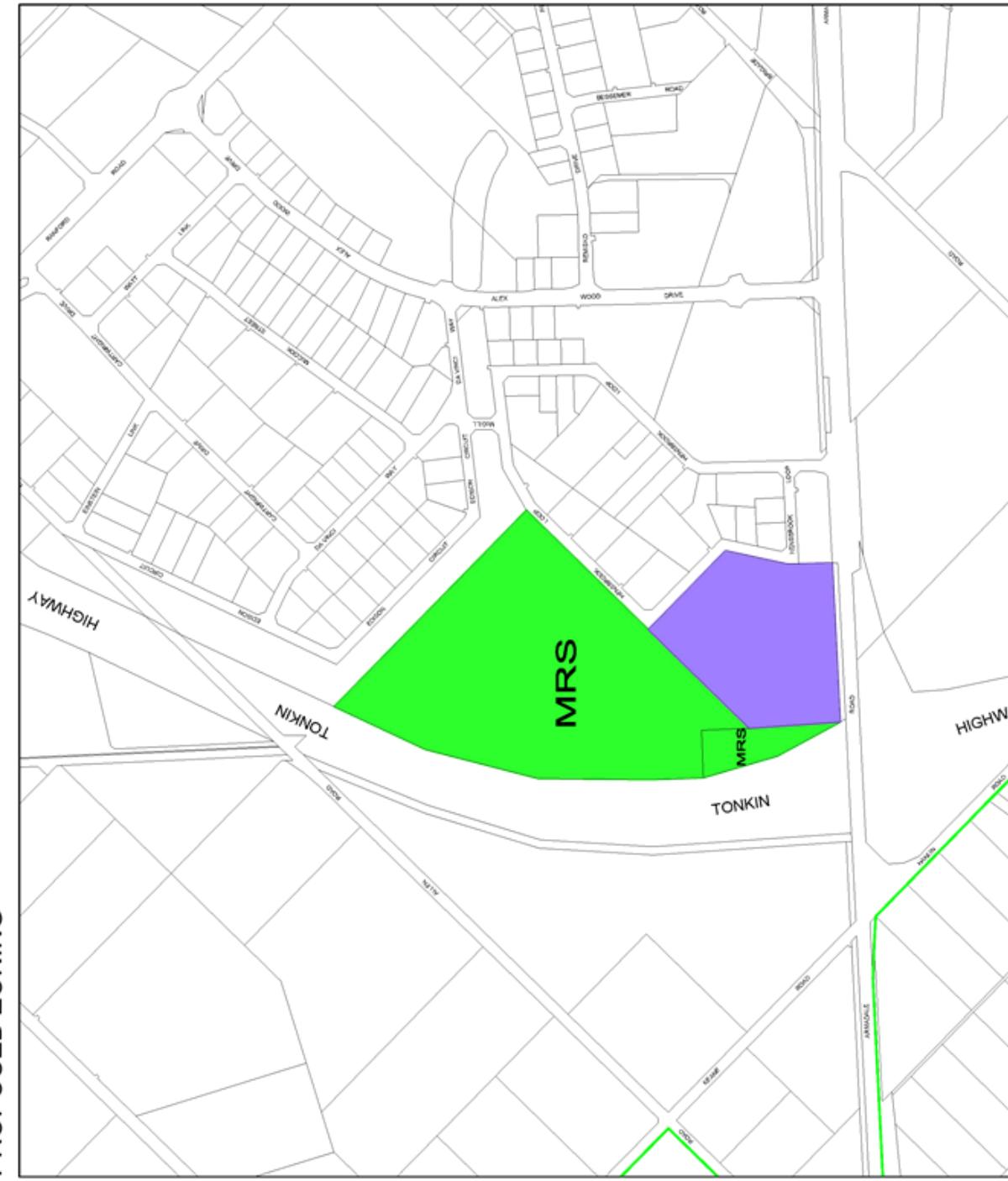


RESERVATIONS



NOTE: The reservations are shown diagrammatically and do not purport to represent the road reservations shown in the Metropolitan Region Scheme and information in respect to road widening requirements for these roads should be obtained from the Department of Planning

PROPOSED ZONING



AMENDMENT No. 114
City of Armadale Town Planning Scheme No. 4

DATE 14 July 2020 - REVISION 2001
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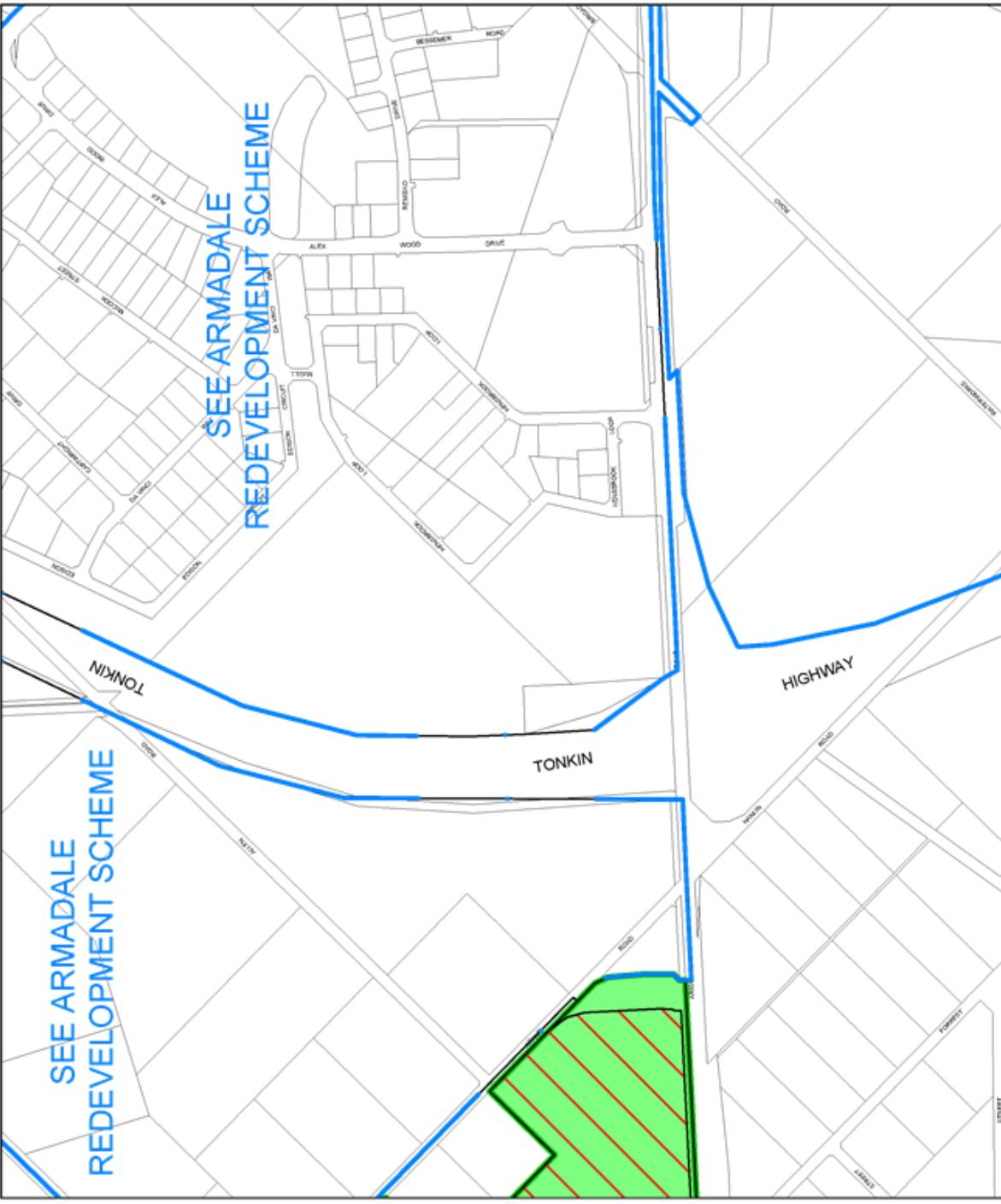
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Based on information provided by and with the permission of the City of Armadale.
Author of photograph: Ian Bell - Landscapes Photography, 100 Main Street, Armadale.

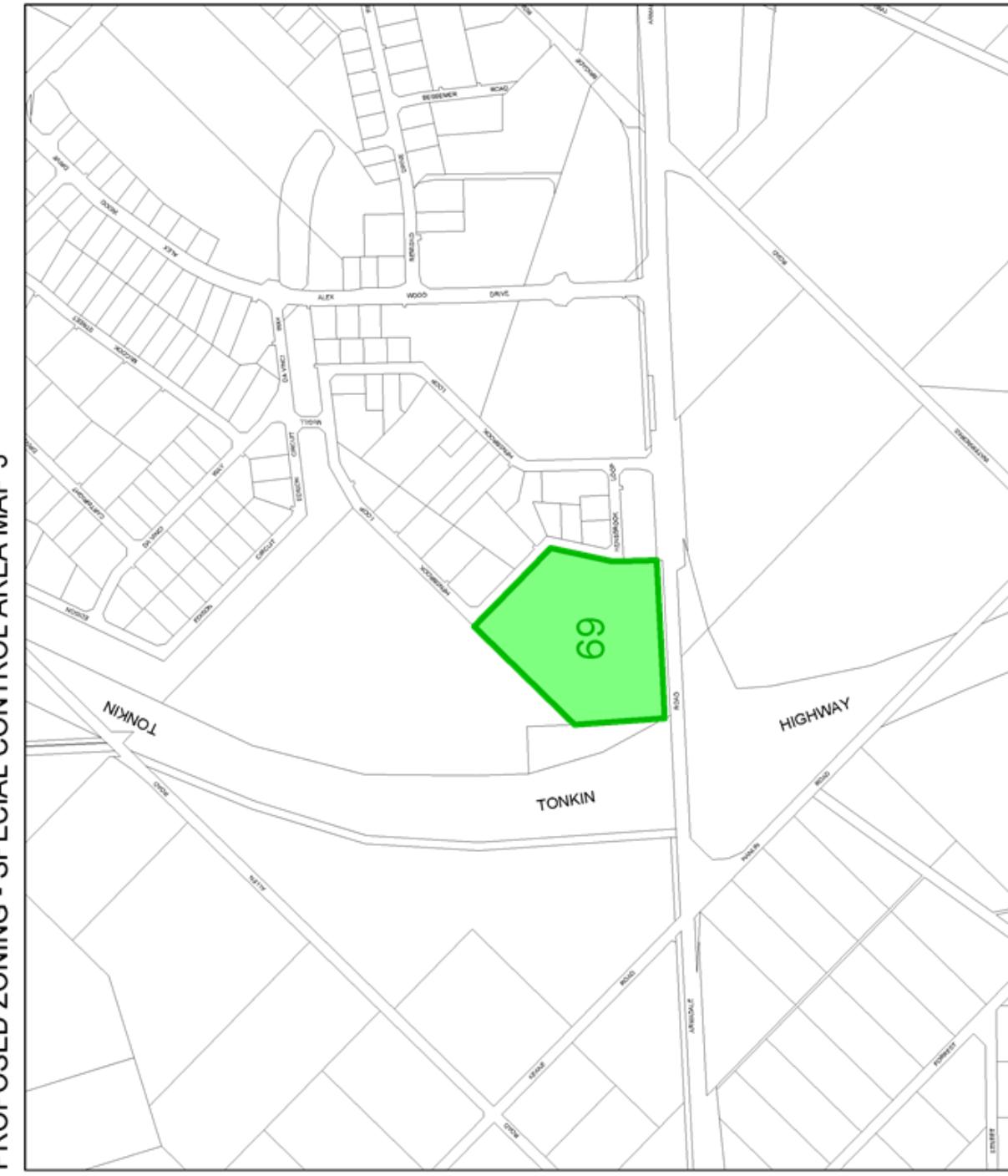
CITY OF
Armadale

EXISTING ZONING - SPECIAL CONTROL AREA MAP 3

LEGEND



PROPOSED ZONING SPECIAL CONTROL AREA MAP 2



NOTE: The reservations are shown diagrammatically and do not purport to represent the road reservations shown in the Metropolitan Region Scheme and information in respect to road widening requirements for these roads should be obtained from the Department of Planning

AMENDMENT No. 114
City of Armadale Town Planning Scheme No. 4
Special Control Area Map 3

AMENDMENT No. 114
City of Armadale Town Planning Scheme No. 4
Special Control Area Map 3
DATE 5 April 2018 - REVISION 1801

Fig. 1. Map of the study area.

Revised information submitted by and with the permission of the Western Australian Land Information Authority relating to Land Regime (2017). Author photograph supplied by Landscope, Photographs by Niall Morris.

CITY OF Armadale

SCHEDULE OF SUBMISSIONS TOWN PLANNING SCHEME AMENDMENT NO.103			
NO.	SUBMITTER	SUPPORT, OBJECT, COMMENT	SUMMARY OF SUBMISSION
RECOMMENDATION			
1	CE/54152/20	Support	No objection to the proposed Amendment No.103 to TPS No.4.
2	CE/53889/20	No Objection	The submission has no objection to the amendment but notes that a Bushfire assessment is required for several properties that are located within Bushfire prone area near South West Highway.
3	CD/37538/20	Support	No objection to the amendment as it relates to the subject property. Particular support for proposals 6 and 21.
4	CD/39169/20	Comment	<p>Submission in relation to a property in Aragon Court. The following comments are made:</p> <ul style="list-style-type: none"> ▪ Lack of reserves in the area for families, events and groups. ▪ With development intensifying there is a need for more greenspace for elderly people and space for exercising. ▪ The Annual Fireworks, Pop up Markets/Fete Days, Circus/Music Entertainment area, (also this reserve caters for Public Car Parking for these events). Where would the City of Armadale continue/hold these events? ▪ How is Abbey Road going to function as traffic increases? ▪ Why build more shops if we already have a shopping centre in the City Centre. ▪ Reserve area in Abbey Road needs to be upgraded. <p>The City of Armadale intends to continue to hold events such as those suggested at its existing locations such as Minnawarra Park and Memorial Park. These are intended to be retained.</p> <p>As the City Centre expands traffic in local areas will increase.</p>

SCHEDULE OF SUBMISSIONS TOWN PLANNING SCHEME AMENDMENT NO.103			
NO.	SUBMITTER	SUPPORT, OBJECT, COMMENT	SUMMARY OF SUBMISSION
			RECOMMENDATION
			<p>This was examined during the preparation of the Structure Plan and considered in the context of the timeframe in which development will evolve in the City Centre. It is important to note that development of the City Centre in its entirety will be a 30 year plan and a rise in traffic is not expected to be dramatic but a gradual process.</p> <p>The Armadale City Centre Structure Plan allows for the City Centre to expand its shopping capacity significantly from 50,000sqm to 150,000sqm over a 30 year period to accommodate the expected growth in population in the south-east corridor which the Armadale City Centre will support. Allowing areas such as the Abbey Precinct to provide a small level of retail and commercial activity via corner stores and restaurants adds to the vitality of the City Centre and represent landuses that are supportive of rather than directly competing with the Armadale City Centre Shopping Centres.</p>
5	CE/62937/20	Support	<p>Submission supports the proposed amendment.</p> <p>Support for the Amendment No.103 is noted.</p>
6	CD/45355/20	Object	<p>The submission objects to the amendment for the following reasons:</p> <ul style="list-style-type: none"> ▪ Lots 77 and 78 Jull Street being rezoned to reserve for parks and recreation as it will attract anti-social behaviour. ▪ There would need to be an assurance that if the train station is undergrounded that there would be no damage to properties adjoining as a result. ▪ Object to Neerigen brook as a living stream as it will create anti-social behaviour and unlawful access to adjoining properties. <p>Lots 77 and 78 whilst currently zoned Strategic Regional Centre and Regional Road, the Strategic Regional Centre component of the lot is currently used as public open space area supporting the nearby function of Minnawarra Park. This area creates a soft interface between the northern edge of the Armadale City Centre adjacent to Armadale Road and Jull Street. The area is used for passive recreation and is not seen as an area attributing to anti-social behaviour.</p> <p>The decision to redevelop the Armadale Train Station is a State Government decision and Metronet would be required to prepare and implement a construction management plan and</p>

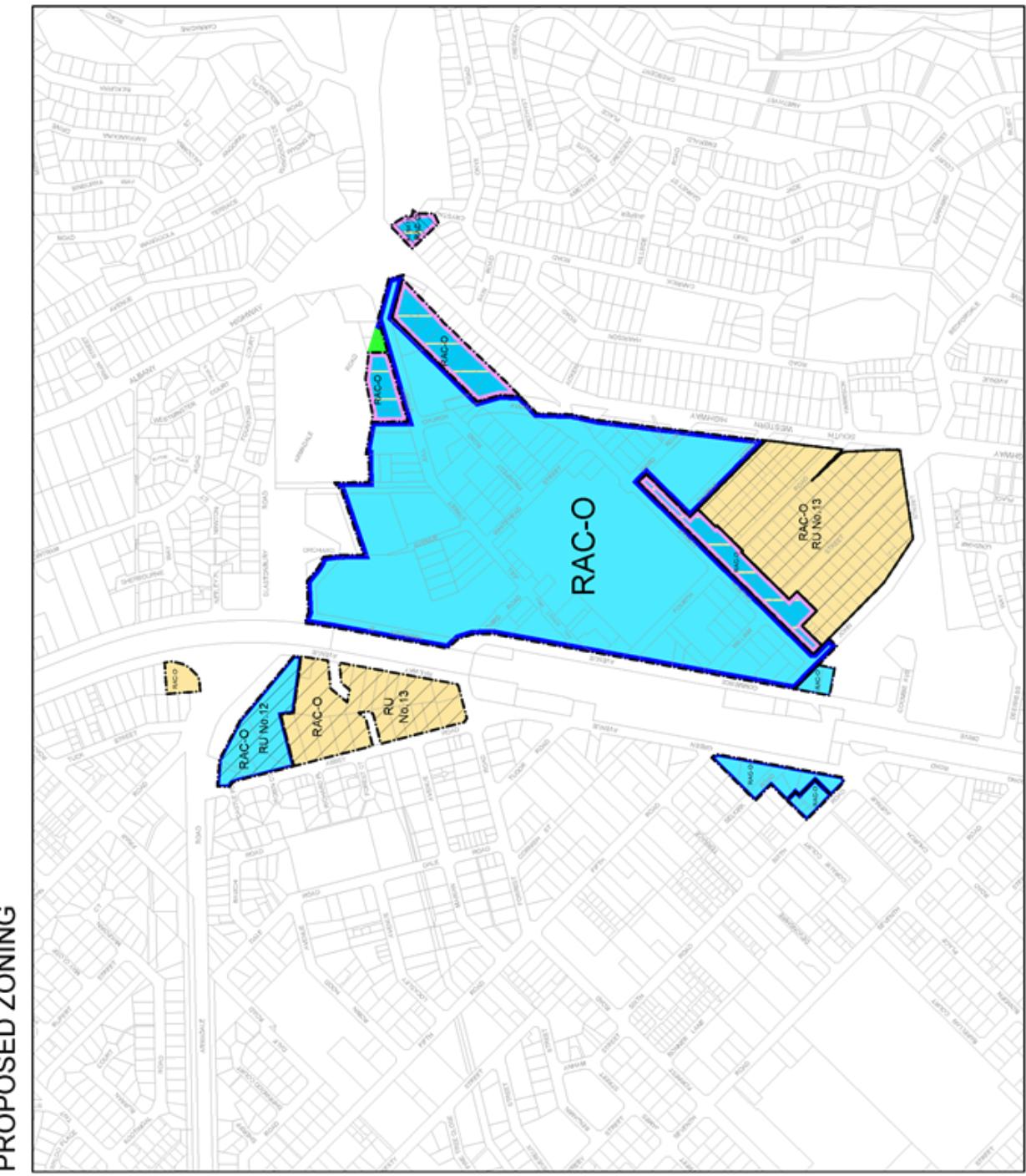
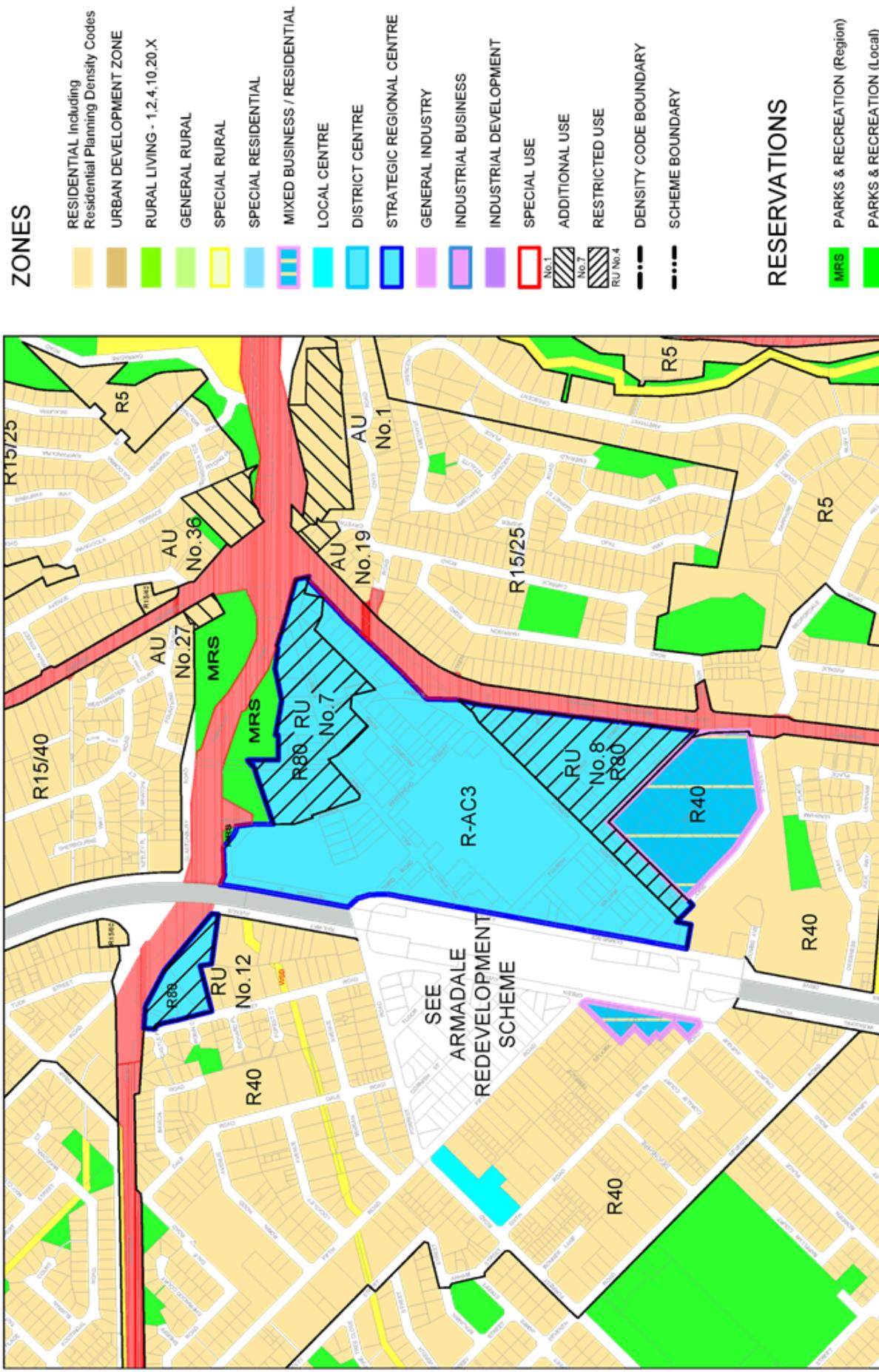
SCHEDULE OF SUBMISSIONS TOWN PLANNING SCHEME AMENDMENT NO.103				
NO.	SUBMITTER	SUPPORT, OBJECT, COMMENT	SUMMARY OF SUBMISSION	RECOMMENDATION
			<p>may undertake dilapidate surveys to ensure any damage to nearby properties during the construction process is documented and repaired.</p> <p>The creation of Neerigen Brook into a 'living stream' would require significant investment and land assembly. The City at this stage has not made a decision to progress the establishment of a 'living stream' along Neerigen Brook. Should it do so in future it will consult with effected landowners on the proposal and also consider Crime Prevention Design Principles to reduce any potential for anti-social behaviour from occurring in future.</p>	
7	CE/71470/20	Support	The submission supports the amendment as it will support the creation of diverse housing in the Armadale City Centre bringing more population to the City Centre that will support business.	The submission to support Amendment No.103 is acknowledged.
8	CE/71471/20	Support	Highly supportive of the amendment. It will create housing diversity and increase population within the City Centre which will support local businesses.	The submission to support Amendment No.103 is acknowledged.
9	CE/72232/20	Support	The submission supports the proposed amendment. Acknowledging that the amendment is to ensure the Town Planning Scheme aligns with the Armadale City Centre Structure Plan. Particularly supportive of removal of the 'Restricted Use' provisions.	The submission to support Amendment No.103 is acknowledged.
10	CD/4665/20	Object	The submission objects to the proposal. No comments provided.	The objection to Amendment No.103 is noted.

SCHEDULE OF SUBMISSIONS TOWN PLANNING SCHEME AMENDMENT NO.103				
NO.	SUBMITTER	SUPPORT, OBJECT, COMMENT	SUMMARY OF SUBMISSION	RECOMMENDATION
11	CE/77701/20	No Comment	The submission recognises that it is necessary to align the Town Planning Scheme No.4 with the approved Structure Plan. No further comments are made.	The submission to support Amendment No.103 is acknowledged.
12	CD/49607/20	No Comment	The submission raises some concerns with heritage listed buildings in the William Precinct. Rezoning does allow for the retention of single residential houses which could be repurposed for convenience store, restaurant and office. There are some good examples of 19 th Century housing in the area.	The Scheme amendment does allow for the retention of single residential housing in the William Precinct and working with the Armadale Strategic Metropolitan City Centre Structure Plan, there is incentives for heritage properties to be retained.

