Agenda attachments

Strategic Planning and Transport Committee

Wednesday, 19 August 2020, 6.00pm

City of Fremantle

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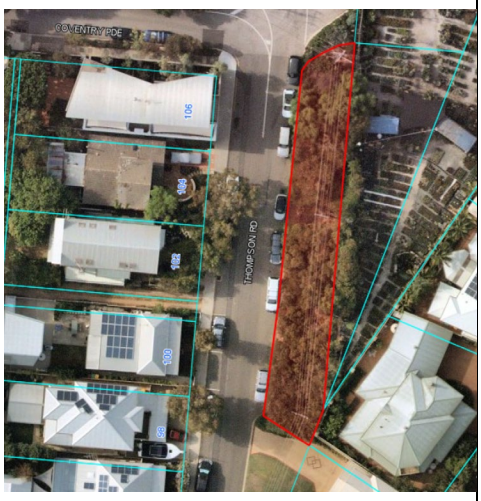
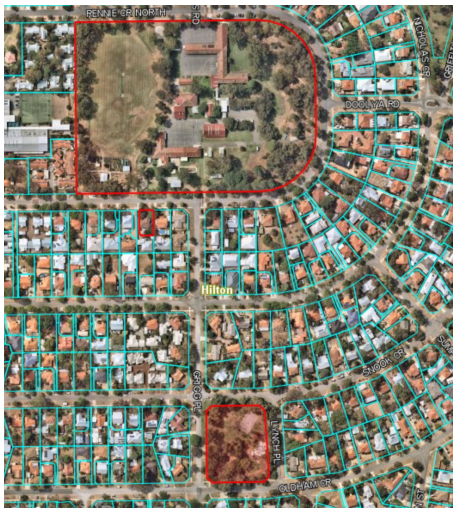
SPT2008-1 NOMINATIONS FOR THE REGISTER OF SIGNIFICANT TREES AND VEGETATION AREAS - 2020

ATTACHMENT 1 -Schedule of Nominations 2020 – Significant Trees & Vegetation Areas Register

Nominated Tree/