SCHEDULE OF MODIFICATIONS TOWN PLANNING SCHEME AMENDMENT NO.103										
NO.	PROPOSAL REFERENCE	PROPOSED MODIFICATION								
1	16	<p>Include the following titles for parts (a), (b) and (c):</p> <p>(a) <i>Include a new Clause 4A.4 and title 'Seabacks in the Armadale Strategic Metropolitan City Centre' with the following:</i></p> <p>(b) <i>Include a new Clause 4A.5 and title 'Building Heights in the Armadale Strategic Metropolitan City Centre' with the following:</i></p> <p>(c) <i>Include a new Clause 4A.6 and title 'Building Bulk in the Armadale Strategic Metropolitan City Centre' with the following:</i></p> <p>Under Clause (c), include complete reference to 'Western Australian Planning Commission' as follows:</p> <p><i>"For Residential R-AC0 in the Armadale Strategic Metropolitan City Centre, plot ratio is to be determined in accordance with an approved Activity Centre Plan or Precinct Plan prepared in accordance with the requirements of the Western Australian Planning Commission's State Planning Policy 4.2 – Activity Centres for Perth and Peel and/or State Planning Policy 7.2 – Precinct Design."</i></p> <p>Under Clause (d) include the term 'the' as follows:</p> <p><i>"This Part applies to the Strategic Regional Centre Zone, the Mixed Business / Residential Zone, the District Centre Zone and the Local Centre Zone, unless expressly stated to the contrary in a clause of this Part."</i></p> <p>Delete Clause (g) – 'Rerumber Clauses 4C1.1 and 4C1.2'</p> <p>Under Clause (j) replace 'adopted' with 'approved' as follows:</p> <p><i>"Unless otherwise approved by the local government in accordance with the provisions of clause 4.5, the maximum plot ratio within the respective zones and precincts is to accord with the following standards:</i></p> <table> <tr> <td>(a) Mixed Business / Residential:</td> <td>1.5</td> </tr> <tr> <td>(b) District Centre Zone:</td> <td>1.0</td> </tr> <tr> <td>(c) Local Centre Zone:</td> <td>1.0</td> </tr> <tr> <td>(d) Strategic Regional Centre:</td> <td>To be determined by an approved Structure Plan or Precinct Plan."</td> </tr> </table> <p>Under proposal (a) include the term 'Activity' as follows:</p> <p><i>"The car parking standards for the City apply as per Table 1, with the exception of the Armadale Strategic Metropolitan City Activity Centre Structure Plan area where car parking standards apply as per Table 2."</i></p>	(a) Mixed Business / Residential:	1.5	(b) District Centre Zone:	1.0	(c) Local Centre Zone:	1.0	(d) Strategic Regional Centre:	To be determined by an approved Structure Plan or Precinct Plan."
(a) Mixed Business / Residential:	1.5									
(b) District Centre Zone:	1.0									
(c) Local Centre Zone:	1.0									
(d) Strategic Regional Centre:	To be determined by an approved Structure Plan or Precinct Plan."									
2	22									

EXISTING ZONING

ZONES



AMENDMENT No. 103 City of Armadale Town Planning Scheme No. 4

AMENDMENT No. 103

City of Armadale Town Planning Scheme No. 4

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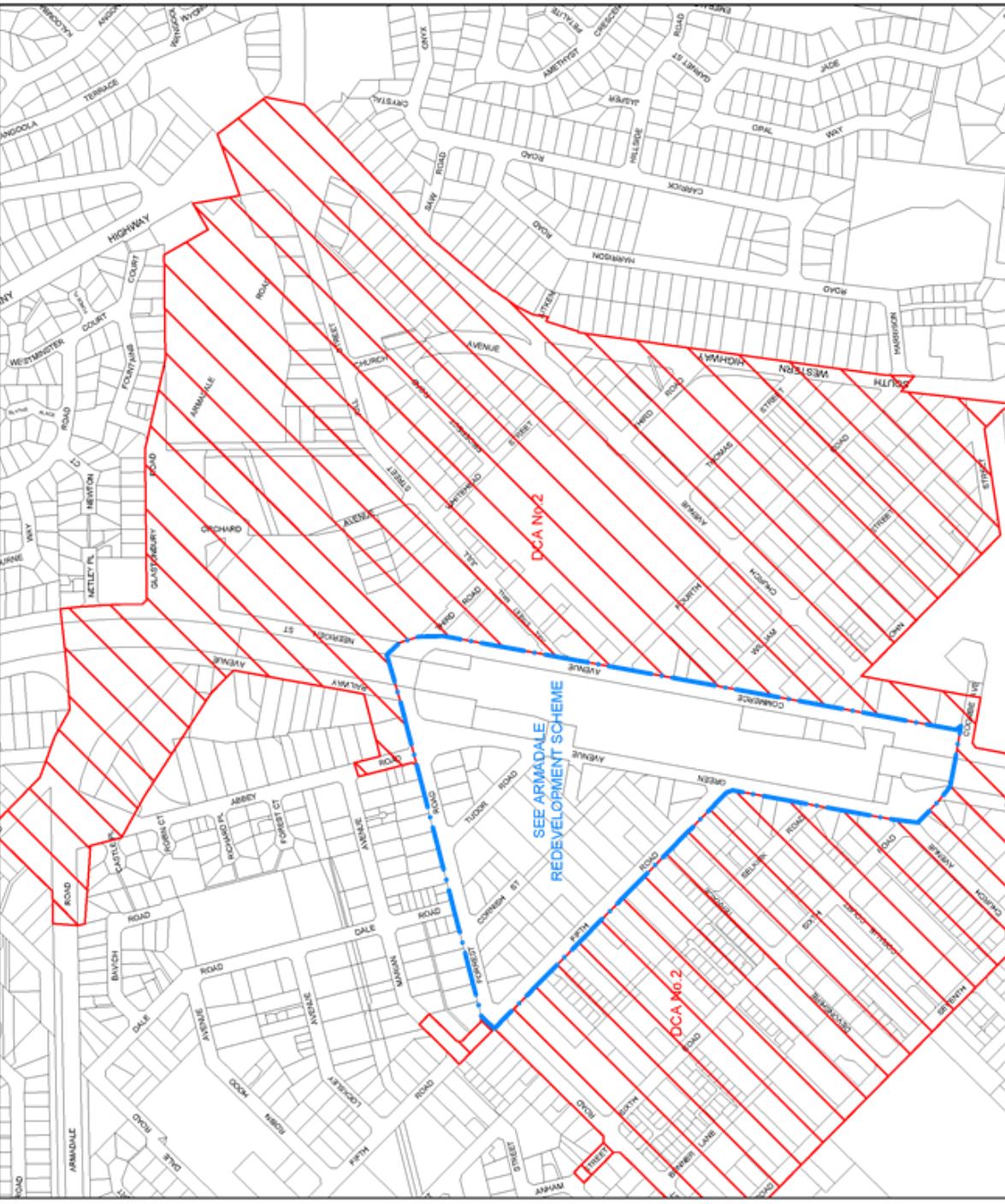


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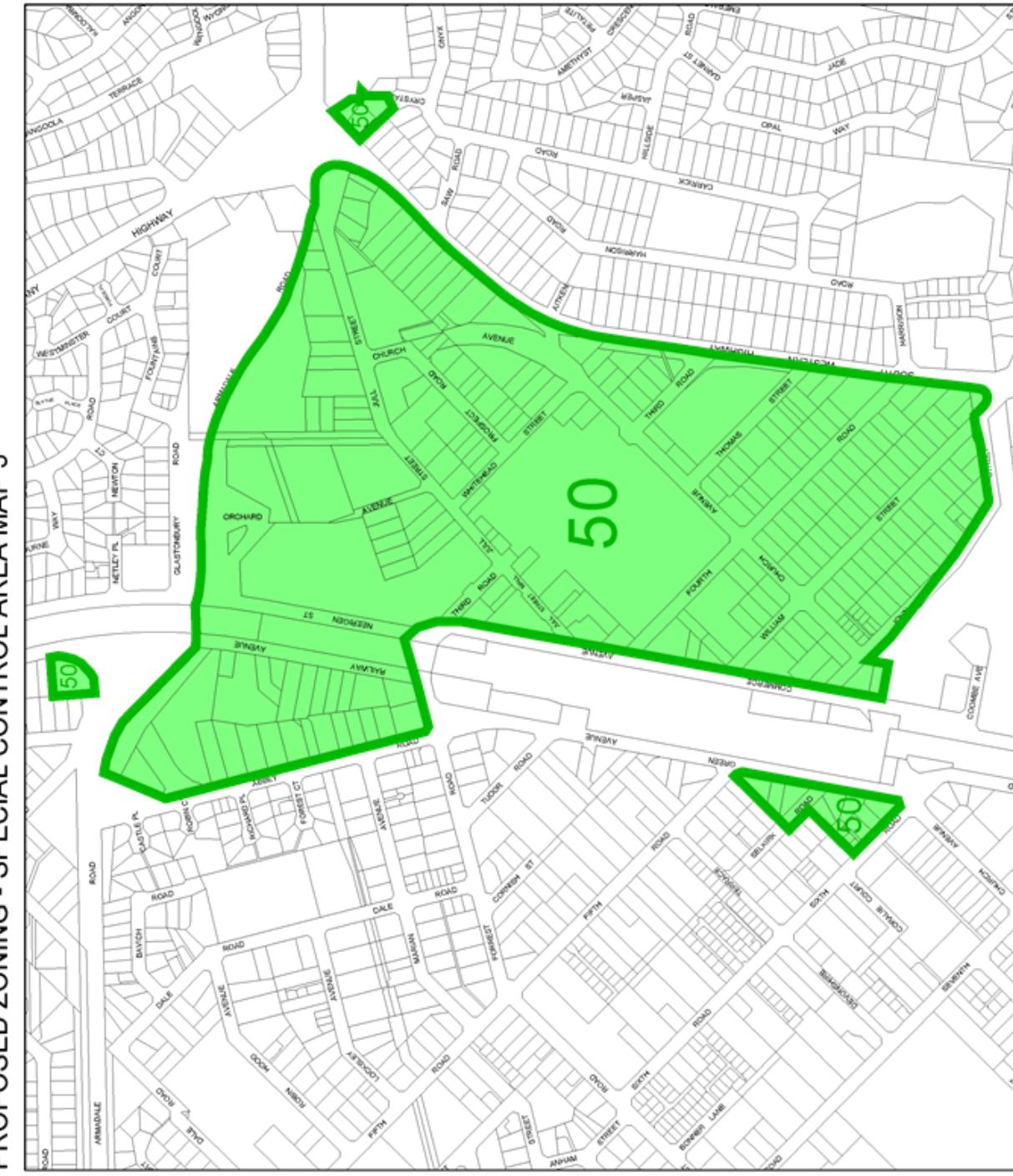
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EXISTING ZONING - SPECIAL CONTROL AREA MAP 3

LEGEND



PROPOSED ZONING - SPECIAL CONTROL AREA MAP 3



NOTE: The reservations are shown diagrammatically and do not purport to represent the road reservations shown in the Metropolitan Region Scheme and information in respect to road widening requirements for these roads should be obtained from the Department of Planning

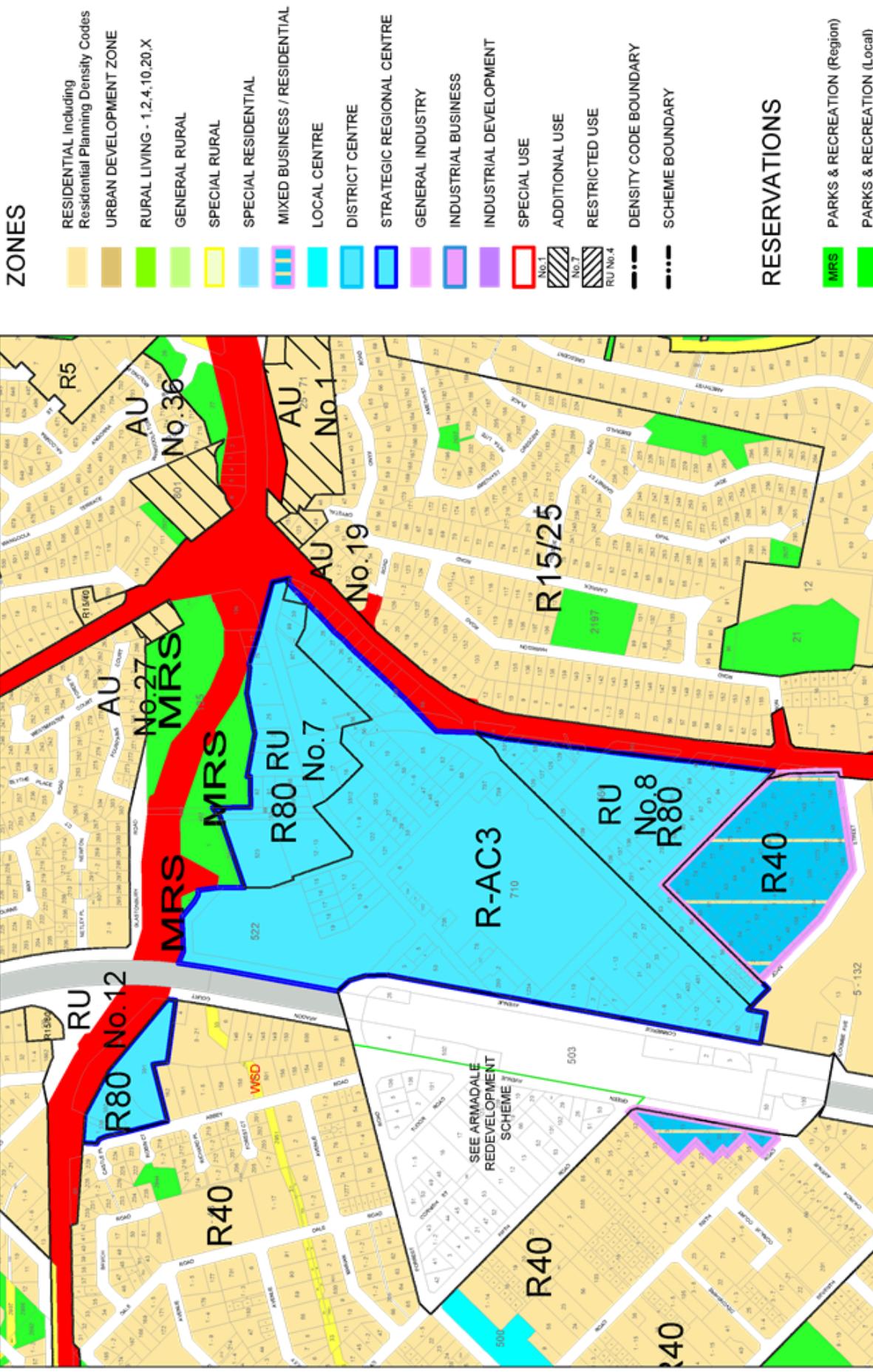
ARMADALE TOWN PLANNING SCHEME NO. 4
City of Armadale Town Planning Scheme No. 4
Special Control Area Map 3

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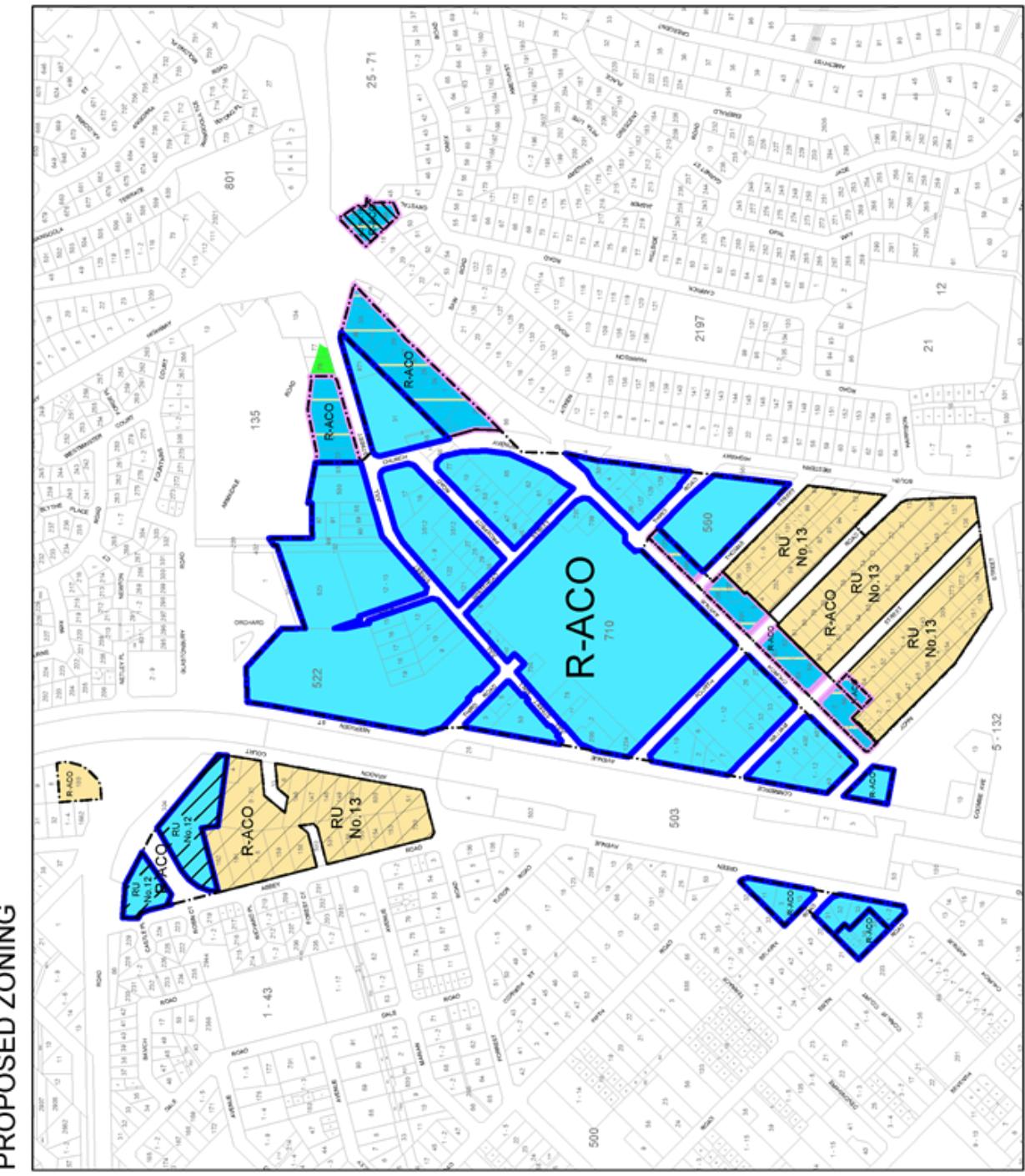
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EXISTING ZONING



PROPOSED ZONING



AMENDMENT NO. 103 - Combined Proposals
City of Armadale Town Planning Scheme No. 4

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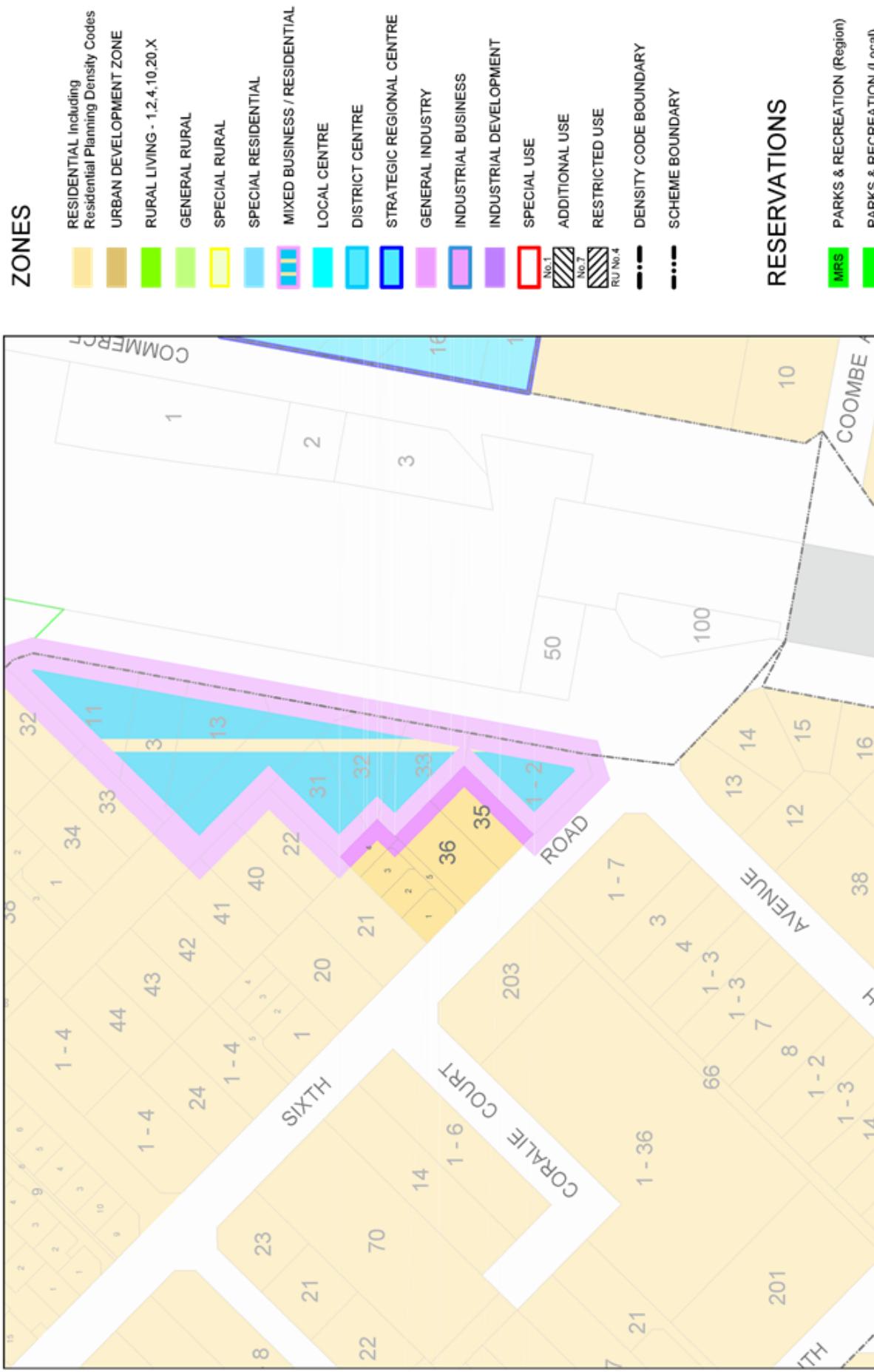
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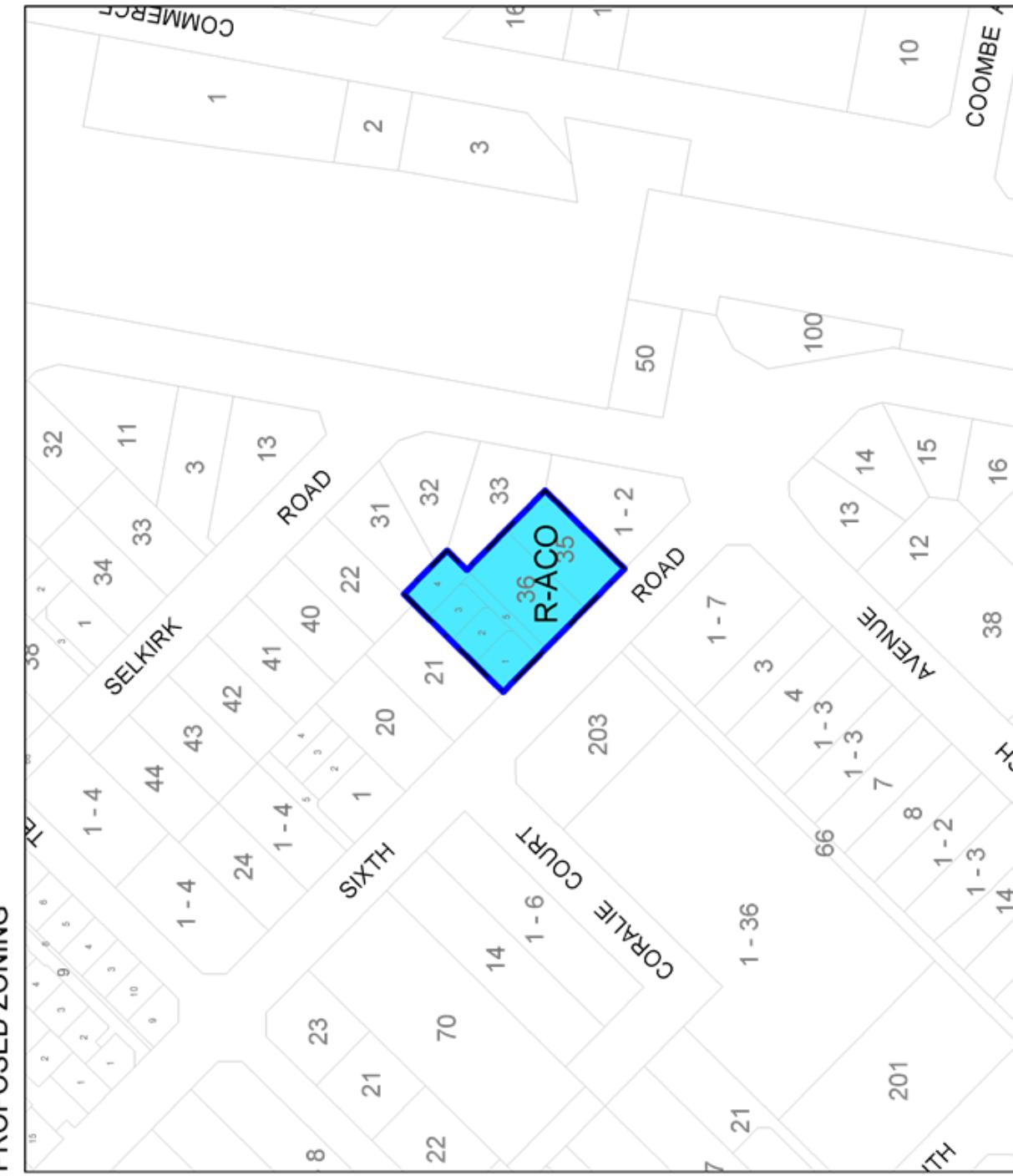
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EXISTING ZONING



PROPOSED ZONING



AMENDMENT No. 103 - Proposal 1

City of Armadale Town Planning Scheme No. 4

DATE 30 March 2020 - REVISION 2003

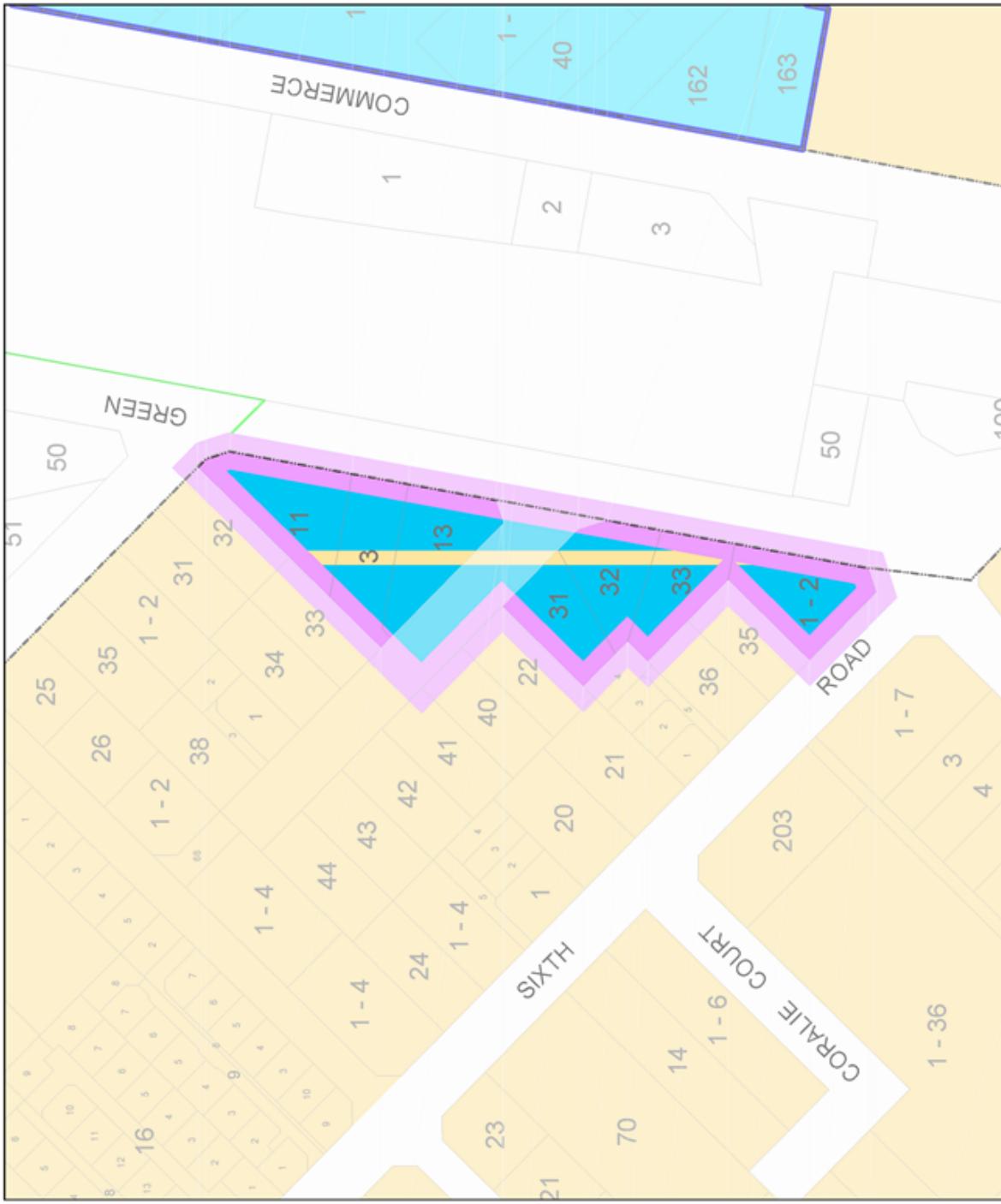
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EXISTING ZONING

ZONES



AMENDMENT No. 103 - Proposal 2

City of Armadale Town Planning Scheme No. 4

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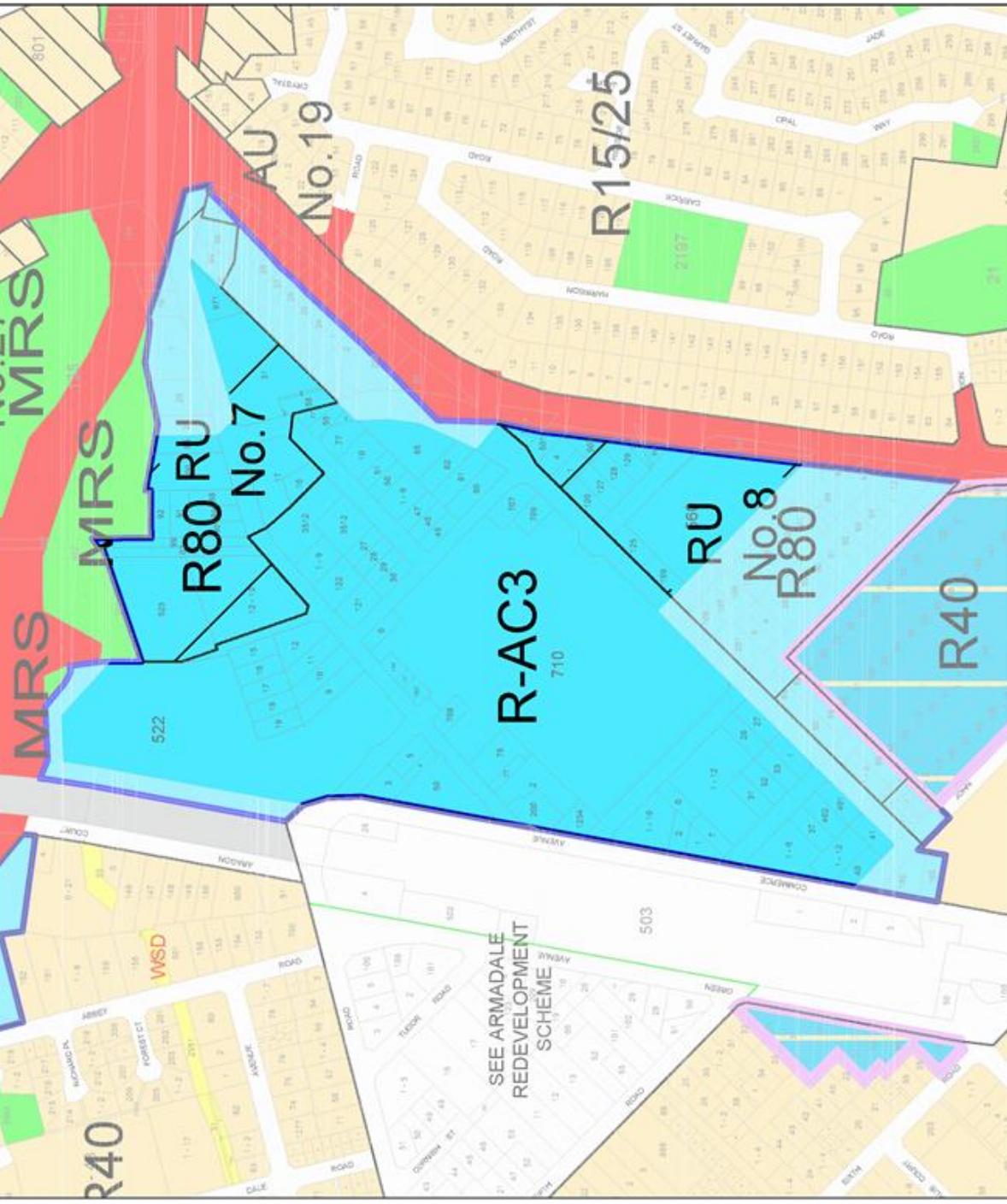
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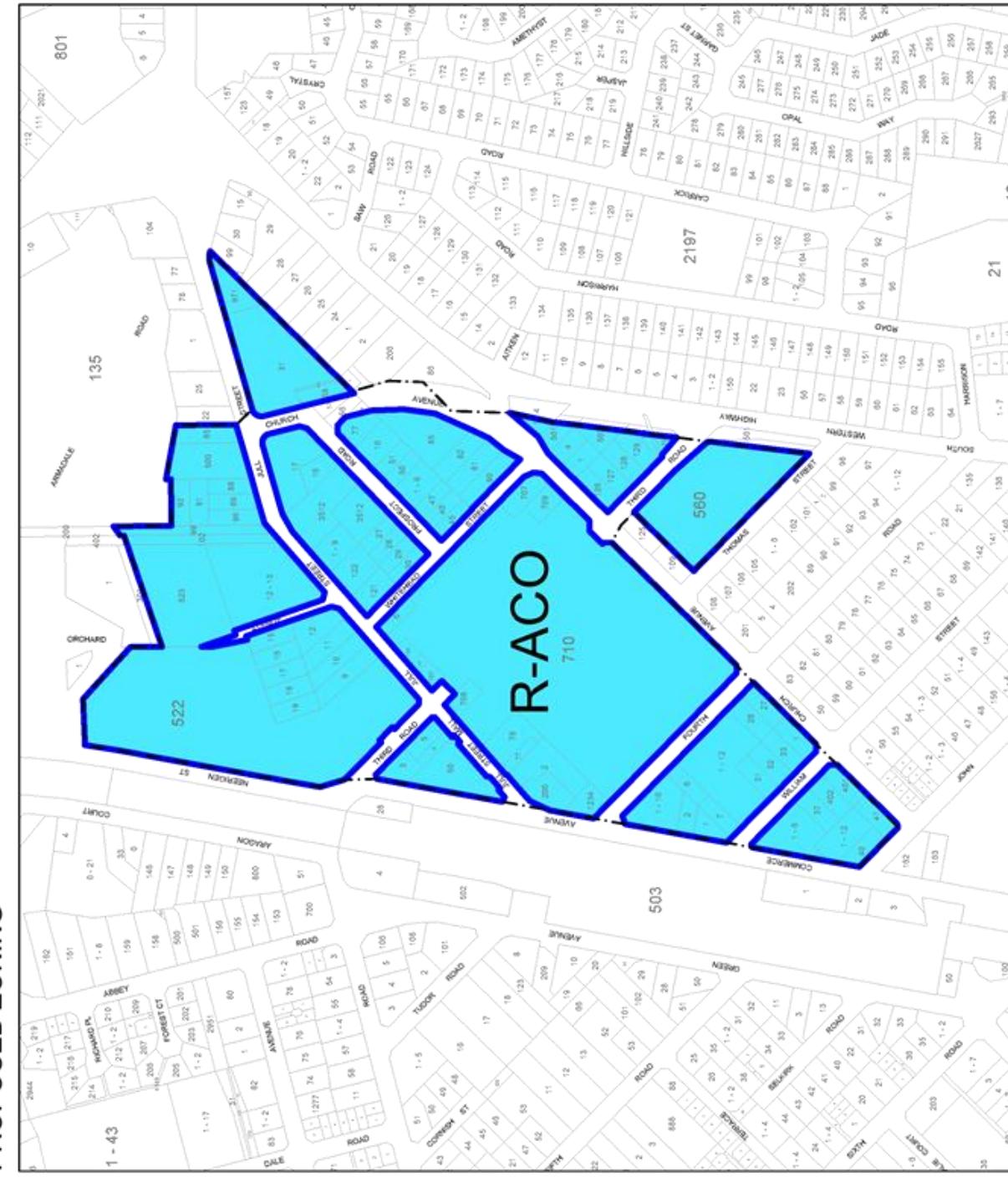


CITY OF

EXISTING ZONING



PROPOSED ZONING



AMENDMENT No. 103 - Proposal 3

City of Armadale Town Planning Scheme No. 4

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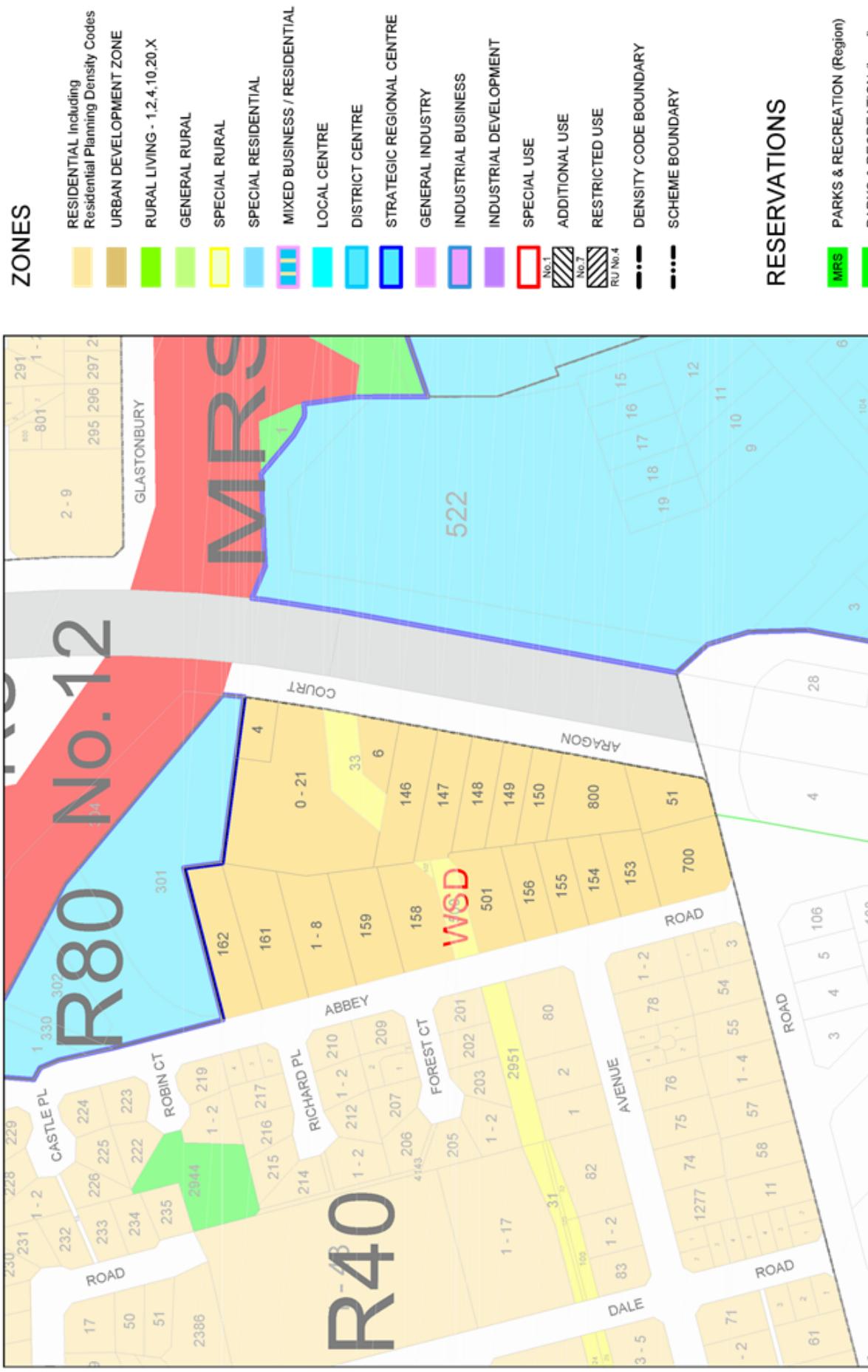
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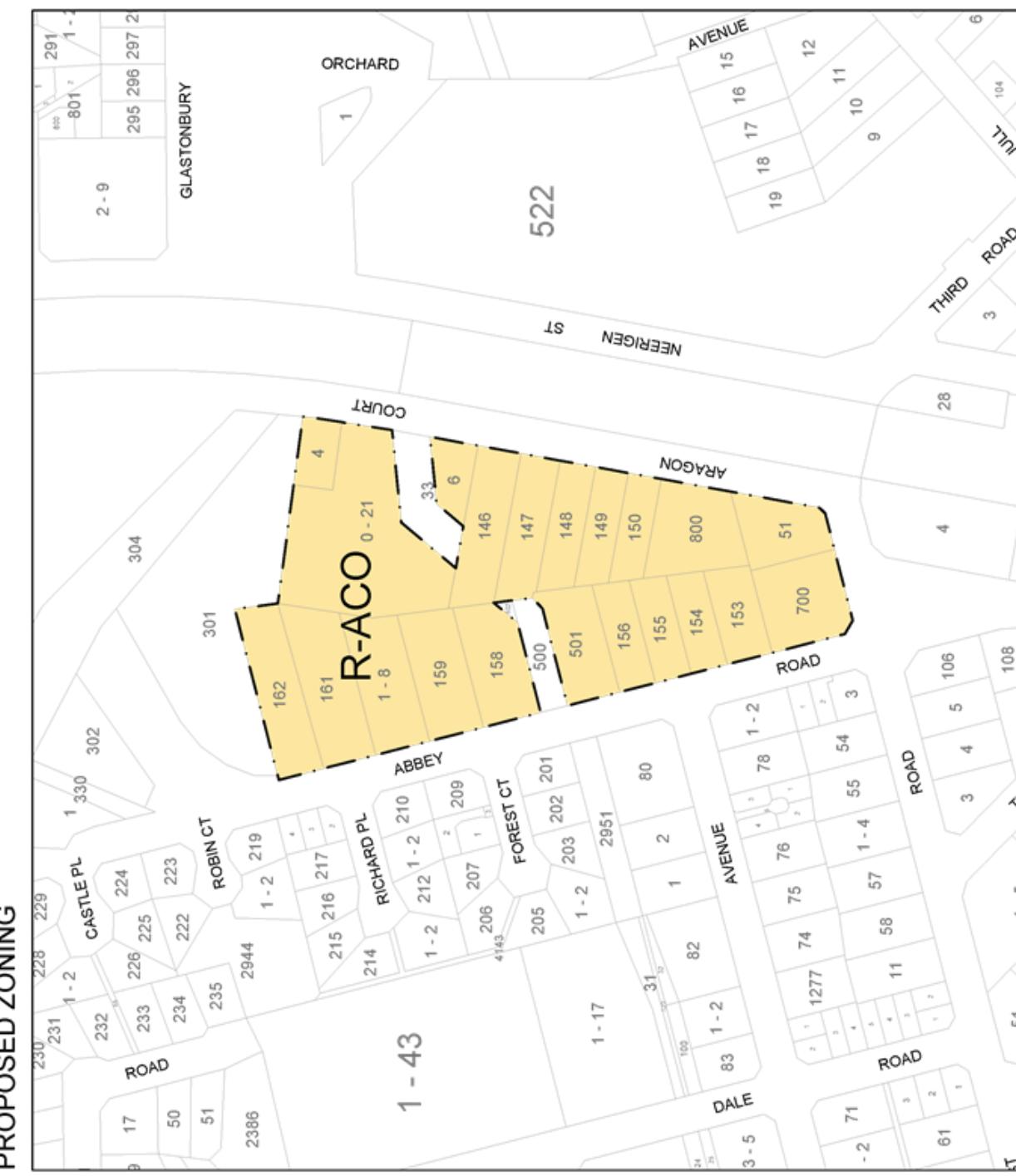
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EXISTING ZONING



PROPOSED ZONING

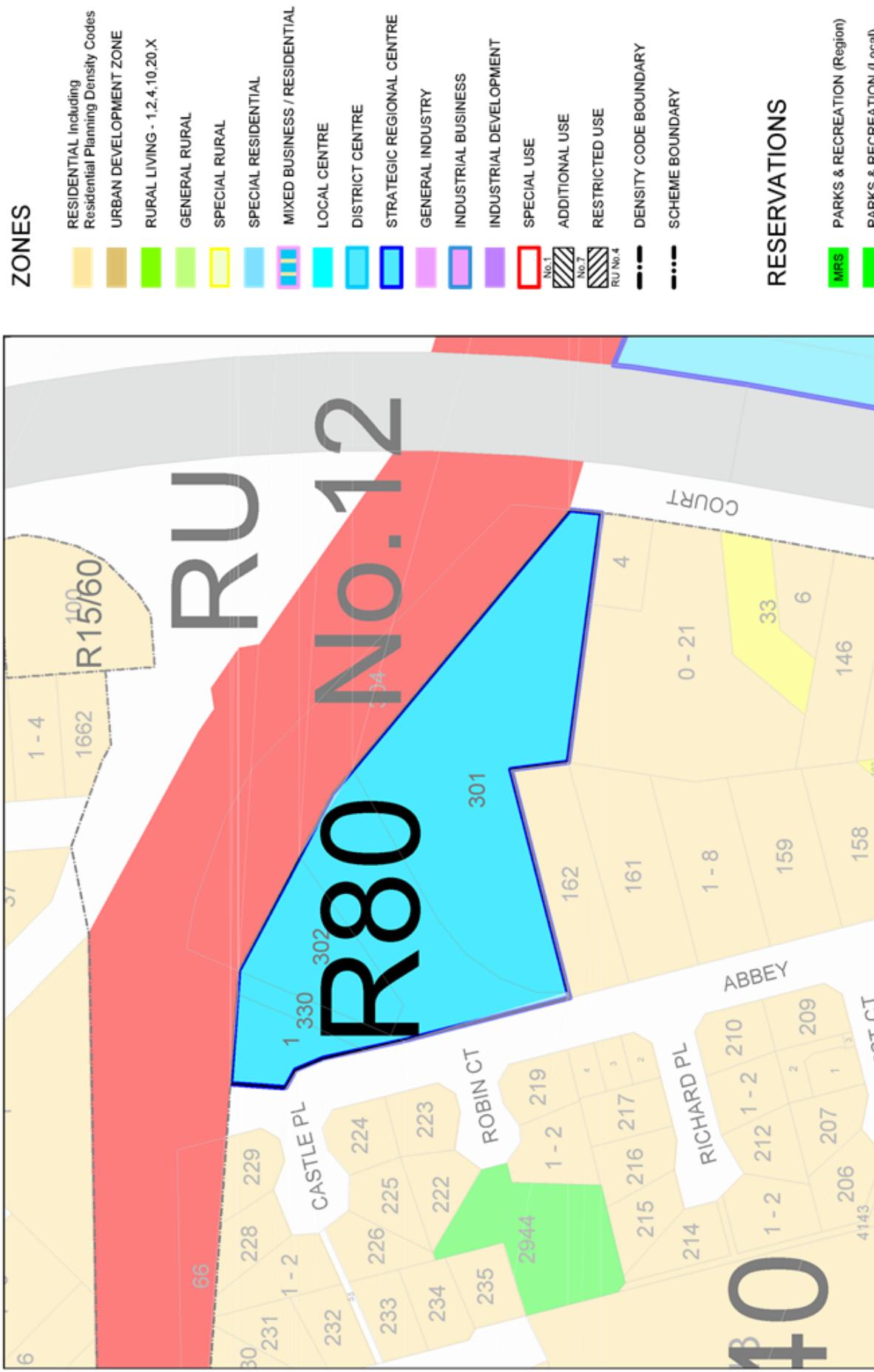


AMENDMENT No. 103 - Proposal 4
City of Armadale Town Planning Scheme No. 4

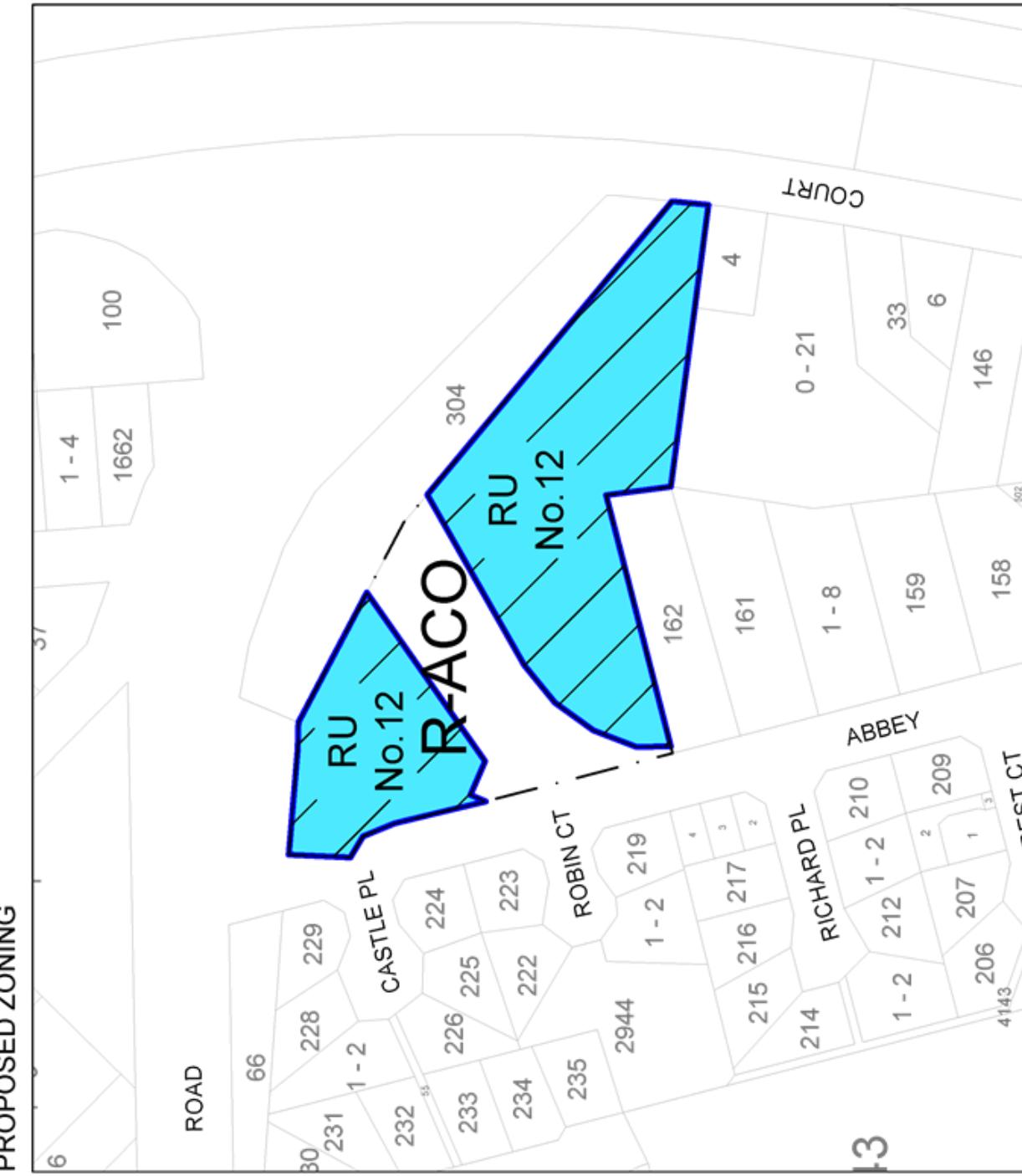
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PROPOSED ZONING



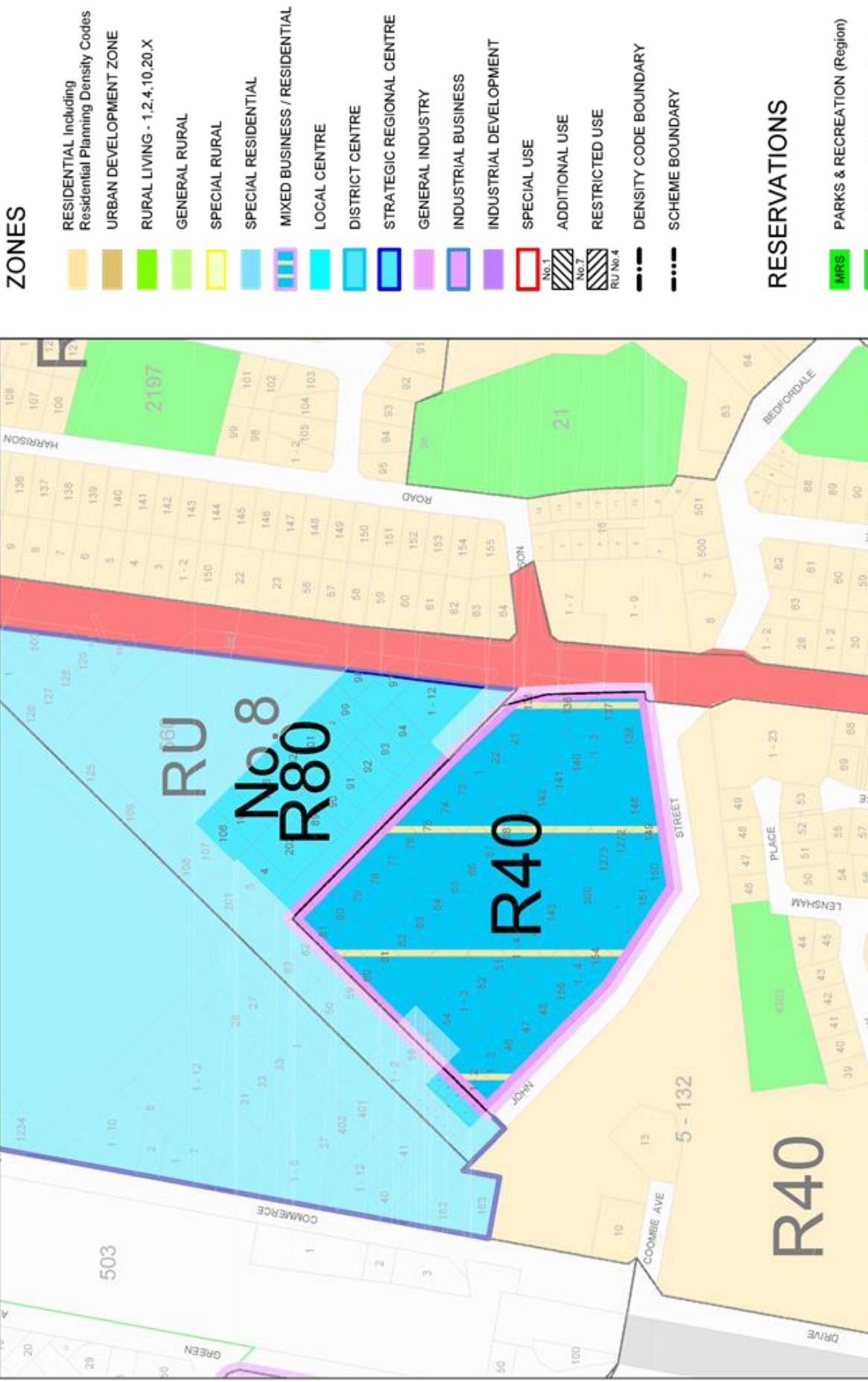
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City of Armadale Town Planning Scheme No. 4

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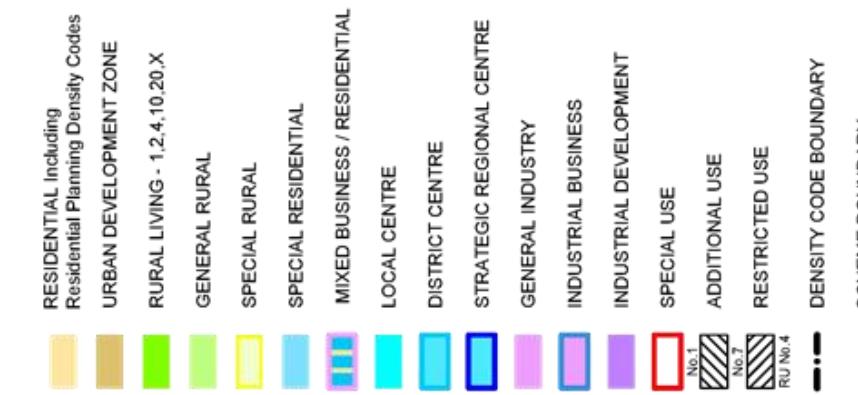
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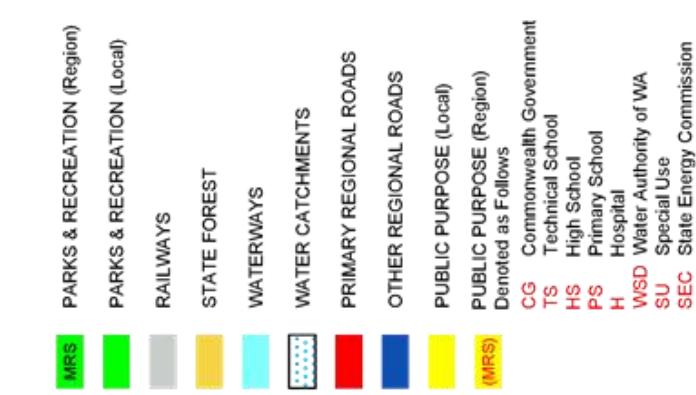
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ZONES

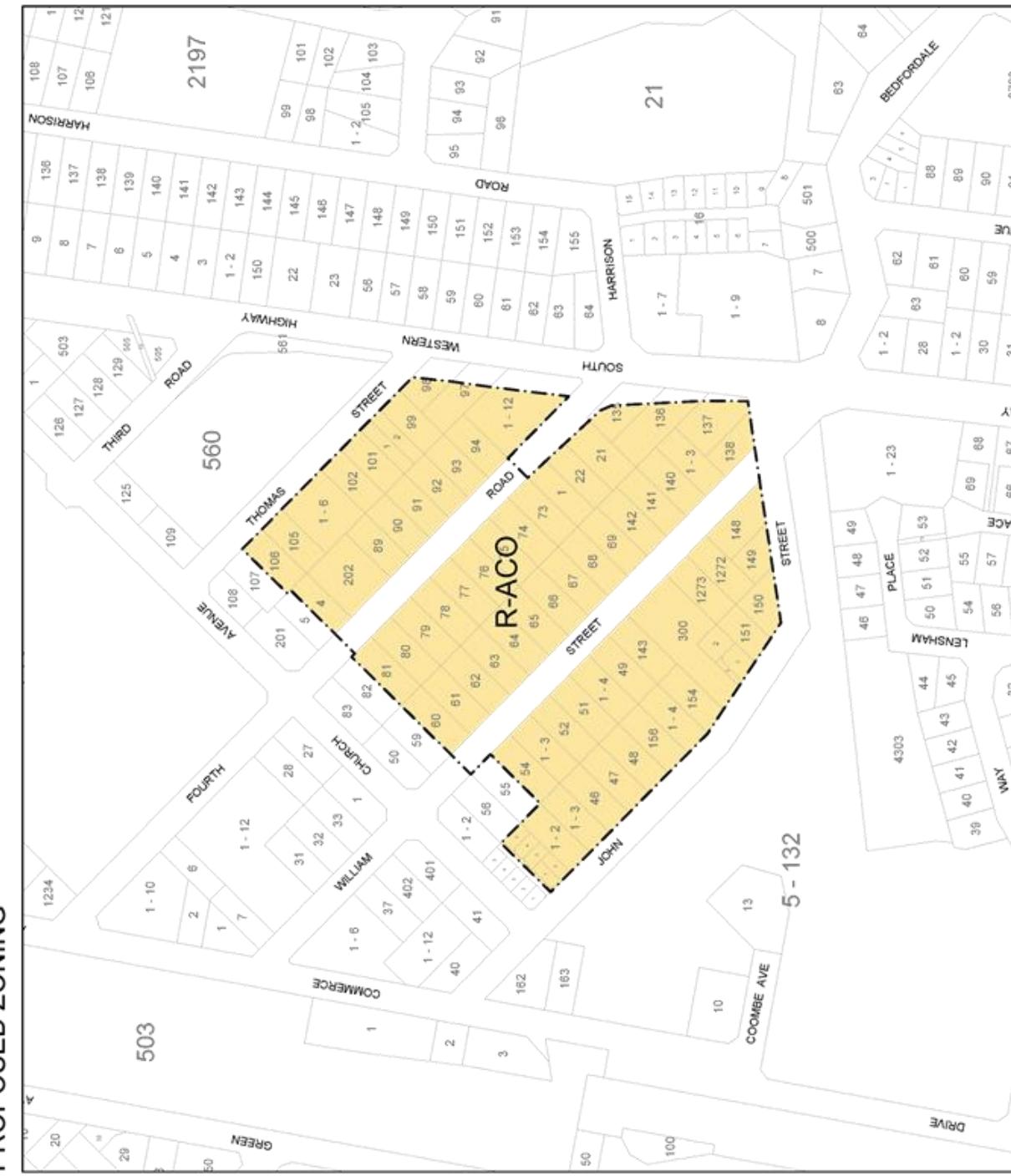


RESERVATIONS



NOTE: The reservations are shown diagrammatically and do not purport to represent the road reservations shown in the Metropolitan Region Scheme and information in respect to road widening requirements for these roads should be obtained from the Department of Planning

PROPOSED ZONING



AMENDMENT No. 103 - Proposal 6

City of Armadale Town Planning Scheme No. 4

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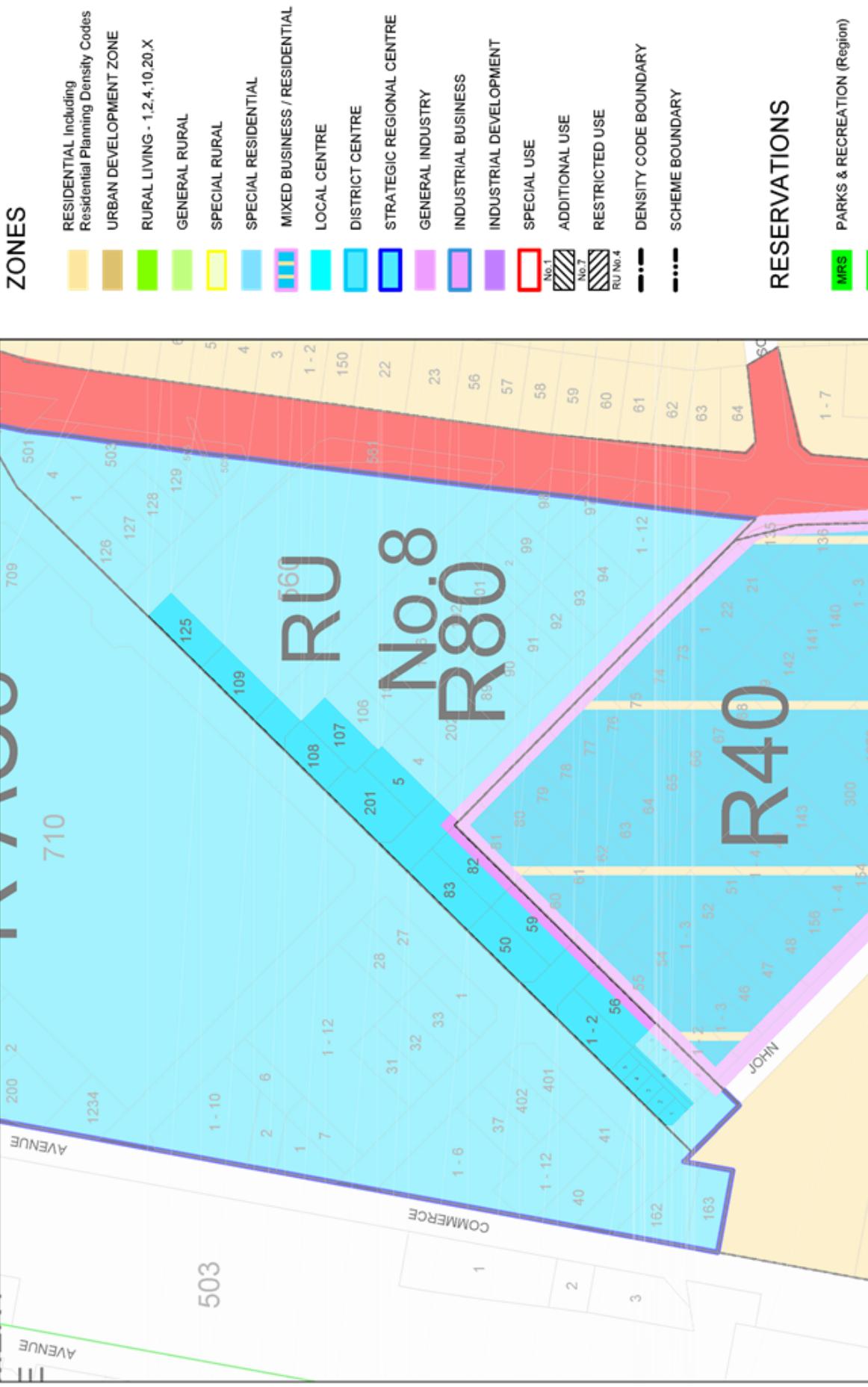
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CITY OF Armadale

EXISTING ZONING



AMENDMENT No. 103 - Proposal 7

City of Armadale Town Planning Scheme No. 4

AMENDMENT No. 103 - Proposa City of Armadale Town Planning Scheme No. 4

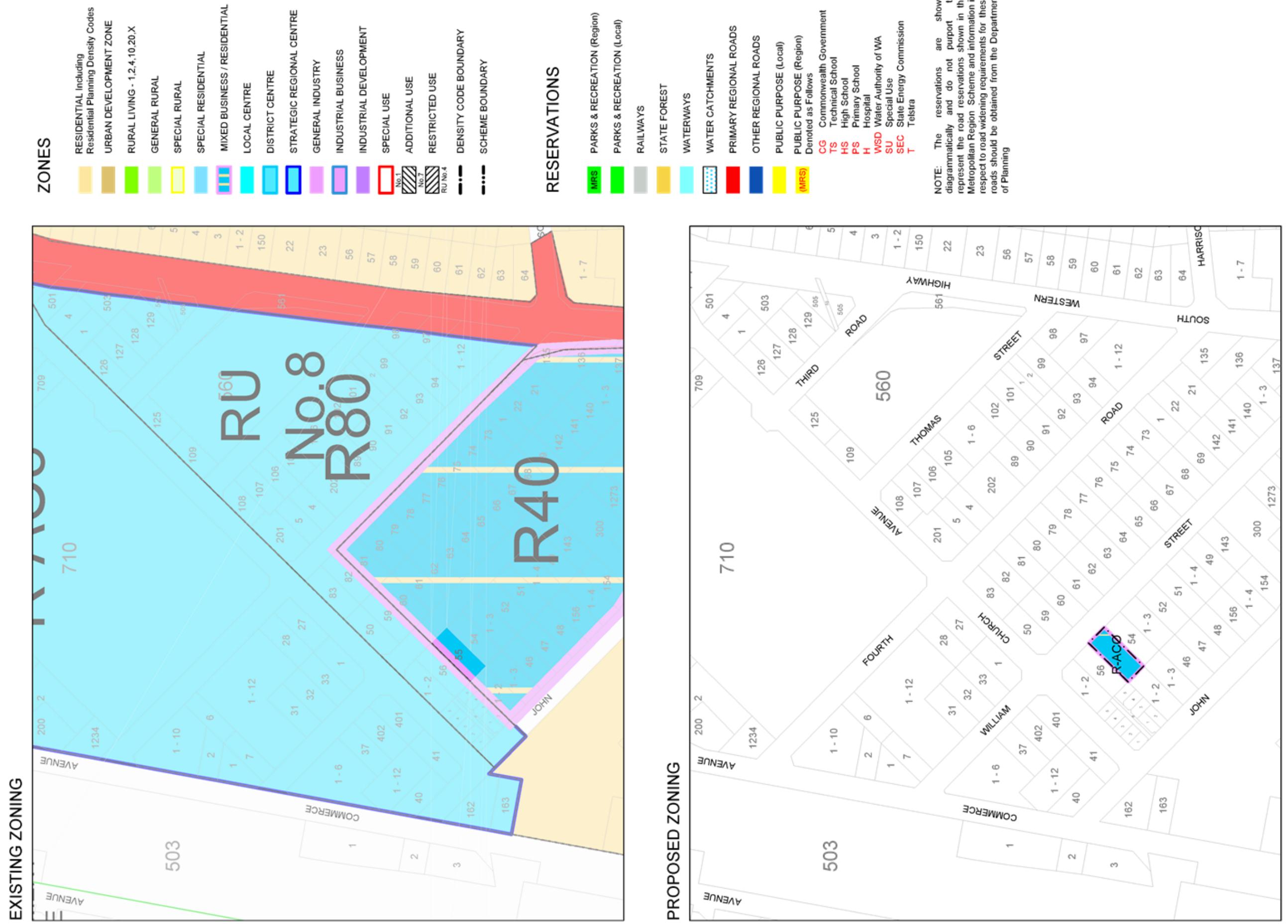
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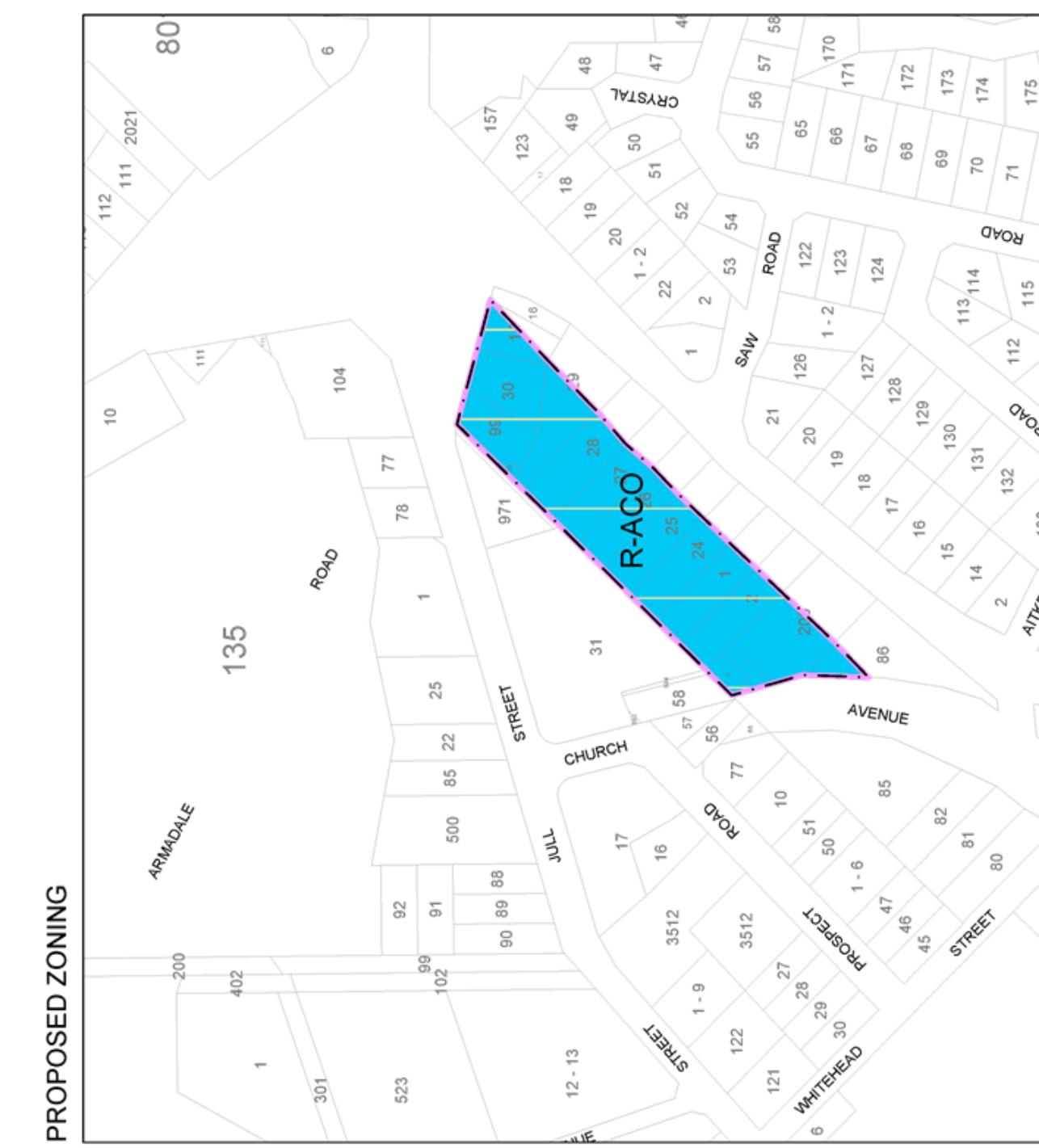
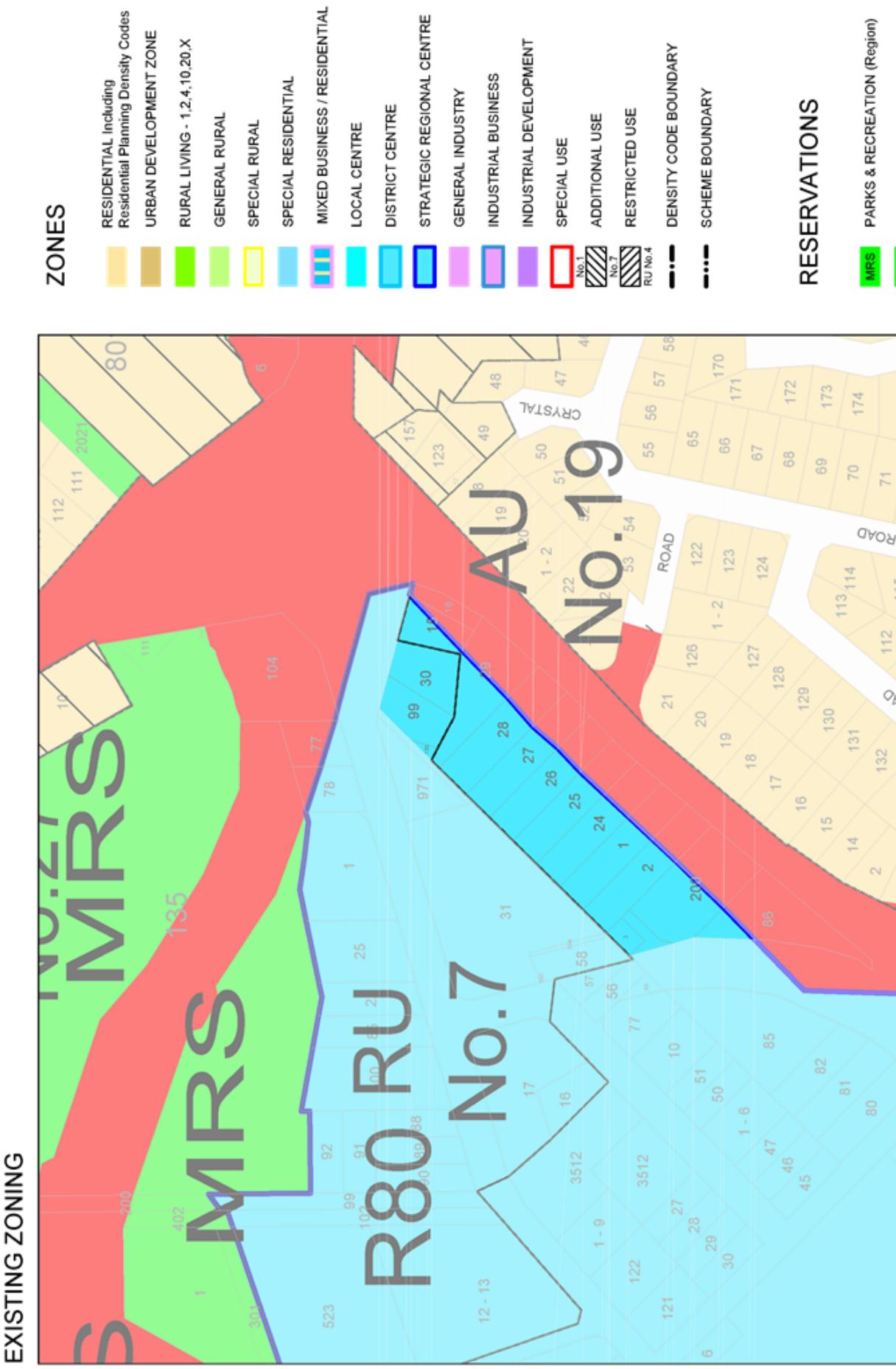
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AMENDMENT No. 103 - Proposal 9
City of Armadale Town Planning Scheme No. 4

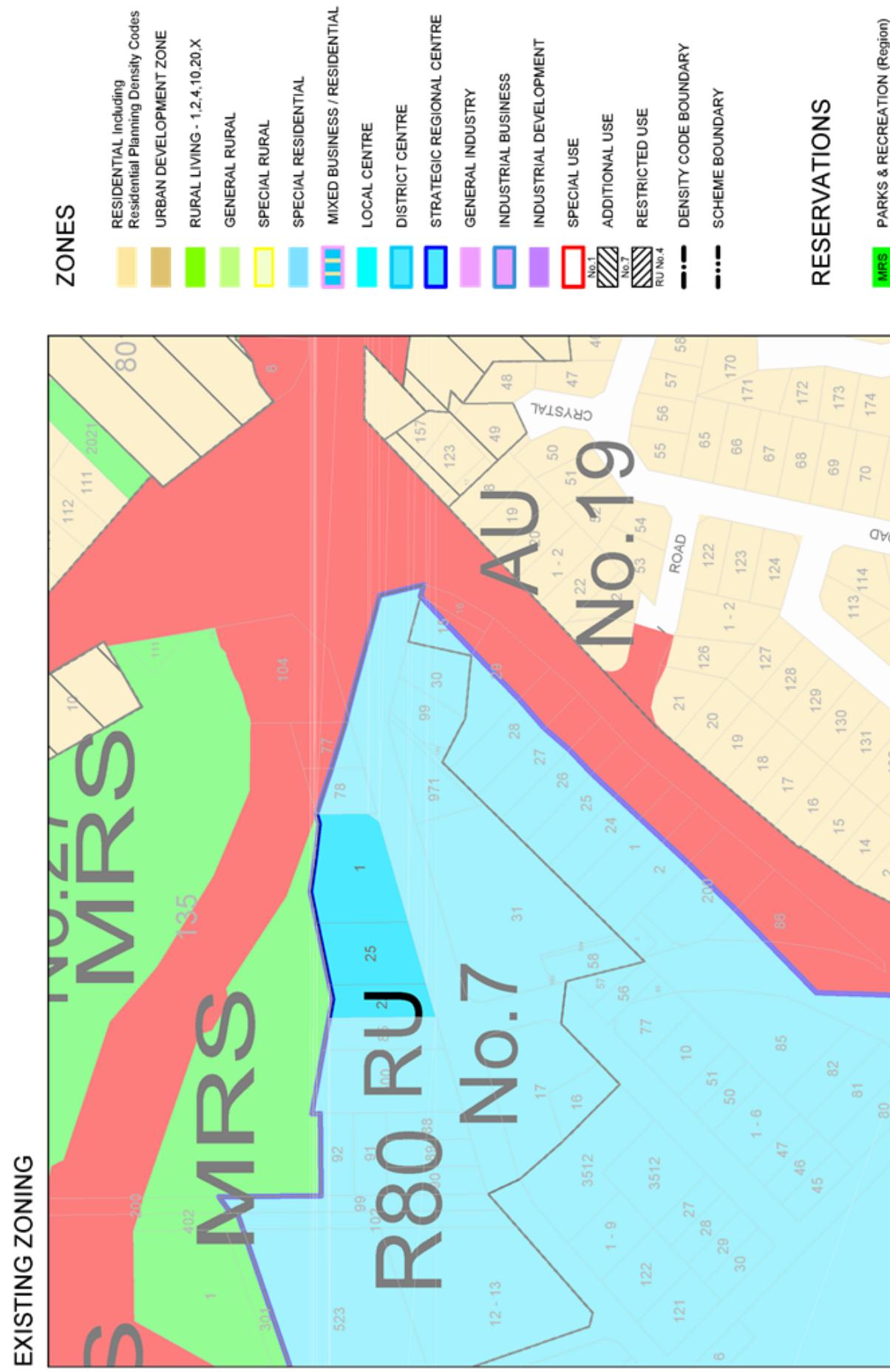
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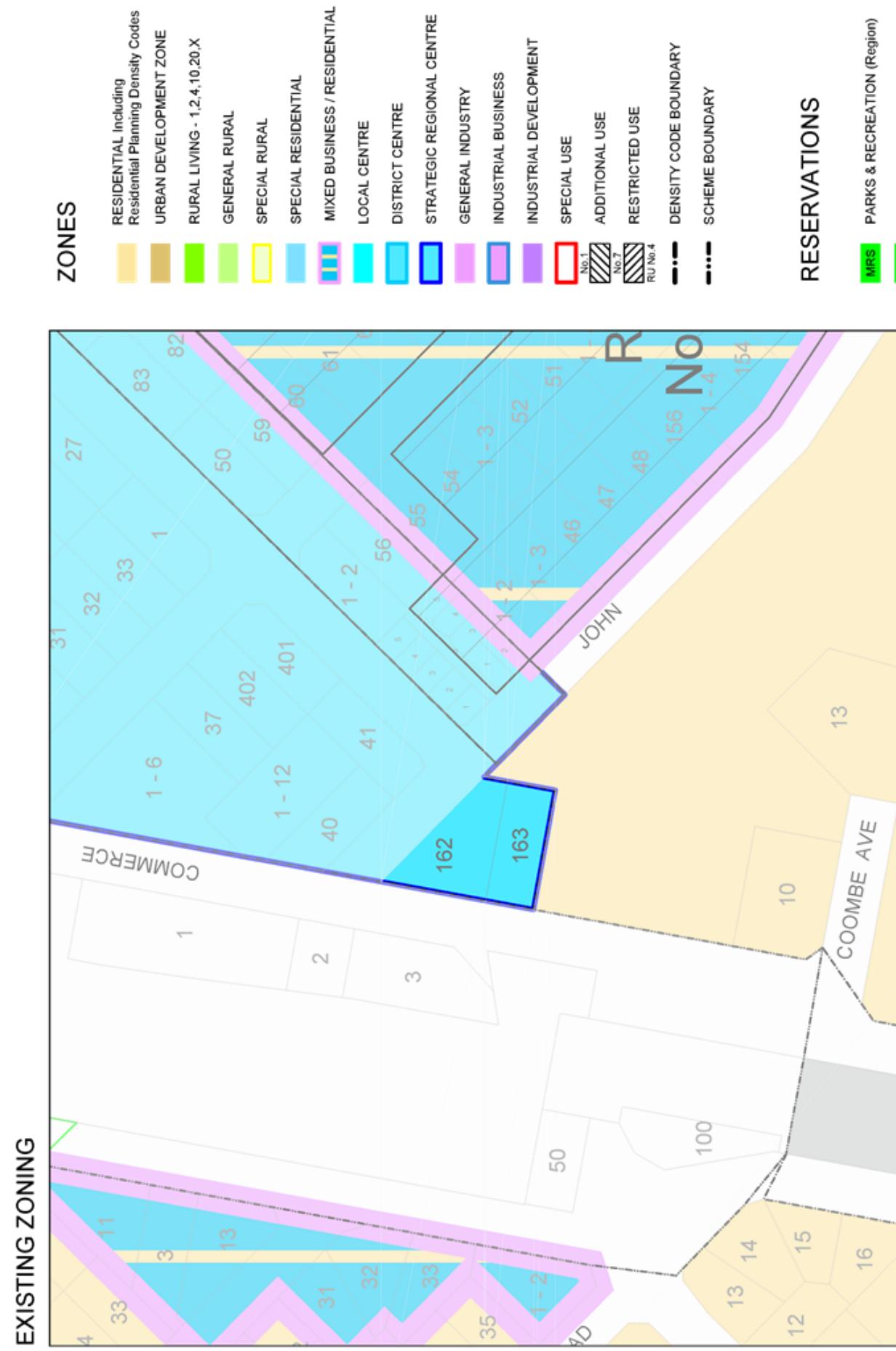
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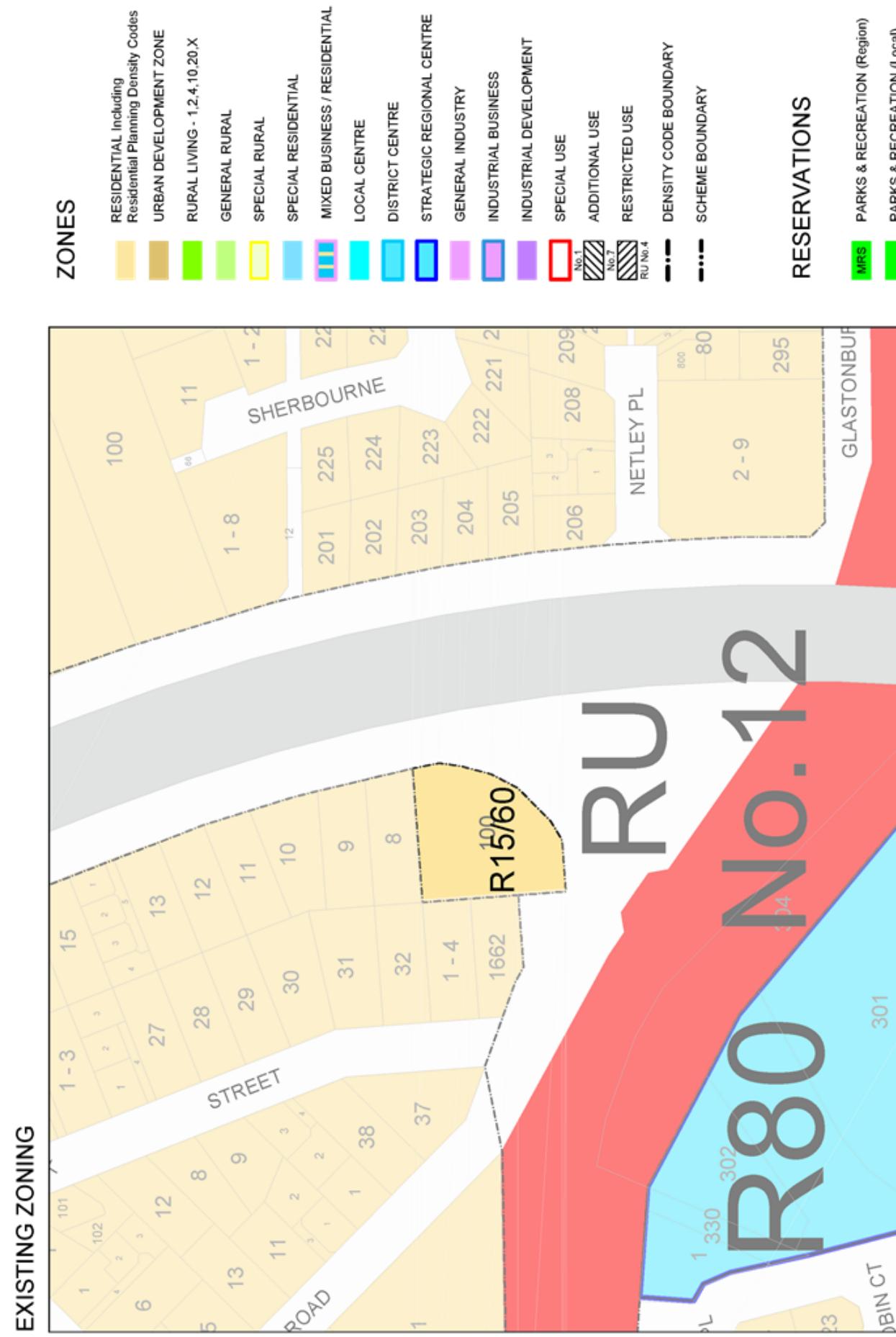


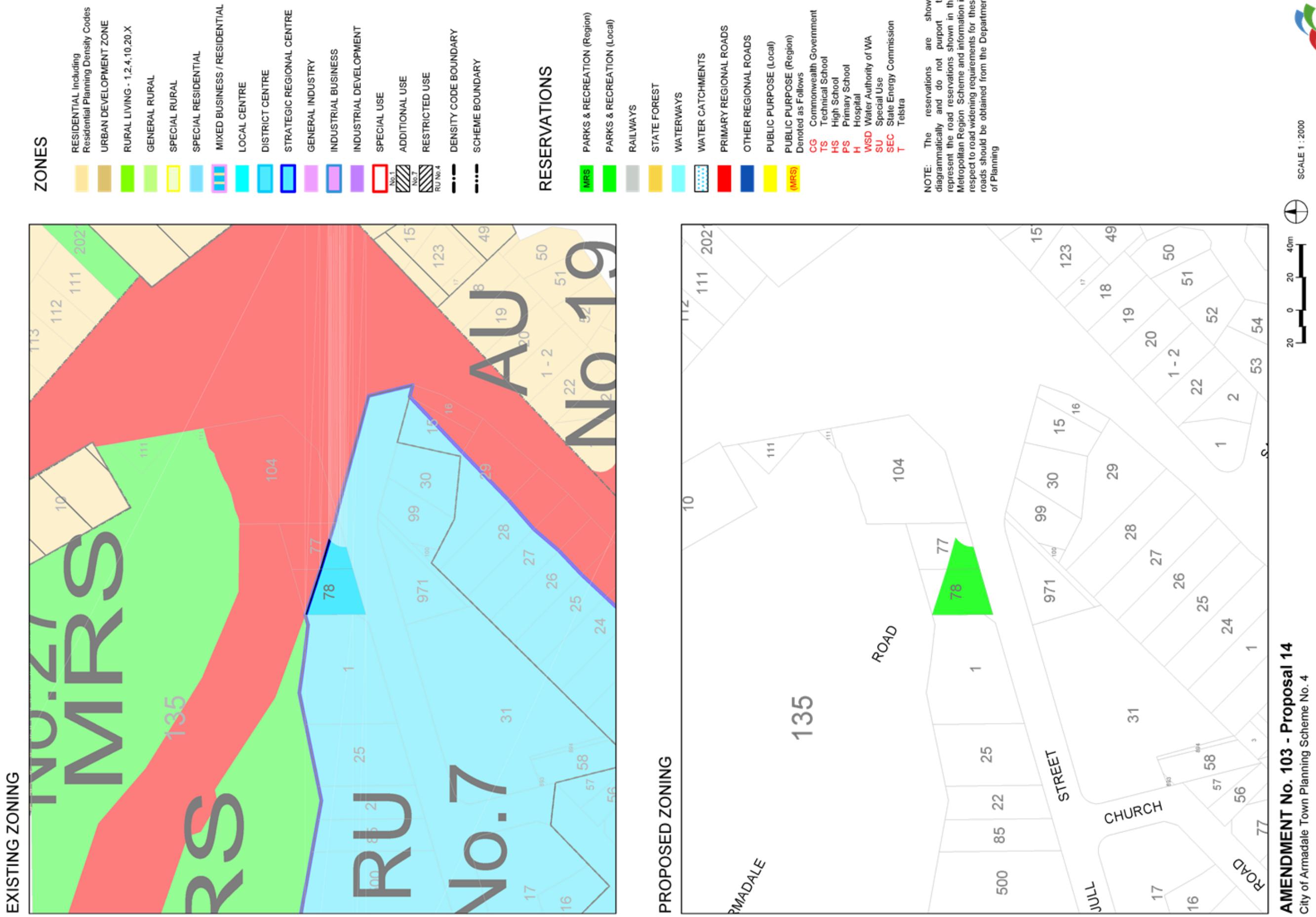
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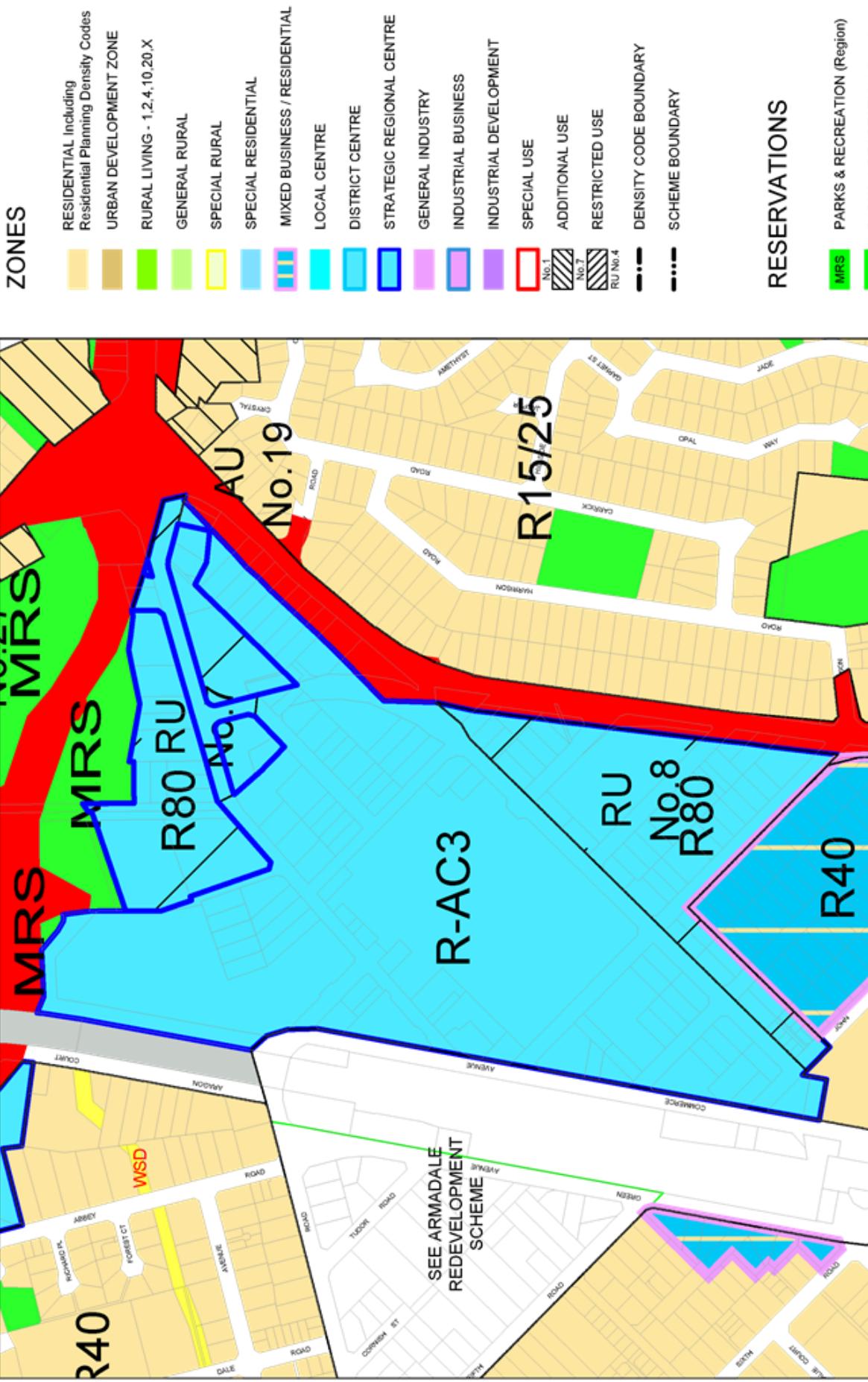








EXISTING ZONING



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AMENDMENT No. 103 - Proposal 19
City of Armadale Town Planning Scheme No. 4

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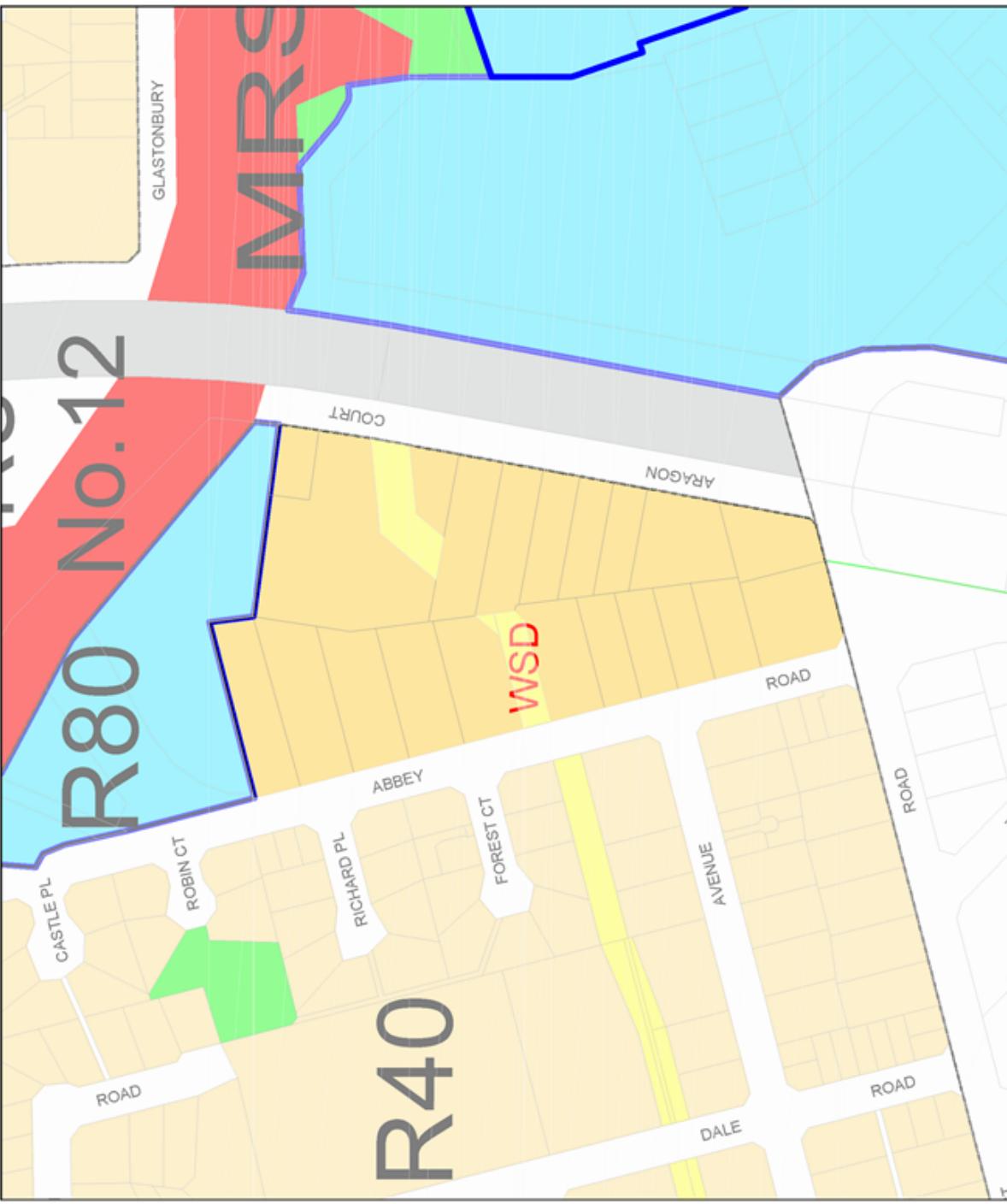
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Angewandte Wissenschaften zu Wirtschaftswissenschaften und
Technik (LAWET) unter der Nummer 001-79



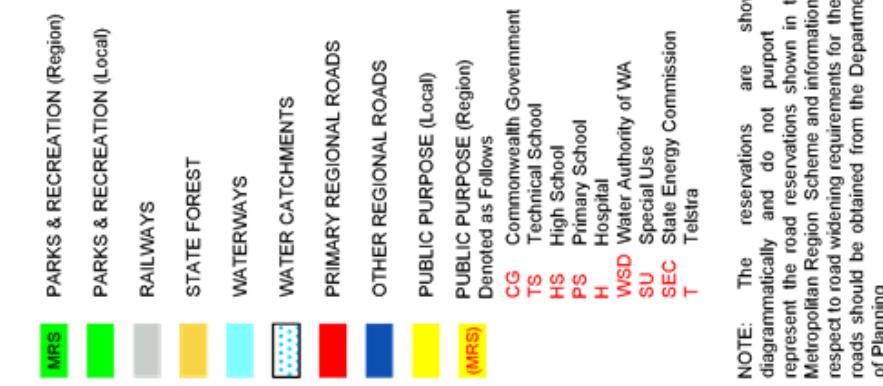
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Wirtschaftsministeriums Österreichs freigegeben im Landesamt für
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EXISTING ZONING



RESERVATIONS



NOTE: The reservations are shown diagrammatically and do not purport to represent the road reservations shown in the Metropolitan Region Scheme and information in respect to road widening requirements for these roads should be obtained from the Department of Planning



AMENDMENT No. 103 - Proposal 21

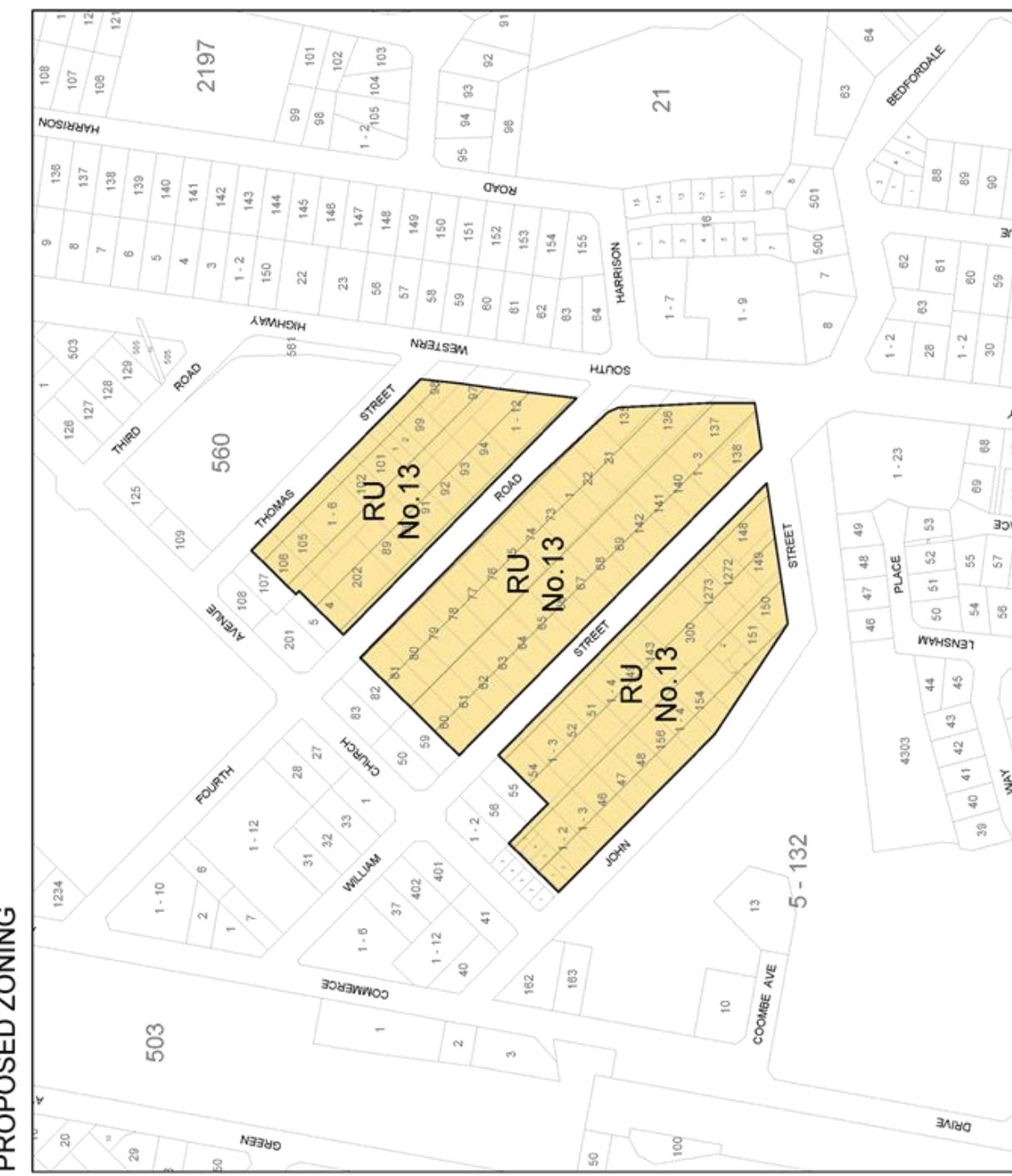
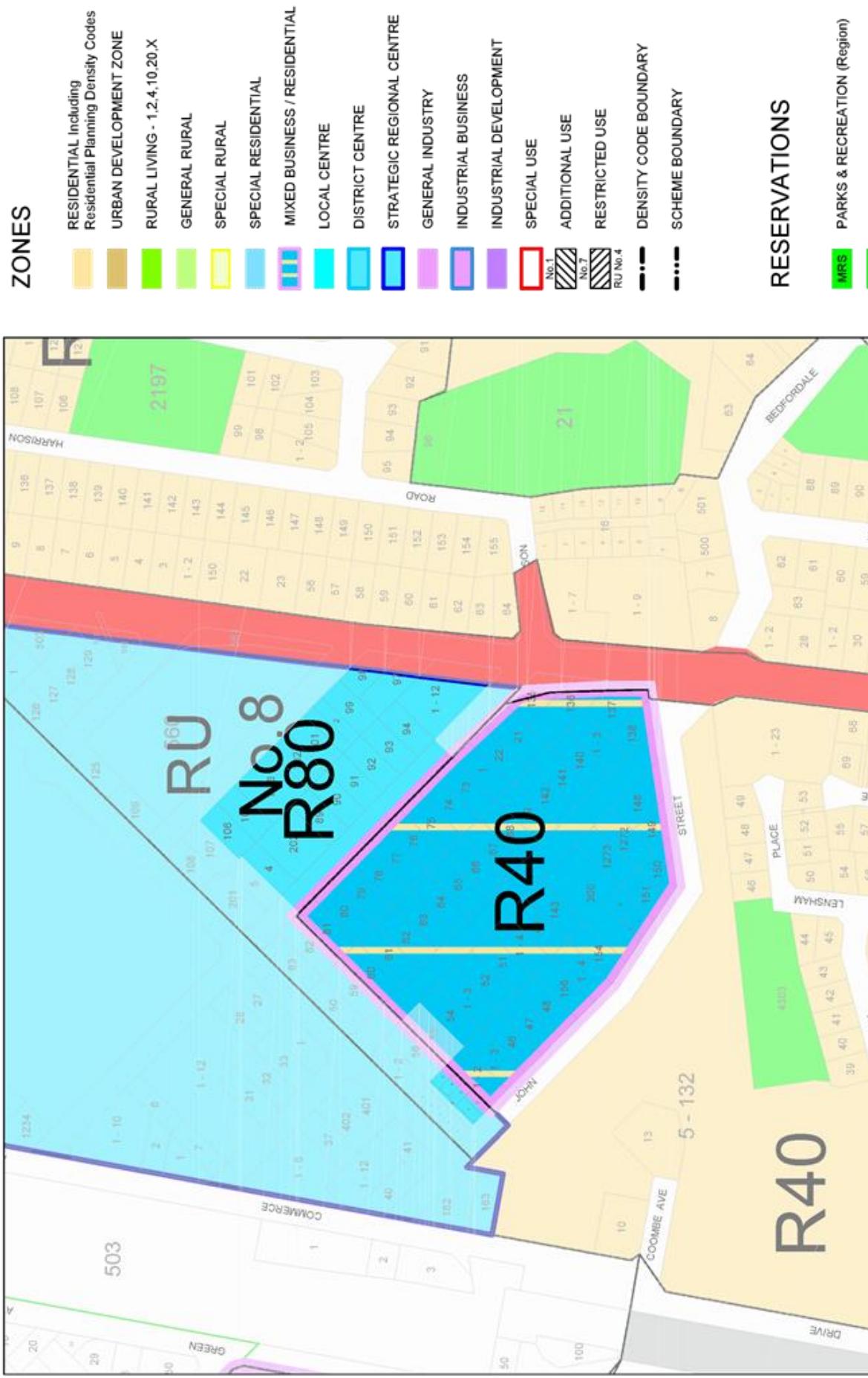
City of Armadale Town Planning Scheme No. 4

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CITY OF ALLIADALE

EXISTING ZONING



AMENDMENT No. 103 - Proposal 21
City of Armadale Town Planning Scheme No. 4

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DATE 31 March 2020 - REVISION 2003

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

R-Codes
State Planning Policy 3.1 Residential Design Codes

Planning Reform

GOVERNMENT OF
WESTERN AUSTRALIA

PLANNING CREATES GREAT PLACES FOR PEOPLE • PLANNING IS EASIER TO UNDERSTAND AND NAVIGATE • PLANNING SYSTEMS ARE CONSISTENT AND EFFICIENT

The Department of Planning, Lands and Heritage is seeking comments on the draft Schedule of proposed modifications R-Codes Volume 1 interim review 2020 by 10 September 2020.

You can have your say by visiting consultation.dpjh.wa.gov.au

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No	Element	Current Clause	Proposed Modification	Rationale
1.	1.4 – Application of the R-Codes	<p>1.4 Application of the R-Codes The R-Codes apply to all residential development throughout Western Australia. R-Codes Volume 1 and associated tables and figures apply to:</p> <ul style="list-style-type: none"> • all single houses; • all grouped dwellings; and • multiple dwellings in areas with a coding of less than R40. <p>For multiple-dwelling developments in areas with a coding of R40 or greater, mixed use development and activity centres refer to R-Codes Volume 2.</p> <p>Part 7 applies to the local planning framework. Throughout this document, words written in bold print have a corresponding definition listed in Appendix 1.</p>	<p>1.4 Application of the R-Codes The R-Codes apply to all residential development throughout Western Australia. R-Codes Volume 1 and associated tables and figures apply to:</p> <ul style="list-style-type: none"> • all single houses; • all grouped dwellings; and • multiple dwellings in areas with a coding of less than R40. <p>The R-MD provisions of the R-Codes apply only to single house proposals that are subject to R-MD provisions through the local planning framework (refer Part 7).</p> <p>Single house proposals that are subject to R-MD provisions shall satisfy the relevant R-MD standard set out in clauses 5.1.2 and 5.1.3 and Table 1 for setbacks, as well as satisfy all other relevant R-Codes standards.</p> <p>For multiple-dwelling developments in areas with a coding of R40 or greater, mixed use development and activity centres refer to R-Codes Volume 2.</p> <p>Part 7 applies to the local planning framework. Throughout this document, words written in bold print have a corresponding definition listed in Appendix 1.</p> <p>2.1.2 All residential development is to comply with the requirements of the R-Codes Volume 1.</p>	<p>The R-MD Codes (refer to WAPC Planning Bulletin 112) are proposed to be included within the R-Codes Volume 1. These provisions explain where the R-MD Codes are applicable.</p>
2.	2.1 R-Code Volume 1 Approval Process	<p>2.1.2 Where development approval is required under a scheme a development application shall be lodged with the relevant decision-maker for assessment and making a determination.</p> <p>2.1.3 All applications for development approval must provide all necessary details required under the scheme for the decision-maker to assess the proposal, including details where the application complies and does not comply with R-Code Volume 1 requirements.</p> <p>2.1.4 All residential development is to comply with the requirements of the R-Codes.</p> <p>Approval under and in accordance with the R-Codes Volume 1 is required if the proposed residential development:</p> <ul style="list-style-type: none"> (a) does not satisfy the deemed-to-comply provisions of Part 5 of R-Codes Volume 1 as appropriate; or (b) proposes to address a design principle of Part 5 of R-Codes Volume 1 which therefore requires the exercise of judgement by the decision-maker. <p>Approvals under Part 6 of the R-Codes have been replaced with R-Codes Volume 2. Refer to R-Codes Volume 2 for further information.</p> <p>2.2 Single house approval</p> <p>2.2.1 A proposal for a single house that meets the deemed-to-comply provisions of R-Codes Volume 1 does not require development approval, unless otherwise required by the scheme or clause 2.3.</p> <p>2.2.2 Where a proposal for a single house: <ul style="list-style-type: none"> (a) does not satisfy the deemed-to-comply provisions; and </p>	<p>2.1.4 A development application is required if:</p> <ul style="list-style-type: none"> (a) the proposed residential development does not satisfy the deemed-to-comply provisions and proposes to address one or more design principles of Part 5 of R-Codes Volume 1; or (b) development approval is required under a scheme. <p>2.1.5 A development application required pursuant to clause 2.1.2 shall be lodged with the relevant decision-maker for assessment and determination.</p> <p>2.1.6 The decision-maker may waive the requirement for development approval for amendments to existing development approvals if it is satisfied:</p> <ul style="list-style-type: none"> (i) the application relates to a minor amendment to the development approval; (ii) the amendment would not substantially change the development approval; and (iii) there are no further departures to the deemed-to-comply provisions of Part 5 of the R-Codes Volume 1 than those already determined under the existing development approval. <p>2.2 Judging merit of proposals</p>	<p>The revised wording in this section is simplified for ease of use and updated to remove the need for development approval for single houses on lots less than 260m², where the development meets the deemed-to-comply provisions.</p>

No	Element	Current Clause	CLAUSE CHANGES	Proposed Modification	Rationale
		(b) proposes to address a design principle of Part 5 of R-Codes Volume 1. an application for development approval under the scheme shall be made and determined prior to the issuing of a building permit. Note: * includes the erection or extension to a single house, ancillary dwelling, outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool – refer to schedule 2, clause 61 (c) and (d) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> (as amended).	2.2.1 Where an application does not meet a deemed-to-comply provision of the R-Codes Volume 1, the application is required to meet the corresponding design principle.	2.2.2 Before determining a development application, a decision-maker shall judge the merit of the application, having regard to the design element objective and the corresponding design principle.	
		2.3 Planning approval for single houses on small lots Development approval is required for the erection of a single house on any lot smaller than 280m ² , except where the single house complies with a structure plan or local development plan.	2.2.3 Judgement of merit is only exercised for the specific element of a proposal that does not satisfy the relevant deemed-to-comply provision. Where the design principle is met, that specific element does not need to comply with the corresponding deemed-to-comply provision.	2.3 Other Assessment Considerations 2.3.1 In addition to assessing an application against R-Codes Volume 1, a decision-maker shall have regard to the following: (i) any relevant purpose, objectives and provisions of the scheme; (ii) a provision of a local planning policy, structure plan, activity centre plan, or local development plan, adopted by the decision-maker, consistent with and pursuant to the R-Codes Volume 1; and (iii) orderly and proper planning.	Note: Refer to Part 7 for details on amendments to R-Codes Volume 1 provisions that are permissible through the local planning framework.
		2.4 Judging merit of proposals Where proposal does not meet deemed-to-comply provision(s) of the R-Codes Volume 1 and addresses design principle(s), the decision-maker is required to exercise judgement to determine the proposal. Judgement of merit is exercised only for specific element(s) of a proposal which do not satisfy the relevant deemed-to-comply provision(s).	2.3.2 For the purpose of clause 2.3.1, a local planning policy, structure plan, activity centre plan, and local development plan, will only be a relevant consideration in the exercise of judgement where it is: (a) specifically sanctioned under Section 7 of the R-Codes Volume 1; and (b) consistent with the objectives and design principles of the R-Codes Volume 1.	2.4 Determination of Applications 2.4.1 The decision-maker shall not refuse to grant approval to an application where the application satisfies the deemed-to-comply provisions of the R-Codes Volume 1 and the relevant provisions of the scheme and any relevant local planning policy.	Note: Refer to Part 7 for details on amendments to R-Codes Volume 1 provisions that are permissible through the local planning framework.
		2.5 Exercise of judgement Subject to clauses 2.5.2 and 2.5.3, the decision-maker is to exercise its judgement to consider the merits of proposals having regard to objectives and balancing these with the consideration of design principles provided in the R-Codes Volume 1. The decision-maker, in its assessment of a proposal that addresses the design principle(s), should not apply the corresponding deemed-to-comply provision(s).	2.5.1 In making a determination on the suitability of a proposal, the decision-maker shall exercise its judgement, having regard to the following: (a) any relevant purpose, objectives and provisions of the scheme; (b) any relevant objectives and provisions of the R-Codes Volume 1; (c) a provision of a local planning policy adopted by the decision-maker consistent with and pursuant to the R-Codes Volume 1; and (d) orderly and proper planning.	2.5.2 The decision-maker shall not vary the minimum or average site area per dwelling requirements set out in Table 1 (except as provided in the R-Codes Volume 1 or the scheme).	2.4.2 Where an application is not consistent with clause 2.3.1, the application should be refused by the decision maker.
		2.5.3 The decision-maker shall not refuse to grant approval to an application where the application satisfies the deemed-to-comply provisions of the R-Codes Volume 1 and the relevant provisions of the scheme and any relevant local planning policy.	2.5.1 A proposal for a single house* that meets the deemed-to-comply provisions of the R-Codes Volume 1 does not require development approval, unless otherwise required by the scheme.	2.5.4 The decision-maker shall not refuse to grant approval to an application where the application satisfies the deemed-to-comply provisions of the R-Codes Volume 1 and the relevant provisions of the scheme and any relevant local planning policy.	Note: A proposal for a single house* : (a) does not satisfy the deemed-to-comply provisions; and (b) proposes to address a design principle of Part 5 of R-Codes Volume 1;
		2.5.5			

No	Element	Current Clause	Proposed Modification	Rationale
CLAUSE CHANGES				
		For the purpose of the R-Codes Volume 1, a structure plan , local development plan or local planning policy, will only be a relevant consideration in the exercise of judgement where it is: (a) specifically sanctioned by a provision of the R-Codes Volume 1; (b) consistent with the design principles of the R-Codes Volume 1; and (c) consistent with the objectives of the R-Codes Volume 1.	<p>Note: * includes the erection or extension to a single house, ancillary dwelling, outbuilding, external fixture, boundary wall, front wall, patio, verandah, garage, carport – refer to schedule 2, clause 61 (c) and (d) of the Planning and Development (Local Planning Schemes) Regulations 2015 (as amended).</p>	Updated to reflect inclusion of the R-MD Codes within the R-Codes Volume 1.
3.	Heading – Part 5 – Design elements for all single house(s) and grouped dwellings; and multiple dwellings in areas coded less than R40	Heading – Part 5 – Design elements for all single house(s) and grouped dwellings; and multiple dwellings in areas coded less than R40	Heading – Part 5 – Design elements for all single house(s); grouped dwellings; multiple dwellings in areas coded less than R40; and RMD – Codes	Updated to reflect inclusion of the R-MD Codes within the R-Codes Volume 1.
4.	5.1 Context	<p>Objectives</p> <ul style="list-style-type: none"> i. To ensure that residential development meets community expectations regarding appearance, use and density. ii. To ensure that designs respond to the key natural and built features of the area and respond to the local context in terms of bulk and scale, or in the case of precincts undergoing a transition, will respond to the desired future character as stated in the local planning framework. iii. To ensure adequate provision of direct sun and ventilation for buildings and to ameliorate the impacts of building bulk, privacy and overshadowing on adjoining properties. iv. To ensure that open space (private and communal) is provided on site and: <ul style="list-style-type: none"> • landscaped to establish streetscapes; • provide a balanced setting and relationship to buildings; and • provide privacy, direct sun and recreational opportunities, particularly in respect to bulk and height, and is sympathetic to the scale of the street and surrounding buildings, or in precincts undergoing a transition, development achieves the desired future character identified in local planning framework. 	<p>Objectives</p> <ul style="list-style-type: none"> (a) To ensure that residential development meets community expectations regarding appearance, use and density. (b) To ensure that designs respond to the key natural and built features of the area and respond to the local context in terms of bulk and scale or and in the case of precincts undergoing a transition, will respond to the desired future character as stated in the local planning framework. (c) To ensure adequate provision of direct sunlight and ventilation bulk bulk and to overlook limit the impacts of building bulk bulk overlooking, and overshadowing on adjoining properties. (d) To ensure that open space (private and communal) is provided on site that: <ul style="list-style-type: none"> • is landscaped to establish enhance streetscapes; • complements nearby provide a balanced setting and relationship to buildings; and • provides privacy, direct sunlight and recreational opportunities. <p>To ensure that design and development and design is appropriately scaled, particularly in respect to bulk and height, and is sympathetic to the scale of the street and surrounding buildings, or in precincts undergoing a transition, development achieves the desired future character of the area identified in local planning framework.</p>	Amended for clarity. Intent of the provision remains the same.
5.	5.1.1 Site Area	C1.3 For the purposes of assessing compliance of a proposed development with the minimum and average site areas set out in Table 1, the following adjustments for the purposes of calculating the minimum and average site area shall apply:	<p>C1.3 The following adjustments shall apply for the purposes of assessing compliance of a proposed development with the minimum and average site areas of Table 1:</p> <ul style="list-style-type: none"> i. in the case of a lot with a corner truncation, up to a maximum of 20m² of that truncation shall be added to the area of the adjoining lot, survey strata lot or strata lot the access leg (refer Figure 1a); or ii. in the case of a rear battleaxe site, the site area is inclusive of the access leg provided that the area of the access leg contributes no more than 20 per cent of the site area as required by Table 1. Where the battleaxe lot (excluding the access leg) adjoins or abuts a right-of-way or reserve for open space, pedestrian access, school site or equivalent, half the width (up to a maximum depth of 2m) may be added to the site area (refer Figure 1b). 	Amended to reduce repetition and improve clarity.

No	Element	Current Clause	Proposed Modification	Rationale
6.		<p>C1.4 Subject to clause 5.1.1 C1.3 only, the following variations to the minimum and average site area set out in Table 1 may be made:</p> <ul style="list-style-type: none"> i. for the purposes of an aged or dependent persons' dwelling or a single bedroom dwelling that is the subject of a development proposal, the site area may be reduced by up to one third, in accordance with clauses 5.5.2 and 5.5.3, which shall only be applied where development is proposed; ii. in the case of a single house, grouped dwelling or multiple dwelling; the area of a lot, survey strata lot or strata lot approved by the WAPC; or iii. the area of any existing lot, survey strata lot or strata lot with permanent legal access to a public road, notwithstanding that the site area is less than that required in Table 1. 	<p>C1.4 Subject to clause 5.1.1 C1.3 only, the following variations to the minimum and average site area set out in Table 1 may be made:</p> <ul style="list-style-type: none"> i. for the purposes of an aged or dependent persons' dwelling or a single bedroom dwelling that is the subject of a development proposal, the site area may be reduced by up to one third, in accordance with clauses 5.5.2 and 5.5.3, which shall only be applied where development is proposed; ii. in the case of a single house, grouped dwelling or multiple dwelling; the area of a lot, survey strata lot or strata lot approved by the WAPC; or iii. the area of any existing lot, survey strata lot or strata lot with permanent legal access to a public road, notwithstanding that the site area is less than that required in Table 1. 	Amended for clarity.
7.	5.1.2 Street Setbacks	<p>C2.1 Buildings set back from the primary street boundary in accordance with Table 1:</p> <ul style="list-style-type: none"> i. corresponding to the average of the setback of existing dwellings on each adjacent property fronting the same street; ii. reduced by up to 50 per cent provided that the area of any building, including a carport or garage, intruding into the setback area is compensated for by at least an equal area of open space between the setback line and line drawn parallel to it at twice the setback distance (refer Figure 2a, 2b and 2c); iii. in the case of areas coded R15 or higher, where: <ul style="list-style-type: none"> a grouped dwelling has its main frontage to a secondary street; a single house results from subdivision of an original corner lot and has its frontage to the original secondary street; or a single house or grouped dwelling (where that grouped dwelling is not adjacent to the primary street), has its main frontage to a communal street, right-of-way or shared pedestrian or vehicle access way; the street setback may be reduced to 2.5m, or 1.5m to a porch, verandah, balcony or the equivalent (refer Figure 2b and 2d); and v. to provide for registered easements for essential services. iv. C2.2 Buildings set back from the secondary street boundary in accordance with Table 1. <p>C2.3 Buildings set back from the corner truncation boundary in accordance with the secondary street setback in Table 1.</p> <p>C2.4 A porch, balcony, verandah, chimney or the equivalent may (subject to the Building Code of Australia) project not more than 1m into the street setback area. Projections up to 1m are not subject to a compensating area, provided that the total of such projections does not exceed 20 per cent of the building facade as viewed from the street (refer Figure 2b). Projections greater than 1m and exceeding 20 per cent of the building facade at any level are subject to an equivalent open area under clause 5.1.2 C2. iii.</p>	<p>C2.1 Buildings (excluding carpents, front fences, retaining walls and siteworks) set back from the primary street boundary, in accordance with Table 1:</p> <ul style="list-style-type: none"> i. corresponding to the average of the minimum setback of existing dwellings on each adjacent property fronting the same street; ii. with the exception of lots with an R-MD code, reduced by up to 50 per cent provided that the area of any building, including a carport or garage encroaching into the setback area, is compensated for by at least an equal area of open space that is located between the setback line and line drawn parallel to it at twice the setback distance (refer Figure 2a, 2c and 2e); iii. in the case of areas coded R15 or higher, the street setback may be reduced to 2.5m, or 1.5m to a porch, verandah, balcony or the equivalent (refer Figure 2b), where: <ul style="list-style-type: none"> a grouped dwelling has its main frontage to a secondary street; or a single house results from subdivision of an original corner lot and has its frontage to the original secondary street; or a single house or grouped dwelling (where that grouped dwelling is not adjacent to the primary street), has its main frontage to a communal street, right-of-way or shared pedestrian or vehicle access way (Figure 2b and 2d); the street setback may be reduced to 2.5m, or 1.5m to a porch, verandah, balcony or the equivalent (refer Figure 2b and 2d); and iv. to provide for registered easements for essential services. <p>C2.2 Buildings set back from the secondary street boundary in accordance with Table 1.</p> <p>C2.3 Buildings set back from the corner truncation boundary in accordance with the secondary street setback in Table 1.</p> <p>C2.4 An unenclosed porch, balcony, verandah, chimney or the equivalent may (subject to the Building Code of Australia) project not more than 1m into the primary street setback area to a maximum of half the primary street setback (Refer Figure 2b). Projections up to 1m are not subject to a compensating area, provided that the total of</p>	<p>Amended to delete existing clause C2.1 ii as considering adjoining properties and streetscape context often requires planning review and judgement.</p> <p>Subsequent sub clauses renumbered.</p> <p>Renumbered clause C2.1 i exempts carpents from contributing to the front setback average and therefore needing to be offset by a compensating area. Clause 5.2.1 provides for a minimum carport setback requirement.</p> <p>Where R-MD codes apply, the requirement for the building street setback to average does not apply.</p> <p>C2.1 iii amended for clarity, intent unchanged.</p> <p>C2.4 amended to support streetscape activation by encouraging appropriate encroachments into the primary street setback area.</p> <p>C2.2 Buildings set back from the secondary street boundary in accordance with Table 1.</p> <p>C2.3 Buildings set back from the corner truncation boundary in accordance with the secondary street setback in Table 1.</p> <p>C2.4 An unenclosed porch, balcony, verandah, chimney or the equivalent may (subject to the Building Code of Australia) project not more than 1m into the primary street setback area to a maximum of half the primary street setback (Refer Figure 2b). Projections up to 1m are not subject to a compensating area, provided that the total of</p>

No	Element	Current Clause	Proposed Modification	Rationale
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8.	Figure 2 (see all draft new figures below)	Figure 2a – measuring primary street setbacks (cl 5.1.2 C2.1iii) Figure 2b – measuring minor projections into primary street setback Figure 2c – measuring street setback for garages and carports	such projections does not exceed 20 per cent of the building facade as-viewed from the street front (Figure 2b) - Projections greater than 1m and exceeding 20 per cent of the building facade at any level are subject to an equivalent open area under clause 5.1.2 C2.1iii.	Consequential to 5.1.2 C2.1 Amended to remove references to changed provisions Amend to clarify porch (or equivalent) can project to "5a" line Amend to remove 4.5m reference
9.	5.1.3 Lot Boundary Setbacks	C3.1 Buildings which are set back in accordance with the following provisions, subject to any additional measures in other elements of the R-Codes: i. Table 1, Tables 2a and 2b (refer to Figure Series 3 and 4); ii. unenclosed areas accessible for use as outdoor living areas, elevated 0.5m or more above natural ground level, set back as though they were major openings to habitable rooms with a wall height of 2.4m above their floor level; iii. separate single house, grouped or multiple dwelling buildings on the same site, or facing portions of the same multiple dwelling building, set back from each other as though there were a boundary between them; iv. minor projections such as a chimney, other architectural feature or an eaves overhang not projecting more than 0.75m into a setback area; and v. the stated setback distances may be reduced by half the width of an adjoining right-of-way, pedestrian access way, communal street or battleaxe lot access leg, to a maximum reduction of 2m (refer to figures 2b and 4f).	Figure 2a – measuring primary street setbacks (cl 5.1.2 C2.1iii) Amended to remove references to changed provisions Amend to clarify porch (or equivalent) can project to "5a" line Amend to remove 4.5m reference	Consequential to 5.1.2 C2.4 amendment. Consequential to 5.1.2 C2.4 and 5.2.1 C1.1 amendments. Tables 2a and 2b, and accompanying Figure Series 4 (except for Figure 4f, which is renamed to Figure 4b) have been removed for the following reasons: - There are many interpretation issues with Figure Series 4 and inconsistent methods for calculating required setbacks. - The differentiation of walls with/without major openings incentivises highlight windows and minor openings that create poor internal amenity outcomes. - Figure Series 4 incentivises "articulations" that result in inefficient floor plans, complex roof lines and wasted spaces internally, with minimum if any positive outcome for the external appearance of the dwelling. - Visual privacy, overshadowing and open space (in lower codes) work to regulate bulk and scale. - Figure 4e could not be DTC as buildings above 10m in height are not DTC. The new Table 2 provides a simpler method for calculating wall heights. It is supported by improved figures to assist with calculations. The setbacks are proportionate to the increased bulk and scale that the simpler table permits.
10.	5.1.3 Lot Boundary Setbacks	C3.2 Walls may be built up to a lot boundary , or indicative lot site boundary behind the street setback (specified in Table 1 and in accordance with clauses 5.1.2, 5.2.1 and 5.2.2), within the following limits and subject to the overshadowing provisions of clause 5.4.2 and Figure Series 11:	such projections does not exceed 20 per cent of the building facade as-viewed from the street front (Figure 2b) - Projections greater than 1m and exceeding 20 per cent of the building facade at any level are subject to an equivalent open area under clause 5.1.2 C2.1iii.	C3.2 i and ii - removing averaging calculations simplifies boundary wall calculations and will reduce the number of applications due to interpretation/calculation issues and

CLAUSE CHANGES		Proposed Modification		Rationale
No	Element	Current Clause		
		<p>i. where the wall abuts an existing or simultaneously constructed wall of similar or greater dimension;</p> <p>ii. in areas coded R20 and R25, walls not higher than 3.5m with an average of 3m or less, up to a maximum length of the greater of 9m or one-third the length of the balance of the lot boundary behind the front setback, to one side boundary only;</p> <p>iii. in areas coded R30 and higher, walls not higher than 3.5m with an average of 3m or less, up to two-thirds the length of the balance of the lot boundary site boundary behind the front setback, to one side boundary only; or</p> <p>iv. where both the subject site and the affected adjoining site are created in a plan of subdivision submitted concurrently with the development application.</p>	<p>i. in areas coded R20 and R25, walls not higher than 3.5m with an average of 3m or less, up to a maximum length of the greater of 9m or one-third the length of the balance of the lot boundary site boundary behind the front setback, to one side boundary only; or</p> <p>ii. in areas coded R30 and higher, walls not higher than 3.5m with an average of 3m or less, for two-thirds the length of the balance of the lot boundary site boundary behind the front setback, to one side boundary only; or</p> <p>iii. where both the subject site and the affected adjoining site are created in a plan of subdivision submitted concurrently with the development application, and the boundary walls are interfacing and of equal dimension; or</p> <p>iv. where the wall abuts an existing or simultaneously constructed boundary wall of similar equal or greater dimension.</p>	<p>C3.1 iii modified for clarity</p> <p>C3.2 iv "equal" rather than "similar" to clarify interpretation.</p> <p>"lot boundary" is changed to "site boundary" to improve different typology opportunities in grouped dwellings and provide for commonly accepted variation.</p> <p>C3.4 and C3.5 relate specifically to R-MD Coded lots and permit greater boundary wall lengths and heights than within areas where the R-MD Codes do not apply.</p>

Note:

- The term 'up to a **lot boundary** site boundary means a wall, on or less than 600mm from any **lot boundary** (green title or survey strata lot) or indicative site boundary, other than a street boundary.
- Pillars and posts that with a horizontal dimension of 450mm by 450mm do not constitute a wall built up to a site boundary.
- Retaining walls and fill do not constitute a wall built up to a site boundary. The calculation of setbacks for retaining walls and fill is to be calculated under clause 5.3.7.

C3.3 Where the subject site and an affected adjoining site are subject to a different density code, in accordance with clause 5.1.3 C3.2, the length and height of the boundary wall between them is determined by reference to the lower density code.

Note: The term 'up to a lot boundary' (green title or survey strata lot), other than a street boundary.

- C3.4 Unless provided for under C3.2 iii and iv or C3.3, where a lot is subject to an R-MD code of less than R80, two boundary walls are permitted within the following limits:
- i. one wall for the full length of the side boundary subject to a maximum wall height of 3.5 metres;
 - ii. one wall up to a maximum of 2/3 the length of the boundary subject to a maximum wall height of 3.5 metres; and
 - iii. an **outdoor living area** is provided in accordance with clause 5.3.1.

- C3.5 Unless provided for under C3.2 iii and iv or C3.3, where a lot is subject to an R-MD code of R60, two boundary walls are permitted within the following limits:
- i. subject to a maximum wall height of 8 metres; and
 - ii. an **outdoor living area** is provided in accordance with clause 5.3.1.

Note: overshadowing provisions of Clause 5.4.2 still apply.

All figures amended – see figures at the end of the document

11.

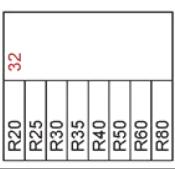
Figure Series 3

Figure Series 3 – measuring wall height for lot boundary setbacks

12.	5.1.4 Open Space	Table 1 (extract) – open space <table border="1" data-bbox="158 898 349 1706"> <tr><td>R20</td><td>50</td></tr> <tr><td>R25</td><td>50</td></tr> <tr><td>R30</td><td>45</td></tr> <tr><td>R35</td><td>45</td></tr> <tr><td>R40</td><td>45</td></tr> <tr><td>R50</td><td>40</td></tr> <tr><td>R60</td><td>40</td></tr> <tr><td>R80</td><td>30</td></tr> </table>	R20	50	R25	50	R30	45	R35	45	R40	45	R50	40	R60	40	R80	30	<p>Five percent deducted from all open space standards to allow for contingent variations. This is contingent on compliance with new Outdoor Living Area requirements, which are designed to ensure that every dwelling is provided with a sufficient, consolidated outdoor area for natural light, ventilation, landscape and lifestyle, and that overdevelopment of sites does not occur.</p> <p>Revised clause and table to allow for increased heights to account for modern building standards (higher ceilings and allowance for services).</p>																																		
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13.	5.1.6 Building Height	<p>C6 Buildings which comply with Table 3 for category B area buildings, except where stated otherwise in the scheme, the relevant local planning policy, structure plan or local development plan (refer Figure Series 7).</p> <p>Table 3: Maximum building heights</p> <table border="1" data-bbox="198 898 349 1706"> <thead> <tr> <th colspan="3">Maximum building heights (i)</th> </tr> <tr> <th colspan="3">Category</th> </tr> <tr> <th>A</th> <th>B</th> <th>C</th> </tr> </thead> <tbody> <tr> <td>3m</td> <td>6m</td> <td>9m</td> </tr> <tr> <td>Tops of external wall (roof above)(ii)</td> <td></td> <td></td> </tr> <tr> <td>Top of external wall (concealed roof)</td> <td>4m</td> <td>7m</td> <td>10m</td> </tr> <tr> <td>Top of pitched roof (iii) (iv)</td> <td>6m</td> <td>9m</td> <td>12m</td> </tr> </tbody> </table>	Maximum building heights (i)			Category			A	B	C	3m	6m	9m	Tops of external wall (roof above)(ii)			Top of external wall (concealed roof)	4m	7m	10m	Top of pitched roof (iii) (iv)	6m	9m	12m	<p>C6.1 Buildings which comply with the maximum building heights set out in Table 5; Table C6.3 for category B area buildings, except where stated otherwise in the scheme, the relevant local planning policy, structure plan or local development plan (refer Figure Series 7);</p> <p>Table 5: Maximum Building Heights</p> <table border="1" data-bbox="198 898 349 1706"> <thead> <tr> <th colspan="3">Maximum building heights</th> </tr> <tr> <th>i</th> <th>Building height</th> <th>7m</th> </tr> <tr> <th>ii</th> <th>Building height including gable, skillion and concealed roof</th> <th>8m</th> </tr> <tr> <th>iii</th> <th>Building height including pitched roof</th> <th>10m</th> </tr> </thead> </table> <p>C6.2 Where the local planning framework refers to Category A or C areas, buildings are to comply with the maximum building heights set out in Table 6 (refer Figure Series 7);</p> <p>Table 6: Maximum Building Heights</p> <table border="1" data-bbox="198 898 349 1706"> <thead> <tr> <th colspan="3">Maximum building heights</th> </tr> <tr> <th></th> <th>Category</th> <th></th> </tr> <tr> <th>i</th> <th>Building height</th> <th>3m</th> </tr> <tr> <th>ii</th> <th>Building height including gable, skillion and concealed roof</th> <th>4m</th> </tr> <tr> <th>iii</th> <th>Building height including pitched roof</th> <th>6m</th> </tr> </thead> </table>	Maximum building heights			i	Building height	7m	ii	Building height including gable, skillion and concealed roof	8m	iii	Building height including pitched roof	10m	Maximum building heights				Category		i	Building height	3m	ii	Building height including gable, skillion and concealed roof	4m	iii	Building height including pitched roof	6m
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ii	Building height including gable, skillion and concealed roof	4m																																																			
iii	Building height including pitched roof	6m																																																			
14.	5.2.1 Setback of garages and carports	<p>C1.1 Garages set back 4.5m from the primary street except that the setback may be reduced:</p> <ol style="list-style-type: none"> in accordance with Figure 8b where the garage adjoins a dwelling provided the garage is at least 0.5m behind the 	<p>Revised table and deletion of accompanying clauses provides simpler approach for calculation of wall heights for gable and skillion roofs, to avoid inconsistent calculation methods between local governments.</p> <p>Category A and C building heights are reduced to clause 6.2 as some local planning frameworks refer to only the category title of A or C'. This ensures that height requirements for those areas are retained, preventing local planning framework amendments.</p> <p>Tables embedded in clause to avoid cross-referencing and improve legibility.</p> <p>→ Category B will apply unless a scheme, the relevant local planning policy, structure plan or local development plan requires the application of category A (generally single level development) or category C (development on three levels) or an alternative standard.</p> <p>→ Gable walls above eaves height:</p> <ul style="list-style-type: none"> • less than 9m long: exempted • greater than 9m long: add one third of the height of the gable, between the eaves and the apex of the gable wall, to the eaves height. <p>→ Applies to ridges greater than 6m long. Short ridges: add 0.5m height for each 2m reduction in length.</p> <p>→ Applies to roof pitches up to 25 degrees. In some localities steeper pitches may be required and greater height permitted in accordance with the provisions of the scheme, the relevant local planning policy, structure plan or local development plan.</p> <p>→ Category B will apply unless a scheme, the relevant local planning policy, structure plan or local development plan requires the application of category A (generally single level development) or category C (development on three levels) or an alternative standard.</p> <p>→ Gable walls above eaves height:</p> <ul style="list-style-type: none"> • less than 9m long: exempted • greater than 9m long: add one third of the height of the gable, between the eaves and the apex of the gable wall, to the eaves height. <p>→ Applies to ridges greater than 6m long. Short ridges: add 0.5m height for each 2m reduction in length.</p> <p>→ Applies to roof pitches up to 25 degrees. In some localities steeper pitches may be required and greater height permitted in accordance with the provisions of the scheme, the relevant local planning policy, structure plan or local development plan.</p> <p>C1.1 Garages set back 4.5m from the primary street setback except that the setback may be reduced:</p> <ol style="list-style-type: none"> up to 50 per cent in accordance with clause 5.1.2 C2.iii; and 																																																		

		<p>dwelling alignment (excluding any porch, verandah or balcony); or.</p> <p>ii. to 3m where the garage allows vehicles to be parked parallel to the street. The wall parallel to the street must include openings that are compatible with the façade of the dwelling.</p> <p>C.1.2 Carports set back from the primary street in accordance with clause 5.1.2.C2.1.</p> <p>C1.3 Garages and carports built up to the boundary abutting a private street or right-of-way which is not the primary or secondary street boundary for the dwelling, with manoeuvring space of at least 6m, located immediately in front of the opening to the garage or carport and permanently available.</p> <p>C1.4 Garages and carports set back 1.5m from a secondary street.</p> <p>C1.5 Garages within the street setback area in accordance with clause 5.1.2.C2.1ii provided that the width of the carport does not exceed 50 per cent of the frontage at the building line and the construction allows an unobstructed view between the dwelling and the street, right-of-way or equivalent (refer to Figure 8a).</p>	<p>ii. in accordance with Figure 8b, provided the garage is at least 0.5m behind the dwelling alignment (excluding any porch, verandah or balcony); or</p> <p>iii. to 3m where the garage allows vehicles to be parked parallel to the street. The wall parallel to the street must include openings that are compatible with the façade of the dwelling.</p> <p>C.1.2 Carports set back in accordance with the primary street setback except that the setback may be reduced by up to 50% of the minimum setback stated in Table 1 where:</p> <ul style="list-style-type: none"> i. the carport roof pitch, colours and materials complement the dwelling, and ii. the width of the carport does not exceed 50 per cent of the frontage at the building line; and iii. the construction allows an unobstructed view between the dwelling and the street, right-of-way or equivalent. (Refer to Figure 8a). <p>C1.3 Garages and carports built up to the boundary abutting a private street or commercial street or right-of-way which is not the primary or secondary street boundary for the dwelling, with manoeuvring space of at least 6m, located immediately in front of the opening to the garage or carport and permanently available.</p>	<p>garage is a minimum 0.5m behind the dwelling alignment, or at least set back behind the primary setback area.</p> <p>Combined C1.2 and C1.5 to simplify the provision.</p> <p>Carports are unenclosed, have less bulk and scale impact on the streetscape compared to garages, and allow for passive surveillance, natural light and ventilation to occur. As such they need not be set back as far as garages. Reduced setback (half the minimum) allows for driver sight lines.</p> <p>C1.2i included to promote well designed carports compatible with the dwelling facade to support good streetscape quality. Further guidance will be provided within the explanatory guidelines.</p>	
			<p>P1 The setting back of carports and garages to maintain clear sight lines along the street and not to detract from the streetscape or appearance of dwellings; or obstruct views of dwellings from the street and vice versa.</p>	<p>Design principle amended to ensure that design aspects can be considered in the context of both the street and dwelling.</p>	
			<p>C1.5-clause incorporated in C1.2</p>	<p>Amend figure series to clarify changes to 5.1.2 and 5.2.1.</p>	
			<p>P1 The setting back of carports and garages set back to maintain clear sight lines along the street, and not to obstruct views of dwellings from the street and vice versa, and net-to-defect form designed to contribute positively to streetscapes and to the appearance of dwellings.</p>	<p>A recent State Administrative Tribunal decision clarified that where a garage is not located within 1.0m of a building that an application is required, that is to be assessed against the design principles as there are no associated deemed-to-comply provisions. Deleting the first part of this clause fulfils a deemed-to-comply gap by applying the garage width dimension requirements to all garages.</p>	
15.	Figure Series 8		<p>C2 Where a garage is located in front of the building, a garage door and its supporting structures (or a garage wall where a garage is aligned parallel to the street) facing the primary street is not to occupy more than 50 per cent of the frontage at the setback line as viewed from the street. This may be increased to 60 per cent where an upper floor or balcony extends for the full width of the garage and the entrance to the dwelling is clearly visible from the primary street (refer to Figure 8c).</p>	<p>Two storey designs on smaller or narrower lots will often have garages located on the boundary. The upper floor cannot provide for the full width of the garage without resulting in a two-storey boundary wall which impacts on the amenity of the adjoining property as well as the streetscape. The amendment maintains the intent of reducing garage bulk and keeping passive surveillance, while accommodating more realistic upper floor setbacks.</p>	
16.	5.2.2 Garage width				
17.					

18. 5.2.4 street walls and fences	<p>C4 Front fences within the primary street setback area that are visually permeable above 1.2m of natural ground level, measured from the primary street side of the front fence.</p> <p>C4.2 Solid pillars may be up to 1.8m above natural ground level provided they are not greater than 400mm by 400mm and separated by at least 1.5m of visually permeable fencing in line with subclause C4.1 (Refer Figure Xa).</p>	<p>C4.1 Front fences within the primary street setback area that are visually permeable above 1.2m of natural ground level, measured from the primary street side of the front fence. (Refer Figure Xb)</p> <p>C4.2 Solid pillars may be up to 1.8m above natural ground level provided they are not greater than 400mm by 400mm and separated by at least 1.5m of visually permeable fencing in line with subclause C4.1 (Refer Figure Xa).</p>	<p>New clause 5.2.4 provides DTC standard for common pier and panel fencing that can in some LG jurisdictions trigger a development application.</p> <p>An updated figure is provided to clarify that the portion below 1.2m does not contribute to the overall visual permeability calculations, and that only the panels (where pillars are a restricted size) are required to be visually permeable.</p>
19. Figure Series X	No existing	Included to clarify fence provisions	Amended to clarify intent that site lines are provided to both the public street, and private streets (like common property access legs).
20. 5.2.5 Sight lines	C5 Walls, fences and other structures truncated or reduced to no higher than 0.75m within 1.5m of where walls, fences, or other structures adjoin:	<ul style="list-style-type: none"> i. a driveway that intersects a street, right-of-way, communal street; and ii. a right-of-way or communal street that intersects a public street; and iii. two streets that intersect. (refer Figure Series 9). 	The required outdoor living area (OLA) has been increased for R20 – R80 to 32m ² . The purpose is to ensure that there is an adequate, consolidated OLA and that the dimensions of this space are sufficient for entertaining, leisure and some landscaping. An increase in allowable covered OLA to 50%, from current 1/3, is proposed as larger, covered outdoor areas are popular in WA. The increased OLA ensures that the allowable covered space does not result in reduced natural light and ventilation access.
21. 5.3.1 Outdoor living areas	C1.1 An outdoor living area to be provided:	<ul style="list-style-type: none"> i. in accordance with Table 1; ii. behind the street setback area; iii. directly accessible from a habitable room of the dwelling; iv. with a minimum length and width dimension of 4m for all areas that contribute to the outdoor living area; and v. to have at least two-thirds of the required area without permanent roof cover, with no more than 50% of the required area with permanent roof cover (Figure Xc). 	<p>The required outdoor living area (OLA) has been increased for R20 – R80 to 32m². The purpose is to ensure that there is an adequate, consolidated OLA and that the dimensions of this space are sufficient for entertaining, leisure and some landscaping. An increase in allowable covered OLA to 50%, from current 1/3, is proposed as larger, covered outdoor areas are popular in WA. The increased OLA ensures that the allowable covered space does not result in reduced natural light and ventilation access.</p> <p>Introduction of primary living space ensures that OLA is provided access from spaces that are 'connected' and frequently used, rather than rooms such as bedrooms or studies.</p>
22.	C1.2 Each multiple dwelling is provided with at least one balcony or the equivalent, opening directly from a habitable room and with a minimum area of 10m ² and minimum dimension of 2.4m.	C1.2 Each multiple dwelling is provided with at least one balcony or the equivalent, opening directly from a habitable room primary living space and with a minimum area of 10m ² and minimum dimension of 2.4m.	<p>This design principle is updated to support the changes to the DTC explanatory guidelines, and provide for more robust standards around the functionality of the space for entertainment and leisure, rather than situations whereby side setbacks and other constrained areas are being allocated as OLAs.</p> <p>P2 is added to introduce solutions to enable well designed OLAs to be located in the front setback in ways that support engagement with the street and avoid excessive fencing/barriers.</p>
23.	C1.2 Each multiple dwelling is provided with at least one balcony or the equivalent, opening directly from a habitable room and with a minimum area of 10m ² and minimum dimension of 2.4m.	Design principle P1 Outdoor living areas which provide spaces:	<ul style="list-style-type: none"> • capable of use in conjunction with a habitable room of the dwelling; • open to winter sun and ventilation; and • optimised use of the northern aspect of the site.

24.		Design principle P2 Balconies or equivalent outdoor living areas capable of use in conjunction with a habitable room of each dwelling, and if possible, open to winter sun.	Design principle P2 Balconies or equivalent outdoor living areas capable of use in conjunction with a habitable ^{feet of primary living} space of each dwelling, and if possible, open to winter sun.	Introduction of primary living space ensures that OLA is accessible from spaces that are connected and frequently used, rather than rooms such as sewing rooms or studies. Included to assist OLA assessment
25.	Figure series X	No existing		
26.	Table 1	Minimum outdoor living area (m ²) 	Figure Xc – Dimensions and calculations for outdoor living areas (clause 5.3.1 C1.1)	
27.		Refers to Tables 2a and 2b	Refer to Table 2	C2.1 Landscaping of single houses, grouped dwellings and multiple dwellings to include the following: i. Space for at least one tree per dwelling to be provided on site with a minimum dimension of 2m and that is free of hard ground surface and root above; and ii. The street setback area with no more than 50 per cent hard surface.
28.	5.3.2 Landscaping	C2 Landscaping of grouped and multiple dwelling common property and communal open spaces in accordance with the following: i. the street setback area developed without car parking, except for visitors' bays, and with a maximum of 50 per cent hard surface; ii. separate pedestrian paths providing wheelchair accessibility connecting entries to all buildings with the public footpath and car parking areas; iii. landscaping between each six consecutive external car parking spaces to include shade trees; iv. lighting to pathways, and communal open space and car bin storage areas conveniently located and screened from view; v. trees which are greater than 3m in height shall be retained in communal open space areas which are provided for the development; vi. adequate sight lines for pedestrians and vehicles; vii. clear line of sight between areas designated as communal open space and at least two habitable room windows; viii. clothes drying areas which are secure and screened from view; and ix. unroofed visitors' car parking spaces to be effectively screened from the street.	C2.2 Landscaping of grouped and multiple dwelling common property and communal open spaces in accordance with the following: i. the street setback area developed without car parking, except for visitors' bays, and with a minimum of 60 per cent hard surface; ii. the street setback area developed without car parking, landscaping between each six consecutive external car parking spaces to include shade trees; iii. uncovered car parking spaces to include shade trees; iv. lighting to pathways, and communal open space and car parking areas; and v. bin storage areas conveniently located and screened from view; separate pedestrian paths providing wheelchair accessibility connecting entries to all buildings with the public footpath and car parking areas; vi. trees which are greater than 3m in height shall be retained in communal open space which is provided for the development; vii. adequate sight lines for pedestrians and vehicles; viii. clear line of sight between areas designated as communal open space and at least two habitable room windows; and ix. clothes drying areas which are secure and screened from view; and x. unroofed visitors' car parking spaces to be effectively screened from the street.	Achieving a consolidated OLA has greater positive outcomes than incidental or constrained areas, such as side setbacks under eaves, "contributing" to OLAs. At the higher codes, 4x4m ² or 16m ² total is limited useable space and typically covered in 100% impermeable roofing to provide weather proof outdoor living areas. The increase in OLA will ensure a balance between covered and uncovered outdoor space, encouraging improved light, ventilation, gardens and liveability for these developments. Consequential modification due to simplification. C2.1 removal of trees and urban tree canopy has far-reaching adverse consequences that are known within industry and in the community. Introducing this provision allows for consistency with the wider R-Code review being undertaken by the Design WA DPLH team. The provisions do not go into the R-Codes Vol. 2 detail with deep soil area dimensions, tree sizes, and the like, to allow for simple assessment and implementation, with the view of expanding guidance in forthcoming Design WA review. Existing C2.2 is moved to C2.1(ii) to ensure it applies to all development. Additionally, the existing clause has issues in application by virtue of battle-axe configuration and most, if not all, of the common property portion of the street setback area is hard surface, making compliance with the original wording of the DTC provision difficult. Relocated former C2 ii to 5.3.6 pedestrian access to a more logical location and remove duplication. Removed C2.1x as encourages roofed car parking, whereas unroofed car parking would have less impact on the streetscape.

29.		P2 Landscaping of grouped and multiple dwelling common property and communal open spaces that: • contribute to the appearance and amenity of the development for the residents; • contribute to the streetscape; • enhance security and safety for residents; • provide for microclimate; and • retain existing trees to maintain a local sense of place. a local sense of place.	<p>P2 Landscaping of grouped-and-multiple-dwelling-common property-and-communal open spaces that: • contribute to the appearance and amenity of the development for the residents; • contribute to the streetscape; • enhance security and safety for residents; • provide for microclimate; and • retains existing trees or provides new trees to maintain and enhance a local sense of place.</p>	Design Principles to support the new DTC for a tree and expand beyond common property and communal open space.														
30.	5.3.3 - Parking	A= within: <ul style="list-style-type: none">• 800m of a train station on a high frequency rail route, measured in a straight line from the pedestrian entry to the train station platform to any part of a lot; or• 250m of a high frequency bus route, measured in a straight line from along any part of the bus route to any part of the lot.	<p>C3.2 On-site visitors car parking spaces for grouped and multiple dwelling developments provided at a rate of one space for each four dwellings, or part thereof in excess of four dwellings, served by a common access.</p> <p>A = within:<ul style="list-style-type: none">• 800m of a train station on a high frequency rail route, measured in a straight line from the pedestrian entry to the train station platform to any part of a lot; or• 250m of a high frequency bus route, or multiple bus routes that if combined have timed stops every 15 minutes during weekday peak periods (7 – 9am and 5 – 7pm), measured in a straight line from along any part of the bus route to any part of the lot.</p> <p>C3.2 On-site visitors car parking spaces for grouped and multiple dwelling developments provided at a rate of one space for each four dwellings, or part thereof in excess of four dwellings, served by a common access.</p>	<p>Some areas are heavily frequented by bus services operating along multiple routes within these periods, but the singular 'route' timing is not within the 15 minutes. This allows for a combination of routes to encourage a reduction in car use and simplify the approval process where public transport is adequate.</p> <p>Some areas are heavily frequented by bus services operating along multiple routes within these periods, but the singular 'route' timing is not within the 15 minutes. This allows for a combination of routes to encourage a reduction in car use and simplify the approval process where public transport is adequate.</p>														
31.			<p>Note: This means there is no requirement for visitor parking until the number of dwellings exceeds three and then one visitor bay is required to be provided for every four dwellings served by a common access as illustrated below.</p> <table border="1"><thead><tr><th>Dwellings</th><th>Visitor bays</th></tr></thead><tbody><tr><td>0-3</td><td>0</td></tr><tr><td>4</td><td>1</td></tr><tr><td>5-8</td><td>2</td></tr><tr><td>9-12</td><td>3</td></tr><tr><td>13-16</td><td>4</td></tr><tr><td>17-20</td><td>5</td></tr></tbody></table>	Dwellings	Visitor bays	0-3	0	4	1	5-8	2	9-12	3	13-16	4	17-20	5	<p>This text is broadly relocated from the explanatory guidelines and simplified to align with existing provision wording. It results in the provision of one visitor car bay for each 4 dwellings, where 4 or more dwellings are proposed.</p>
Dwellings	Visitor bays																	
0-3	0																	
4	1																	
5-8	2																	
9-12	3																	
13-16	4																	
17-20	5																	
32.	5.3.5 Vehicular access	C5.1 Access to on site car parking spaces to be provided: <ul style="list-style-type: none">• Where available, from a right-of-way available for lawful use to access the relevant lot and which is adequately paved and drained from the property boundary to a constructed street;	<p>C5.1 Access to on site car parking spaces to be provided:<ul style="list-style-type: none">• Where available, from a communal street or right-of-way available for lawful use to access the relevant lot-site and which is adequately paved and drained from the property boundary to a constructed street;</p>	<p>Amended for clarity and to limit unnecessary crossovers onto adjacent streets where communal street access is available.</p>														
33.	5.3.6 Pedestrian access	C6.1 Where a group of 10 or more dwellings is served by a communal street, either between a public street or a communal car parking area and individual dwellings, a pedestrian path separate from the vehicular access is provided, designed according to AS1428.1 (as amended), provides an accessible path of travel and is at least 1.2m in width.	<p>C6.1 Separate pedestrian access within grouped and multiple dwelling common property and communal open space providing wheelchair accessibility connecting entries to all ground floor buildings with the public footpath and car parking areas.</p>	<p>Amended and re-ordered for clarity.</p>														
		C6.2 Where a communal street serves more than two dwellings and is shared by pedestrians and vehicles, the configuration of the pedestrian and vehicular routes is to provide clear sight lines, adequate lighting and paving surfaces to slow traffic to ensure pedestrian safety.	<p>C6.1 provision has been removed/relocated from 5.3.2 as it is a more logical that pedestrian access be dealt with here. This also removed duplication of variations where this is not provided between 5.3.2 and 5.3.6</p>															
		C6.3 A communal street or pedestrian path is to be no closer than 3m to any wall with a major opening unless privacy screening is provided.	<p>C6.3 Where a group of 10 or more dwellings is served by a communal street, either between a public street or a communal car parking area and individual dwellings; a minimum 1.2m wide pedestrian path, separate from the vehicular access, is provided and designed according to AS1428.1 (as amended) to provide a at least 1.2m in width.</p>															
		C6.4 For multiple dwellings with only stair access, staircases are designed to access no more than two dwellings per floor level and the stairs, landings and porches are to be protected from the weather.	<p>C6.4 Where a group of 10 or more dwellings is served by a communal street, either between a public street or a communal car parking area and individual dwellings; a minimum 1.2m wide pedestrian path, separate from the vehicular access, is provided and designed according to AS1428.1 (as amended) to provide a at least 1.2m in width.</p>															
		C6.5 Pedestrian paths provided as required by clause 5.3.2 C2 ii.	<p>C6.5 Where a communal street serves more than two dwellings and is shared by pedestrians and vehicles, the configuration of the pedestrian and vehicular routes is to provide clear sight lines, adequate lighting and paving surfaces to slow traffic to ensure pedestrian safety.</p>															

		C6.35 A communal street or pedestrian path is to be no closer than 3m to any wall with a major opening unless privacy screening is provided.																																																
34.	5.3.7 Site works	<p>C7.1 Excavation or filling between the street and building, or within 3m of the street alignment, whichever is the lesser, shall not exceed 0.5m, except where necessary to provide for pedestrian or vehicle access, drainage works or natural light for a dwelling.</p> <p>C7.2 Excavation or filling within a site and behind a street setback line limited by compliance with building height limits and building setback requirements.</p> <p>C7.3 Subject to subclause C7.2 above, all excavation or filling behind a street setback line and within 1m of a lot boundary, not more than 0.5m above the natural ground level at the lot boundary except where otherwise stated in the scheme, local planning policy, structure plan or local development plan.</p> <p>C8 Retaining walls greater than 0.5m in height set back from lot boundaries in accordance with the setback provisions of Table 1. Retaining walls 0.5m or less in height may be located up to the lot boundary.</p>	<p>G6.5-Pedestrian-paths-provided-as-required-by-clause-5.3.2-G2.ii: Delete 5.3.7 and 5.3.8, renumber subsequent clauses and insert the following:</p> <p>5.3.7 – Site works and retaining walls</p> <p>C7.1 Retaining walls, fill and excavation between the street alignment and the street setback, not more than 0.5m above or below the natural ground level, except where necessary to provide for pedestrian or vehicle access, drainage works or natural light for a dwelling.</p> <p>C7.2 Retaining walls, fill and excavation within the site and behind the required street setback to comply with Table 4</p>																																															
35.	5.3.8 Retaining walls		<p>Table 4 – Setback of site works and retaining walls</p> <table border="1"> <thead> <tr> <th rowspan="2">Height of site works and retaining walls* As measured from above or below the natural ground level directly beneath</th> <th colspan="3">Setback based on wall length*</th> </tr> <tr> <th>10m or less</th> <th>More than 10m</th> <th></th> </tr> </thead> <tbody> <tr> <td>0m or less</td> <td>0m</td> <td>0m</td> <td></td> </tr> <tr> <td>1m</td> <td>1m</td> <td>1m</td> <td></td> </tr> <tr> <td>1.5m</td> <td>1.5m</td> <td>3m</td> <td></td> </tr> <tr> <td>2m</td> <td>2m</td> <td>4m</td> <td></td> </tr> <tr> <td>2.5m</td> <td>2.5m</td> <td>5m</td> <td></td> </tr> <tr> <td>3m</td> <td>3m</td> <td>6m</td> <td></td> </tr> <tr> <td>3.5m</td> <td>3.5m</td> <td>7m</td> <td></td> </tr> <tr> <td>4m</td> <td>4m</td> <td>8m</td> <td></td> </tr> <tr> <td>4.5m</td> <td>4.5m</td> <td>9m</td> <td></td> </tr> <tr> <td>5m+</td> <td>5m</td> <td>10m</td> <td></td> </tr> </tbody> </table> <p>* Take the nearest higher value for all height and length calculations.</p>	Height of site works and retaining walls* As measured from above or below the natural ground level directly beneath	Setback based on wall length*			10m or less	More than 10m		0m or less	0m	0m		1m	1m	1m		1.5m	1.5m	3m		2m	2m	4m		2.5m	2.5m	5m		3m	3m	6m		3.5m	3.5m	7m		4m	4m	8m		4.5m	4.5m	9m		5m+	5m	10m	
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36.	5.3.9 Stormwater management	5.3.9 Stormwater management	<p>Note: Visual Privacy provisions under clause 5.4.1 still apply</p> <p>Renumber provision</p> <p>5.3.4-5.3.8 Stormwater management</p> <p>C1.1(i) set back, in direct line of sight within the cone of vision, from the lot boundary, a minimum distance as prescribed in the below (refer Figure Series 10):</p> <table border="1"> <thead> <tr> <th rowspan="2">Types of habitable rooms/active habitable spaces</th> <th rowspan="2">location</th> <th colspan="3">Setbacks for areas coded R80 or higher</th> </tr> <tr> <th>Setbacks for areas coded R50 or lower</th> <th>Setbacks for areas coded R80-R25 and lower</th> <th>Setbacks for areas coded R25 and higher</th> </tr> </thead> <tbody> <tr> <td>Major openings to bedrooms and studies</td> <td>4.5m</td> <td>3m</td> <td>3m</td> </tr> <tr> <td>Major openings to habitable rooms other than bedrooms and studies</td> <td>6m</td> <td>4.5m</td> <td>3m</td> </tr> <tr> <td>Unenclosed outdoor active habitable spaces</td> <td>7.5m</td> <td>6m</td> <td>4.5m</td> </tr> </tbody> </table>	Types of habitable rooms/active habitable spaces	location	Setbacks for areas coded R80 or higher			Setbacks for areas coded R50 or lower	Setbacks for areas coded R80-R25 and lower	Setbacks for areas coded R25 and higher	Major openings to bedrooms and studies	4.5m	3m	3m	Major openings to habitable rooms other than bedrooms and studies	6m	4.5m	3m	Unenclosed outdoor active habitable spaces	7.5m	6m	4.5m																											
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37.	5.4.1 visual privacy	C1.1(i) set back, in direct line of sight within the cone of vision , from the lot boundary, a minimum distance as prescribed in the below (refer Figure Series 10):	<p>Consequential amendment due to amalgamation of clauses 5.3.7 and 5.3.8.</p> <p>Visual privacy setbacks are reduced for those lots R30 or above, accounting for smaller lot sizes and likelihood of minor visual privacy discretions. These reduced privacy setbacks are consistent with the R-MD codes.</p>																																															

			Unenclosed outdoor active habitable spaces	7.5m	6m						
38.	5.4.2 Overshadowing	Note; with regard to clause 5.4.2 C2.1 site area refers to the surface of the adjoining lot and is measured without regard to any building on it but taking into account its natural ground level.	<ul style="list-style-type: none"> • with regard to clause 5.4.2 C2.1: • dividing fences and buildings with a wall height of 3.5 metres do not contribute to overshadowing; and • site area refers to the surface of the adjoining lot and is measured without regard to any building on it but taking into account its natural ground level. 	This note clarifies that dividing fences do not contribute to the overshadowing calculations.	Modification also proposes that walls up to 3.5m in height do not contribute to overshadowing calculations due to the decreasing lot dimensions, which may result in single storey dwellings being unable to comply with overshadowing calculations.						
39.	5.4.3 Outbuildings	C3 Outbuildings that: <ul style="list-style-type: none"> i. are not attached to a dwelling; ii. are non-habitable; iii. collectively do not exceed 60m² in area or 10 per cent in aggregate of the site area, whichever is the lesser; iv. do not exceed a wall height of 2.4m; v. do not exceed a ridge height of 4.2m; vi. are not within the primary or secondary street setback area; vii. do not reduce the amount of open space required in Table 1; and are set back in accordance with Tables 2a and 2b. 	C3 Outbuildings compliant with Column A or B of Table 7: Table 7 <table border="1"> <thead> <tr> <th>A. Multiple outbuildings and large outbuildings</th> <th>B. Small outbuildings</th> </tr> </thead> <tbody> <tr> <td> (i) individually or collectively does not exceed 60m² in area or 10 per cent in aggregate of the site area, whichever is the lesser; (ii) set back in accordance with Tables 2a and 2b; Table 2; (iii) does not exceed a wall height of 2.4m; (iv) does not exceed a ridge height of 4.2m; (v) does not reduce the amount of outdoor living area required in Table 1; (vi) does not exceed a primary or secondary street setback area; (vii) is not attached to a dwelling; (viii) is non-habitable. </td> <td> (i) limited to one outbuilding per dwelling site; (ii) has no more than two boundary walls; (iii) does not exceed 10m² in area; (iv) does not exceed a wall and ridge height of 2.4m; (v) not located within the primary or secondary street setback area; (vi) does not reduce the amount of outdoor living area required in Table 1; (vii) is not attached to a dwelling; (viii) is non-habitable. </td> </tr> </tbody> </table>	A. Multiple outbuildings and large outbuildings	B. Small outbuildings	(i) individually or collectively does not exceed 60m ² in area or 10 per cent in aggregate of the site area, whichever is the lesser; (ii) set back in accordance with Tables 2a and 2b; Table 2; (iii) does not exceed a wall height of 2.4m; (iv) does not exceed a ridge height of 4.2m; (v) does not reduce the amount of outdoor living area required in Table 1; (vi) does not exceed a primary or secondary street setback area; (vii) is not attached to a dwelling; (viii) is non-habitable.	(i) limited to one outbuilding per dwelling site; (ii) has no more than two boundary walls; (iii) does not exceed 10m ² in area; (iv) does not exceed a wall and ridge height of 2.4m; (v) not located within the primary or secondary street setback area; (vi) does not reduce the amount of outdoor living area required in Table 1; (vii) is not attached to a dwelling; (viii) is non-habitable.	Modifications distinguishes between smaller and larger outbuildings.	Column B aligns with the Building Code of Australia and allows small outbuildings to be permitted as of right, in particular, those that are located within the rear corner of a lot and not easily visible from the street.	Due to the minimal size and height of outbuildings under Column B, it is recommended that small outbuildings do not contribute to the boundary wall provisions under 5.1.3.	These provisions reduce 'red tape', making it easier for landowners to install small sheds across the state.
A. Multiple outbuildings and large outbuildings	B. Small outbuildings										
(i) individually or collectively does not exceed 60m ² in area or 10 per cent in aggregate of the site area, whichever is the lesser; (ii) set back in accordance with Tables 2a and 2b; Table 2; (iii) does not exceed a wall height of 2.4m; (iv) does not exceed a ridge height of 4.2m; (v) does not reduce the amount of outdoor living area required in Table 1; (vi) does not exceed a primary or secondary street setback area; (vii) is not attached to a dwelling; (viii) is non-habitable.	(i) limited to one outbuilding per dwelling site; (ii) has no more than two boundary walls; (iii) does not exceed 10m ² in area; (iv) does not exceed a wall and ridge height of 2.4m; (v) not located within the primary or secondary street setback area; (vi) does not reduce the amount of outdoor living area required in Table 1; (vii) is not attached to a dwelling; (viii) is non-habitable.										
40.	5.5.1 Ancillary Dwellings	C1 Ancillary dwelling associated with a single house and on the same lot where: <ul style="list-style-type: none"> i. the lot is not less than 450m² in area; ii. there is a maximum plot ratio area of 70m²; iii. parking provided in accordance with clause 5.3.3 C3.1; and iv. complies with all other R-Code provisions, only as they apply to single houses, with the exception of clauses: <ul style="list-style-type: none"> (a) 5.1.1 Site area; (b) 5.2.3 Street surveillance (except where located on a lot with secondary street or right-of-way access); and (c) 5.3.1 Outdoor living areas. 	Note: For the purpose of clause Table 7 an outbuilding wall that meets Column B (iv) does not contribute to the boundary wall dimensions under clause 5.1.3.	C1 Ancillary dwelling associated with a single house and on the same lot where:	There is indicative support within the community and local government for allowing alternate smaller forms of living on lots less than 350m ² .	Inclusion of appearance requirements provides the ability to assess the built form outcome, which does not currently exist resulting in poor designs affecting the locality.					

<p>41.</p> <p>Design Principle P1 Ancillary dwelling for people who live either independently or semi-dependently to the residents of the single house, sharing some site facilities and services and without compromising the amenity of surrounding properties.</p> <p>P2 Ancillary dwellings to complement the colour, design and materials of the existing single house and where visible from the street or adjoining properties, contributes positively to the amenity of the streetscape and its context.</p>	<p>(c) 5.3.1 Outdoor living areas. Design Principle P1 Ancillary dwelling is of a small scale and designed to support people living-for-people-who-live-either-independently-or-semi-dependently to the residents of the single house, sharing some site facilities and services, and-without-compromising-the-amenity-of-surrounding-properties.</p> <p>P2 Ancillary dwellings to complement the colour, design and materials of the existing single house and where visible from the street or adjoining properties, contributes positively to the amenity of the streetscape and its context.</p>	<p>Amended to support design principle assessment of revised DTC.</p>																									
<p>42.</p> <p>Table 1</p> <p>Minimum setbacks for R20/R25 primary street setback 6 metres.</p>	<p>Minimum setbacks for R20/R25 primary street setback 5 metres.</p>	<p>This amendment allows for a slightly reduced minimum primary street setback. It distinguishes between R15 to R17.5 (6 metres) and R30 (4 metres) to provide a more graduated setback reduction.</p>																									
<p>43.</p> <p>Update Table 1 (extract) to reflect provision changes and insert the following for R-MD coded lots:</p>	<table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <thead> <tr> <th>R-MD Code</th> <th>Min outdoor living (m²)</th> <th>Minimum setbacks (m) primary street (no averaging)</th> <th>Secondary street (no averaging)</th> <th>other/rear</th> </tr> </thead> <tbody> <tr> <td>R-MD 25</td> <td>32</td> <td>3</td> <td>1</td> <td>*</td> </tr> <tr> <td>R-MD 30</td> <td>32</td> <td>2</td> <td>1</td> <td>*</td> </tr> <tr> <td>R-MD 40</td> <td>32</td> <td>2</td> <td>1</td> <td>*</td> </tr> <tr> <td>R-MD 60</td> <td>32</td> <td>2</td> <td>1</td> <td>*</td> </tr> </tbody> </table>	R-MD Code	Min outdoor living (m ²)	Minimum setbacks (m) primary street (no averaging)	Secondary street (no averaging)	other/rear	R-MD 25	32	3	1	*	R-MD 30	32	2	1	*	R-MD 40	32	2	1	*	R-MD 60	32	2	1	*	<p>Consequential amendment to reflect inclusion of R-MD Codes within the R-Codes Volume 1.</p>
R-MD Code	Min outdoor living (m ²)	Minimum setbacks (m) primary street (no averaging)	Secondary street (no averaging)	other/rear																							
R-MD 25	32	3	1	*																							
R-MD 30	32	2	1	*																							
R-MD 40	32	2	1	*																							
R-MD 60	32	2	1	*																							
<p>44.</p>	<p>7.1 Local Planning Framework consistent with R-Codes Volume 1</p> <p>The decision-maker shall not amend or modify the R-Codes Volume 1 unless such modification relates to matters expressly permitted under the R-Codes to be amended or modified.</p> <p>Subject to clauses 7.2 - 7.4 and 7.6, a local planning policy, structure plan, activity centre plan or local development plan that applies to residential development shall be consistent with the provisions of the R-Codes Volume 1 and may provide local objectives for housing design and development that guides the decision makers judgement of a proposal.</p> <p>To have effect, the local planning policy, structure plan, activity centre plan or local development plan shall be available with the scheme in the place where the decision-maker makes the scheme available.</p> <p>Decision-makers are encouraged to:</p> <ul style="list-style-type: none"> a) maximise consistency of the local planning frameworks with this policy b) review pre-existing local planning framework instruments where inconsistent with this policy c) consider the need for a local planning framework that respond to a specific need related to a locality or region, where this is consistent with the Design Element Objectives of this policy <p>7.2 Pre-existing local planning policies</p> <p>If a properly adopted local planning policy, which came into effect prior to the gazettal of the R-Codes, is inconsistent with the R-Codes Volume 1;</p> <ul style="list-style-type: none"> a) For those sections of Part 5 modified in accordance with section 7.3, or modified with WAPC approval in accordance with section 7.4, the provisions of the R-Codes do not supersede any development standard provided for in that local planning policy b) For those sections of Part 5 identified in clause 7.4 and modified without WAPC approval, the provisions of the R-Codes Volume 1 prevail over that local planning policy to the extent of any inconsistency. <p>7.3 Sections that may be amended or replaced by local planning policies and local development plans</p>	<p>Clarifies ability of instruments adopted under local planning frameworks to amend DTC provisions.</p> <p>Clarifies status of existing planning instruments adopted prior to gazettal of R-Codes, that they can continue to operate.</p> <p>Provides ability for local planning instruments to apply R-MD standards to single house development in Urban Development zoned areas.</p> <p>Reflects the position that local development plans must still be consistent with the R-Codes.</p>																									

		Where consistent with the Design Element Objectives, a decision-maker may prepare and adopt local planning policies or local development plans that amend or replace the deemed-to-comply provisions of the following sections of Part 5 of the R-Codes Volume 1:
	Context 5.1.1 5.1.3 C3.2 – 3.3 5.1.6	street setbacks lot boundary setbacks building height
	Streetscape 5.2.1 5.2.2 5.2.3 5.2.4 5.2.5 5.2.6	streetscape setback of garages and carports garage width street surveillance street walls and fences sight lines appearance of retained dwelling
	Site planning and design 5.3.7	retaining walls and site works
	Building design 5.4.4	external fixtures
7.4	Special purpose dwellings 5.5.2 C2.1 ii)	aged and dependent persons' dwelling(s)
		Sections that may be amended or replaced by local planning policies and local development plans with WAPC approval
		A local government, with the approval of WAPC, may prepare and adopt local planning policies and local development plans that amend or replace any of the deemed-to-comply provisions of the following sections of Part 5 of the R-Codes Volume 1:
	Context 5.1.1 5.1.3 C3.1, C3.4 C3.5 5.1.4 5.1.5	site area lot boundary setbacks open space communal open space
	Site planning and design 5.3.1 5.3.2 5.3.3 5.3.4 5.3.5 5.3.6 5.3.9	outdoor living areas landscaping parking design of parking spaces vehicular access pedestrian access stormwater management
	Building design 5.4.1 5.4.2 5.4.3	visual privacy solar access for adjoining lots outbuildings
	Special purpose dwellings 5.5.1 5.5.2 (except C2.1 ii) 5.5.3	ancillary dwellings aged and dependent persons' dwelling(s) single bedroom dwellings
		where it can be demonstrated to the satisfaction of the WAPC that the proposed amendment:
	a)	is warranted due to a specific need identified by the decision-maker related to that particular locality or region;
	b)	is consistent with the design element objectives and design principles of the R-Codes Volume 1; and

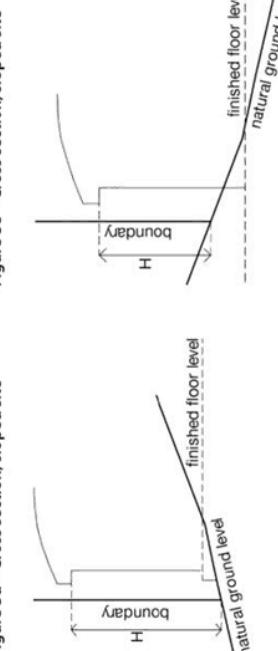
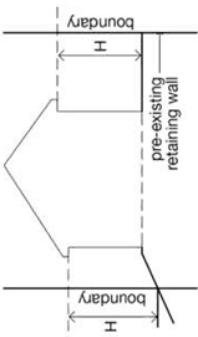
No.	Current definition	Proposed Modification	Rationale	
46.	Activity centre plan or activity centre structure plan As defined under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> and are prepared in accordance with State Planning Policy 4.2.	Activity centre plan or activity centre structure plan As defined under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> and are prepared in accordance with State Planning Policy 4.2.		
47.	Height, wall This is the distance between the point where the base of the wall meets the natural ground level at the boundary immediately adjacent to the wall to the roof or parapet at any point in accordance with Figure series 3 and 5.	Height, wall This is the distance between the point where the base of the wall meets the natural ground level at the boundary immediately adjacent to the wall to the eave, top of a parapet, or roof (where there is no eave or parapet) or at any point in accordance with Figure series 3 and 5.	This addresses the new method of calculations under figure series 3 and 5.	
48.	Pergola An open-framed structure covered in water permeable material which may or may not be attached to a dwelling.	An open-framed structure covered in water permeable material, or operable louvred roofing , which may or may not be attached to a dwelling.	Reflects previous State Administrative Tribunal decision in relation to unfixed louvred roofing. Addresses administrative error.	
49.	Street setback area The area between the street alignment and the street setback line as set out in Tables 1 and 4 or as established in a particular case in accordance with the provisions of design element 5.2.	Street setback area The area between the street alignment and the street setback line as set out in Tables 1 and 4 or as established in a particular case in accordance with the provisions of design element 5.2.	The area between the street alignment and the street setback line as set out in Table e . Tables 1 and 4 or as established in a particular case in accordance with the provisions of design element 5.2.	
50.	Setback The horizontal distance between a wall at any point and an adjacent lot boundary, measured at right angles (90 degrees) to the boundary.	Setback The horizontal distance between a wall building at any point and an adjacent lot boundary, measured at right angles (90 degrees) to the boundary.	This allows setbacks to be calculated to buildings such as carports, as the definition of wall is too restrictive.	

DEFINITION CHANGES			
No.	Current definition	Proposed Modification	Rationale
51.	New definition	Primary living space The area within a dwelling that is the focus of life and activity and usually the largest room. This area is connected with the outdoor living area or balcony, and includes the following room types: living room, lounge room, games room, family room, or an integrated living area that has one of these room types together with a kitchen or dining area.	Introduction of primary living space ensures that OLA is provided from spaces that are connected and frequently used, rather than rooms such as sewing rooms or studies.
52.	New definition	R-MD Codes Are medium density residential development standards that may be utilised in the urban development zone (or equivalent). R-MD codes may be implemented through a scheme amendment, local planning policy, structure plan, activity centre plan, or local development plan by reference, or delineation on a plan within the above mechanisms.	Reflects the formal inclusion of the R-MD codes within the R-Codes and intended revocation of Planning Bulletin 112/2016 – Medium density single house development standards – Development Zones.
53.	Open Space Generally that area of a lot not occupied by any building and includes: open areas of accessible and useable flat roofs and outdoor living areas above natural ground level; areas beneath eaves; verandahs, patios or other such roofed structures not more than 0.5m above natural ground level, unenclosed on at least two sides, and covering no more than 10 per cent of the site area or 50m ² whichever is the lesser; unroofed open structures such as pergolas; uncovered driveways (including access aisles in car parking areas) and uncovered car parking spaces;	Open Space Generally that area of a lot not occupied by any building and includes: open areas of accessible and useable flat roofs and outdoor living areas above natural ground level; areas beneath eaves; verandahs, patios or other such roofed structures not more than 0.5m above natural ground level, unenclosed on at least two sides, and covering no more than 10 per cent of the site area or 50m ² whichever is the lesser; unroofed open structures such as pergolas; uncovered driveways (including access aisles in car parking areas) and uncovered car parking spaces; but excludes: non-accessible roofs, verandahs, balconies and outdoor living areas over 0.5m above natural ground level; and/or covered car parking spaces and covered walkways, areas for rubbish disposal, stores, outbuildings or plant rooms.	Amended to acknowledge that areas of fill up to 1.0m above natural ground level can still be designed and used as functional open space whilst discouraging excessive fill.
54.	New definition	Local Planning Framework Comprises all strategic, statutory and policy planning instruments which collectively outline the planning for an area and development requirements of the decision-maker for sites, and generally includes a local planning scheme, local planning strategy, local planning policy, structure plan, activity centre plan, and local development plan.	

No	Current FIGURE	FIGURES	FIGURE CHANGES
	56.	Figure 2a	Proposed Modification
56.		<p>Figures</p> <p>S1 Primary street setback distance (Table 1) S2 Distance behind the primary street setback, equal to S1 S3 Side boundary setback (Table 2) S4 Maximum reduced primary street setback (half of S1)</p> <p>A1 Area of building forward of primary street setback A2 Compensating open area behind primary street setback A3 The carport in S1 does not need to be compensated for in S2. The portion of the carport within S2 does not constitute open space and cannot contribute A2</p>	<p>Figure 2a - Measuring primary street setbacks (clause 5.1.2 C2.1 i and ii and 5.2.1 C1.2)</p> <p>This figure reflects the updates to tables, setbacks and removal of carports from averaging calculations.</p>
56.		Figure 2b	<p>Figure 2b - Measuring minor projections into primary street setback (clause 5.1.2 C2.4)</p> <p>This figure replaces existing Figure 2b and clarifies the porch setback calculation due to the new provisions for balconies, verandahs, porches and similar encroachments under 5.1.2.</p> <p>S4 maximum reduced primary street setback (half of S1)</p> <p>Note: a porch, balcony, verandah or equivalent is not subject to the compensating area requirement stated in 5.1.2 C2.1 ii</p>

No	Current FIGURE	FIGURE CHANGES
		Proposed Modification
57.	Figure 2c and 2d	<p>Figure 2c - Measuring street setback for garages and carports (clause 5.1.2 and 5.2.1)</p> <p>Garage setback may be reduced in accordance with 5.2.1 C1 (i and ii)</p> <p>A1 Area of building forward of primary street setback A2 Compensating open area behind primary street setback</p> <p>S1 Primary street setback distance (Table 1) S2 Distance behind the primary street setback, equal to S1 S3 Side boundary setback (Table 2) S4 Maximum reduced primary street setback (half of S1)</p> <p>Figure 2d - Measuring communal street setbacks (clause 5.1.2 C2.1iii)</p> <p>front door (main frontage) 2.5m communal street setback (clause 5.1.2 C2.1iii) front door (main frontage) 1.5m communal street setback (Table 1 column 7 secondary street) front door (main frontage) primary street setback (Table 1 column 7) surveillance primary street (Table 1 column 7)</p> <p>communal street</p> <p>front door (main frontage) 2.5m communal street setback (clause 5.1.2 C2.1iii) front door (main frontage) 1.5m communal street setback (Table 1 column 7 secondary street) front door (main frontage)</p> <p>communal street</p>

58.	New figure /renumber ed	Figure 2e – Measuring upper floor primary street setbacks (clause 5.1.2 C2.1 ii)	<p>A1 = Building footprint forward of the street setback line A2 = Area behind the street setback line occupied by open space</p>	<p>Update to clarify how upper floor averaging is to occur for consistency.</p>
59.	Figure 3a-3c	Figure 3a – Cross section, flat site	Figure 3b – Cross section, sloping site	<p>Notes</p> <p>H = The height of the wall for the measurement of setbacks is measured from the natural ground level at the lot boundary adjacent to the wall to the highest point of the building vertically above that point where the wall touches the underside of the eave/gutter (Figure 3a-3c).</p> <p>Where the lot boundary adjacent to the wall is lower than the natural ground level at the base of the wall, the greater height is used (Figure 3b, 3d, and 3f).</p> <p>Where the lot boundary adjacent to the wall is higher than the natural ground level at the base of the wall, the lesser height is used (Figure 3e).</p>
60.	Figure 3d-3h			<p>Update to align the wall height calculations to the underside of the eave and</p>

<p>Figure 3d - Cross section, sloped site</p> 	<p>Figure 3e - Cross section, sloped site</p> 	<p>Figure 3f - Cross section, alternate levels with existing retaining</p> 
		<p>accounts for eaves and fascias that are of an abnormal size.</p> <p>Notes</p> <p>H = The height of the wall for the measurement of setbacks is measured from the natural ground level at the lot boundary adjacent to the wall to the highest point of the building vertically above that point where the wall touches the underside of the eave/gutter (Figure 3a-3h).</p> <p>Where the lot boundary adjacent to the wall is lower than the natural ground level at the base of the wall, the greater height is used (Figure 3b, 3d and 3f).</p> <p>Where the lot boundary adjacent to the wall is higher than the natural ground level at the base of the wall, the lesser height is used (Figure 3e).</p> <p>Where a wall has a skillion roof or gable roof above, the height of the wall is calculated to the highest point of the skillion or gable roof (Figure 3h).</p>

<p>61. Figure 4a & 4B</p> <p>Figure 4a – lot boundary setback calculations under Table 2</p>	<p>Figure 4a – lot boundary setback calculations under Table 2</p> <p>Elevation</p> <p>Note</p> <p>Walls to be setback based on the maximum height of that portion of wall W1 is to be setback at S1 based on H1 W2 is to be setback at S2 based on H2</p>	<p>Section</p> <p>The remainder of Figure 4 are no longer required.</p>
<p>Figure 4b – Reduced boundary setbacks (clause 5.1.3 C3.1 i and vi)</p> <p>Note</p> <p>S3 Side boundary setback (Table 2). Setbacks can be reduced by half the width of adjoining battleaxe lot legs, pedestrian access ways or rights-of-way to a maximum of 2m.</p>		

<p>62.</p> <p>Figure 5</p> <p>Figure 5a - Elevation - flat site</p> <p>Figure 5b - Elevation - sloped site</p> <p>Figure 5c - Elevation - sloped site</p> <p>Notes</p> <p>Sa The height of a lot boundary wall shall be measured to the point immediately above the natural ground level below.</p> <p>Sb Where the boundary wall is not consistent in height for its length, or comprises a pitch, the height shall be measured between the lowest point immediately above the natural ground level below and the highest point immediately above the natural ground level below.</p> <p>Sc Where the boundary is sloped and the boundary wall is not consistent in height along its length, the height shall be the height of the wall at its highest point above the natural ground level directly below (H).</p>	<p>Updated to reflect the new boundary wall height calculations due to the removal of averaging calculations.</p> <p>Figure 5c - Elevation - sloped site</p> <p>Notes</p> <p>Sa The height of a lot boundary wall shall be the height of the wall at its highest point above the natural ground level (H).</p> <p>Sb Where the boundary wall is not consistent in height along its length, the height shall be the height of the wall at its highest point above the natural ground level directly below (H).</p> <p>Sc Where the boundary is sloped and the boundary wall is not consistent in height along its length, the height shall be the height of the wall at its highest point above the natural ground level directly below (H).</p>
<p>63.</p> <p>Figure 6a</p> <p>Figure 6a - Measuring open space (clause 5.1.4 C4)</p> <p>Notes</p> <p>S3 Side boundary setback (Table 2)</p> <p>A Uncovered open space</p> <p>B Unenclosed, covered outdoor living area (to a maximum 10 per cent site area or 50m², whichever is lesser)</p> <p>C Side setback area</p> <p>D Uncovered driveway or uncovered car parking spaces</p> <p>Open space = A + B + C + D</p>	<p>Updated to reflect consequential change.</p>

64.	Figure 8 series	<p>Figure 8a – Carport setbacks (clause 5.2.1 C1.2)</p> <p>Notes</p> <ul style="list-style-type: none"> S1 Primary street setback distance (Table 1) S2 Distance behind the primary street setback, equal to S1 S3 Side boundary setback (Table 2) S4 Maximum reduced setback (half S1) S5 Minimum as per clause 5.2.1 C1.1 L2 Maximum 50 per cent of frontage <p>Figure 8b – Garage setbacks (clause 5.2.1 C1.1)</p>	<p>Updated to reflect consequential change.</p> <p>Figure 8b – Garage setbacks (clause 5.2.1 C1.1)</p> <p>Updated to clarify front fence visual permeability calculations for 5.2.4 where fencing is proposed above 1.2m in height.</p> <p>Also clarifies that the height of the front fence is measured from the ground level at the primary street boundary</p> <p>Figure Xa – measuring visually permeable fences above 1.2m (clause 5.2.4 C4.1 and 4.2)</p> <p>Note</p> <ul style="list-style-type: none"> H maximum height of non-visually permeable fencing 1.2 m* P1 pillars may be 1.6m in height* P2 pillar separation of a least 1.3m V area above 1.2m to be visually permeable* <p>* measured from natural ground level on the primary street side of the fence</p>
65.	New figure Xa		

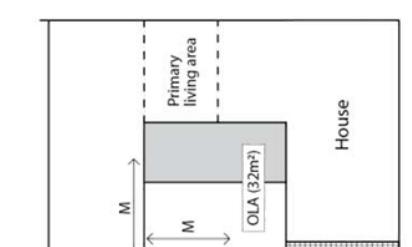
66.	New figure Xc	<p>Figure Xc - Dimensions and calculations for outdoor living areas (clause 5.3.1 C1.1)</p> <p>To clarify the calculation methods and dimensions for outdoor living area.</p> <p>Notes</p> <ul style="list-style-type: none">M is the minimum dimension (4m) for a space to contribute to outdoor living area.Maximum 50% of OLA may be covered area under roof space or eaves.Areas with dimensions less than 4m and not consolidated with OLA are not to contribute to required OLA. 
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Table: An overview of the major modifications proposed to SPP 7.3 Residential Design Codes – Volume 1

Element	Existing Requirement	Proposed Modifications	Implications for the City
1.4 – Application of the R-Codes	Currently R-Codes Volume 1 does not include Residential Medium Density (R-MD) provisions.	<p><i>"The R-MD provisions of the R-Codes apply only to single house proposals that are subject to R-MD provisions through the local planning framework (refer Part 7).</i></p> <p><i>Single house proposals that are subject to R-MD provisions shall satisfy the relevant R-MD standard set out in clauses 5.1.2 and 5.1.3 and Table 1 for setbacks, as well as satisfy all other relevant R-Codes standards."</i></p>	<p>The R-MD Codes (refer to WAPC Planning Bulletin 112) are proposed to be included within the R-Codes Volume 1. These provisions explain where the R-MD Codes are applicable.</p> <p>At its Council Meeting held on 25 May 2020 the City adopted amended LPP 3.10 Residential Design Codes Variations to invoke the R-MD provisions. The amended policy came into effect on 4 June 2020.</p> <p>The City supports the modification.</p>
2.1 R-Code Volume 1 Approval Process	2.3 Development approval is required for the erection of a single house on any lot smaller than 260m ² , except where the single house complies with a structure plan or local development plan.	Deletion of this clause.	<p>In growth areas, Local Development Plans have been required for smaller lots to address development requirements and the streetscape.</p> <p>No development approval required for compliant single houses on lots less than 260m².</p>
5.1.2 Street Setbacks	C3.1	C3.1	<p>The City recognises that, given carports are open style structure, permitting them in the front setback area still permits clear views of the dwelling from the street.</p> <p>The City is supportive of this modification, and has been considering development applications (RDCVs in the case of Proposed modification</p>

Element	Existing Requirement	Proposed Modifications	Implications for the City
	Note: Currently, carports proposed in the front setback area contribute to the calculation of average front setback.	Carports no longer contribute to average front setback calculation.	single houses), permitting front setback variations for carports in accordance with the proposed modification.
5.1.3 Lot boundary setbacks	Tables 2a and 2b. Setback requirements based on whether a wall has a major opening or no major opening.	<p>Simplified assessment method.</p> <p>Removal of Table 2b, modifications to Table 2a (renamed Table 2).</p> <p>Removing the need to consider lot boundary setbacks in accordance to whether there is a major opening.</p>	<p>This modification acknowledges that dwelling proposals were encouraged to have highlight windows on the ground floor in order to achieve a compliant 1m setback. It also acknowledges dwellings were being encouraged to have staggered designs simply to achieve compliant setbacks.</p> <p>The City has been supportive of this modification, through the provision of PLN 3.10 Clause 4.4, permitting a 1m setback to ground floor walls without major openings, irrespective of length.</p> <p>The City has also been supportive of the proposed modifications, and have been considering development applications (RDCVs in the case of single houses), permitting a 1m setback to ground floor walls with major openings.</p> <p>Patios with a maximum of 10m length and 2.7m height permitted with a nil setback to posts behind the street setback.</p> <p>Since 2012, LPP 3.10 has permitted the above modification, and has also permitted further variation to the above requirement for patios over 10m in length (subject to a maximum area of 75m²).</p> <p>This has meant that development approval has not been required by the City.</p>

Element	Existing Requirement	Proposed Modifications	Implications for the City								
		** R-MD coded lots reduced to 1.5m Note: Visual Privacy provisions under clause 5.4.1 still apply.” Addition of new Clause to Part 5.1.3	C3.1 (ii) “The lot boundary setbacks prescribed in Table 1 and Table 2 may be reduced to nil for patios, verandahs or equivalent of less than 10m in length and 2.7m in height, where the patio, verandah or equivalent is located behind the primary street setback and where the eave, gutter and roof are set back at least 0.5m from the lot boundary.”								
5.1.3 Lot Boundary Setbacks	C3.2 Boundary walls are required to meet an average height of 3m (maximum height of 3.5m).	Remove average wall heights to simplify assessment.	The City acknowledges that, due to the change in levels across a lot, minor variation to boundary wall average heights occur. The City has been supportive of this boundary wall height modification through the lodgement of a development applications (RDCVs in the case of single houses).								
5.1.4 Open space	Table 1 (extract) – open space	Reduce open space requirement by 5% for R20 – R60. R80 open space requirements unchanged. Table 1 (extract) – open space	The City has been supportive of this modification, and have been considering Local Development Plans and development applications (RDCVs in the case of single houses), permitting up to 5% reduction to open space provisions, similar to most Local Governments. <table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td>R20</td><td>50</td></tr> <tr> <td>R25</td><td>50</td></tr> <tr> <td>R30</td><td>45</td></tr> <tr> <td>R35</td><td>45</td></tr> </table>	R20	50	R25	50	R30	45	R35	45
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R30	45										
R35	45										

Element	Existing Requirement	Proposed Modifications	Implications for the City																							
			R25	45																						
	R40 45	R25 45	R30 40	R35 40	The City is supportive of this modification as it will reduce the number of proposals requiring a development application (RDCV in the case of single houses) for minor open space variations.																					
	R50 40	R30 40	R40 40	R40 40																						
	R60 40	R30 30	R50 35	R60 35																						
	R80 30	R80 30																								
5.1.6 Building Height	Current wall building heights	Increase wall and building height limits by 1m. Introduction of a skillion roof height.	Maximum building heights (up to two storeys)	The City has been supportive of this modification, and have been considering development applications (RDCVs in the case of single houses), permitting up to 1m variation to wall height and building height provisions.	The City is supportive of this modification as it will reduce the number of proposals requiring a development application (RDCV in the case of single houses) for minor variations to wall heights and building heights.																					
<p>Table 3: Maximum building heights</p> <table border="1"> <thead> <tr> <th colspan="3">Maximum building heights (i)</th> </tr> <tr> <th colspan="3">Category</th> </tr> <tr> <th>A</th> <th>B</th> <th>C</th> </tr> </thead> <tbody> <tr> <td>Top of external wall (root above) (i)</td> <td>3m</td> <td>6m</td> <td>9m</td> </tr> <tr> <td>Top of external wall (concealed end)</td> <td>4m</td> <td>7m</td> <td>10m</td> </tr> <tr> <td>Top of pitched roof (ii) (iv)</td> <td>6m</td> <td>9m</td> <td>12m</td> </tr> </tbody> </table>						Maximum building heights (i)			Category			A	B	C	Top of external wall (root above) (i)	3m	6m	9m	Top of external wall (concealed end)	4m	7m	10m	Top of pitched roof (ii) (iv)	6m	9m	12m
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Element	Existing Requirement	Proposed Modifications	Implications for the City																																
5.3.1	Outdoor Living Area (OLA)	<p>C1.1 An outdoor living area to be provided:</p> <ul style="list-style-type: none"> i. in accordance with Table 1; ii. behind the street setback area; iii. directly accessible from a habitable room of the dwelling; iv. with a minimum length and width dimension of 4m; and to have at least two-thirds of the required area without permanent roof cover. <p>Minimum outdoor living area (m²)</p> <table border="1" data-bbox="298 478 397 1942"> <tr> <td>R20</td> <td>32</td> </tr> <tr> <td>R25</td> <td>32</td> </tr> <tr> <td>R30</td> <td>32</td> </tr> <tr> <td>R35</td> <td>32</td> </tr> <tr> <td>R40</td> <td>32</td> </tr> <tr> <td>R50</td> <td>32</td> </tr> <tr> <td>R60</td> <td>32</td> </tr> <tr> <td>R80</td> <td>32</td> </tr> </table> <p>Minimum outdoor living area (m²)</p> <table border="1" data-bbox="397 478 1316 1942"> <tr> <td>R20</td> <td>30</td> </tr> <tr> <td>R25</td> <td>30</td> </tr> <tr> <td>R30</td> <td>24</td> </tr> <tr> <td>R35</td> <td>24</td> </tr> <tr> <td>R40</td> <td>20</td> </tr> <tr> <td>R50</td> <td>16</td> </tr> <tr> <td>R60</td> <td>16</td> </tr> <tr> <td>R80</td> <td>16</td> </tr> </table>	R20	32	R25	32	R30	32	R35	32	R40	32	R50	32	R60	32	R80	32	R20	30	R25	30	R30	24	R35	24	R40	20	R50	16	R60	16	R80	16	<p>The City has concerns that excessive coverage of outdoor living areas may reduce the useability of open backyard space.</p> <p>The City acknowledges that patios are open sided and still permit access to natural sunlight and natural ventilation.</p> <p>The City supports applications to vary the covered outdoor living area, subject to the patio being open sided to ensure there is no loss of open space.</p> <p>The City is supportive of this modification to increase the size of outdoor living area. For some time the City has been concerned with the increasing loss of backyards. However, it is worth noting that the benefits of this increase in size is partly offset by the increase proposed in the outdoor living area that can be covered.</p>
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Element	Existing Requirement	Proposed Modifications	Implications for the City
5.3.2 Landscaping	Currently landscaping requirement for a space to be available for one tree per dwelling.	<p>"C2.1 Landscaping of single houses, grouped dwellings and multiple dwellings to include the following:</p> <ul style="list-style-type: none"> i. Space for at least one tree per dwelling to be provided on site with a minimum dimension of 2m and that is free of hard ground surface and roof above; and ii. The street setback area with no more than 50 per cent hard surface." 	<p>The City is supportive of this modification. For some time the City has been concerned with the increasing loss of trees and vegetation and was frustrated there was no planning requirement to mitigate this.</p> <p>The City acknowledges that the wider review of the R-Codes Volume 1 being conducted through the DesignWA DPLH team will further consider details of deep soil area dimensions, tree sizes etc for single houses.</p> <p>The City is very supportive of the provision to limit the amount of hard surface within the street setback area.</p>
5.3.3 - Parking	A= within: • 800m of a train station on a high frequency rail route,	<p>Addition of following text:</p> <p>"or multiple bus routes that if combined have timed stops every 15 minutes during weekday peak periods (7 – 9am and 5 – 7pm),"</p> <p>measured in a straight line from the pedestrian entry to the train station platform to any part of a lot; or</p> <ul style="list-style-type: none"> • 250m of a high frequency bus route, measured in a straight line from along any part of the bus route to any part of the lot. 	<p>Modification acknowledges that multiple bus routes can achieve the high frequency bus route requirement.</p> <p>The City acknowledges this provision will result in a greater number of lots being eligible for reduced car parking provisions.</p> <p>The Department's approach relies on residents making the choice to use public transport rather than purchase a vehicle.</p> <p>Note: The City's Intramaps currently stores information of the presence of a high frequency bus route in accordance with the current requirements of the RCodes. The City's Intramaps data would need to be updated to conform to the new requirements.</p>

Element	Existing Requirement	Proposed Modifications	Implications for the City														
5.3.3 - Parking	C3.2 On-site visitors car parking spaces for grouped and multiple dwelling developments provided at a rate of one space for each four dwellings, or part thereof in excess of four dwellings, served by a common access.	<p><i>"Note: This means there is no requirement for visitor parking until the number of dwellings exceeds three and then one visitor bay is required to be provided for every four dwellings served by a common access as illustrated below."</i></p> <table border="1" data-bbox="584 1158 789 1453"> <thead> <tr> <th>Dwellings</th><th>Visitor Bays</th></tr> </thead> <tbody> <tr><td>0 - 3</td><td>0</td></tr> <tr><td>4</td><td>1</td></tr> <tr><td>5 - 8</td><td>2</td></tr> <tr><td>9-12</td><td>3</td></tr> <tr><td>13-16</td><td>4</td></tr> <tr><td>17 - 20</td><td>5</td></tr> </tbody> </table>	Dwellings	Visitor Bays	0 - 3	0	4	1	5 - 8	2	9-12	3	13-16	4	17 - 20	5	<p>This text is broadly relocated from the explanatory guidelines and simplified to align with existing provision wording. It results in the provision of one visitor car bay for each 4 dwellings, where 4 or more dwellings are proposed.</p> <p>The City supports the modification.</p>
Dwellings	Visitor Bays																
0 - 3	0																
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			<p>These provisions simplify the existing provisions (5.3.7 and 5.3.8) into one clause and allow for straightforward height and setback calculations.</p> <p>The City has been supportive of this modification, and have been considering development applications (RDCVs in the case of single houses), permitting minor variations to the current site work and retaining wall setback provisions.</p> <p>The City supports the modification.</p>														
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Element	Existing Requirement	Proposed Modifications	Implications for the City
	C7.2 Excavation or filling within a site and behind a street setback line limited by compliance with building height limits and building setback requirements. C7.3 Subject to subclause C7.2 above, all excavation or filling behind a street setback line and within 1m of a lot boundary, not more than 0.5m above the natural ground level at the lot boundary except where otherwise stated in the scheme, local planning policy, structure plan or local development plan.		C8 Retaining walls greater than 0.5m in height set back from lot boundaries in accordance with the setback provisions of Table 1.

Element	Existing Requirement	Proposed Modifications	Implications for the City												
5.4.1 Visual privacy	Retaining walls 0.5m or less in height may be located up to the lot boundary.	C1.1(i) set back, in direct line of sight within the cone of vision, from the lot boundary, a minimum distance as prescribed in the below (refer Figure Series 10):	<p>The City acknowledges this modification is a result of reduction in lot sizes.</p> <p>The City appreciates this modification will promote full size windows to habitable spaces on the upper floor, thus improving the liveability for occupants of the dwelling.</p> <p>It is worth noting that overlooking and perceived loss of privacy is in some ways, a subjective issue, given the current requirements still permit the naked eye to view further than the cone of vision setback requirements.</p>												
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Element	Existing Requirement (elevated above 0.5m from natural ground level 7.5m. Current cone of vision setbacks for areas coded higher than R50	Proposed Modifications	Implications for the City
		<ul style="list-style-type: none"> • Major opening to bedrooms and studies, 3m. • Major opening habitable rooms other than bedrooms and studies, 6m. 	
5.4.2 Overshadowing	<p>Unenclosed outdoor active habitable spaces (elevated above 0.5m from natural ground level, 6m.)</p> <p>Note: with regard to clause 5.4.2 C2.1 site area refers to the surface of the adjoining lot and is measured without regard to any building on it but taking into account its natural ground level.</p>	<p>Note: with regard to clause 5.4.2 C2.1:</p> <ul style="list-style-type: none"> • dividing fences and buildings with a wall height of 3.5 metres do not contribute to overshadowing, and • site area refers to the surface of the adjoining lot and is measured without regard to any building on it but taking into account its natural ground level. 	<p>The City acknowledges that some sites are challenged due to lot orientation and have been supportive of this modification through the submission of an application.</p>

Element	Existing Requirement	Proposed Modifications into account its natural ground level	Implications for the City		
5.4.3 Outbuildings	C3 Outbuildings that: <ul style="list-style-type: none"> i. are not attached to a dwelling; ii. are non-habitable; iii. collectively do not exceed 60m² in area or 10 per cent in aggregate of the site area, whichever is the lesser; iv. do not exceed a wall height of 2.4m; v. do not exceed a ridge height of 2.4m; vi. are not within the primary or secondary street setback area; vii. do not reduce the amount of open space required in Table 1; and are set back in accordance with Tables 2a and 2b. 	Modifications <p><small>C3 Outbuilding compare with Column A or B of Table 7:</small></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">Table 7</td> <td style="width: 90%;"> Table 4 Non-habitable NSL <ul style="list-style-type: none"> (i) Inhabited or considered in aggregate to be inhabited, or 30% or 10 per cent in aggregate of the ERS area, whichever is the lesser; (ii) Ancillary dwelling associated with a single house and on the same lot where: <ul style="list-style-type: none"> (i) the lot is not less than 450m² in area; (ii) Ancillary dwelling associated with a single house and on the same lot where: <ul style="list-style-type: none"> (a) situated to the outbuilding per lot, no more than 30m from the boundary wall; (b) does not exceed 10m² in area; (c) does not exceed 3m in height; (d) ridge height of 2.4m; (e) no occurrence within the primary or secondary street setback area; (f) does not exceed 3m ridge height of 2.4m; (g) not occurring within the primary or secondary street setback area; (h) does not reduce the amount of outdoor living; (i) is not attached to a dwelling and is non-dwelling; (j) is a non-dwelling; <p><small>Note for the purpose of clause 4 Table 7 an outbuilding shall not exceed 30% of the area not contribute to the boundary wall dimensions.</small></p> <p><small>Column B of the table not contribute to the boundary wall dimensions.</small></p> <p><small>Other clauses 5.1.3.</small></p> </td> </tr> </table>	Table 7	Table 4 Non-habitable NSL <ul style="list-style-type: none"> (i) Inhabited or considered in aggregate to be inhabited, or 30% or 10 per cent in aggregate of the ERS area, whichever is the lesser; (ii) Ancillary dwelling associated with a single house and on the same lot where: <ul style="list-style-type: none"> (i) the lot is not less than 450m² in area; (ii) Ancillary dwelling associated with a single house and on the same lot where: <ul style="list-style-type: none"> (a) situated to the outbuilding per lot, no more than 30m from the boundary wall; (b) does not exceed 10m² in area; (c) does not exceed 3m in height; (d) ridge height of 2.4m; (e) no occurrence within the primary or secondary street setback area; (f) does not exceed 3m ridge height of 2.4m; (g) not occurring within the primary or secondary street setback area; (h) does not reduce the amount of outdoor living; (i) is not attached to a dwelling and is non-dwelling; (j) is a non-dwelling; <p><small>Note for the purpose of clause 4 Table 7 an outbuilding shall not exceed 30% of the area not contribute to the boundary wall dimensions.</small></p> <p><small>Column B of the table not contribute to the boundary wall dimensions.</small></p> <p><small>Other clauses 5.1.3.</small></p> 	Variation to outbuildings requirements, permitting outbuildings less than 10m ² permitted on two lot boundaries. <p>The City is supportive of this modification given such development is minor and generally exempt from Development Approval.</p> <p>LPP 3.4, adopted in 2003, supports greater variations than the above modification. The policy is based on supporting sheds with wall heights and building heights on a sliding scale, as the lot sizes increase.</p>
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5.5.1 Ancillary Dwellings	Deemed-to-comply	Modifications to Deemed to Comply provisions <p>C1 Ancillary dwelling associated with a single house and on the same lot where:</p> <ul style="list-style-type: none"> i. the lot is not less than 350m² in area; 	The City acknowledges that this will promote options for this alternative housing form in the City. <p>This is a new provision and as such, the City has not previously varied the lot size requirement for ancillary dwellings.</p> <p>The City is supportive of this modification.</p>		

Element	Existing Requirement	Proposed Modifications	Implications for the City
	<ul style="list-style-type: none"> ii. there is a maximum plot ratio area of 70m²; iii. parking provided in accordance with clause 5.3.3 C3.1; and iv. complies with all other R-Code provisions, only as they apply to single houses, with the exception of clauses: <ul style="list-style-type: none"> (a) 5.1.1 Site area; (b) 5.2.3 Street surveillance (except where located on a lot with secondary street or right-of-way access); and (c) 5.3.1 Outdoor living areas. <p>Design Principle</p> <p>P1 Ancillary dwelling for people who live either independently or semi-independently to the residents of the single house, sharing some site facilities and services and without</p>	<ul style="list-style-type: none"> ii. there is a maximum plot ratio area of 70m²; iii. parking provided in accordance with clause 5.3.3 C3.1; iv. ancillary dwelling is located behind the street setback line; ancillary dwelling is designed to complement the colour, roof pitch and materials of the single house on the same lot; v. ancillary dwelling does not preclude the single house from meeting the required minimum outdoor living area; and vi. ancillary dwelling complies with all other R-Code provisions, only as they apply to single houses, with the exception of clauses: <ul style="list-style-type: none"> (a) 5.1.1 Site area; (b) 5.2.3 Street surveillance (except where located on a lot with secondary street or right-of-way access); and (c) 5.3.1 Outdoor living areas. <p>Modifications to Design Principle</p>	

Element	Existing Requirement compromising the amenity of surrounding properties.	Proposed Modifications	Implications for the City																																									
		<p>Design Principle</p> <p>F1. Ancillary dwelling in or of a small scale and designed to support principle “Village Green” independently of a demin- esurable unit, which may be located on the front or rear of the dwelling and as such will not require planning permission under the “extending footprint” principle.</p> <p>F2. Ancillary dwelling to complement the owner, design and material of the existing single house and where viable from the street or adjoining properties, contributes positively to the amenity of the neighbourhood and its context.</p>	<p>The City has been supportive of the above modification, and have been considering Local Development Plans and development applications (RDCVs in the case of single houses), permitting variations to the front setback requirement, similar to other growth Local Governments.</p> <p>The City is supportive of this modification.</p>																																									
Table 1	Minimum setbacks for R20/R25 primary street setback 6 metres.	Minimum setbacks for R20/R25 primary street setback 5 metres.																																										
Table 1	R-MD provisions currently not part of RCodes Volume 1.	<p>Update Table 1 (extract) to reflect provision changes and insert the following for R-MD coded lots:</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <th rowspan="2">R-MD code</th> <th rowspan="2">New minimum average lot size</th> <th colspan="2">Minimum rear setback (m)</th> <th colspan="2">Minimum side setback (m)</th> <th colspan="2">Other setback</th> </tr> <tr> <th>Primary street (m)</th> <th>Secondary street (m)</th> <th>Average (m)</th> <th>Front (m)</th> <th>Rear (m)</th> </tr> <tr> <td>R-MD 25</td> <td>32</td> <td>3</td> <td>2</td> <td>1</td> <td>1</td> <td>-</td> </tr> <tr> <td>R-MD 30</td> <td>32</td> <td>2</td> <td>2</td> <td>1</td> <td>1</td> <td>-</td> </tr> <tr> <td>R-MD 40</td> <td>32</td> <td>2</td> <td>2</td> <td>1</td> <td>1</td> <td>-</td> </tr> <tr> <td>R-MD 60</td> <td>32</td> <td>2</td> <td>2</td> <td>1</td> <td>1</td> <td>-</td> </tr> </table>	R-MD code	New minimum average lot size	Minimum rear setback (m)		Minimum side setback (m)		Other setback		Primary street (m)	Secondary street (m)	Average (m)	Front (m)	Rear (m)	R-MD 25	32	3	2	1	1	-	R-MD 30	32	2	2	1	1	-	R-MD 40	32	2	2	1	1	-	R-MD 60	32	2	2	1	1	-	<p>Amendments to reflect new requirement for the provision of 32m² for lots zoned R-MD 25 – R-MD 60.</p> <p>The City is supportive of the increased, more uniformed approach to the provision of outdoor living area.</p> <p>For some time the City has been concerned with the increasing loss of backyards. However, it is worth noting that the benefits of this increase in size is partly offset by the increase proposed in the outdoor living area that can be covered.</p>
R-MD code	New minimum average lot size	Minimum rear setback (m)			Minimum side setback (m)		Other setback																																					
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R-MD 60	32	2	2	1	1	-																																						
Part 7	Refer to attached Schedule of proposed modifications R-Codes Volume 1 interim review.	Refer to attached Schedule of proposed modifications R-Codes Volume 1 interim review.	<p>Clarifies ability of instruments adopted under local planning frameworks to amend DTC provisions.</p> <p>Clarifies status of existing planning instruments adopted prior to gazettal of R-Codes, that they can continue to operate.</p>																																									

Element	Existing Requirement	Proposed Modifications	Implications for the City
			Provides ability for local planning instruments to apply R-MD standards to single house development in Urban Development zoned areas. Reflects the position that local development plans must still be consistent with the R-Codes.
Definitions	Existing Definitions	Modified definitions and additional Refer to attached Schedule of proposed modifications R-Codes Volume 1 interim review.	The City supports the modifications.
Figures	Existing Figures	Modified figures Refer to attached Schedule of proposed modifications R-Codes Volume 1 interim review.	The City supports the modifications.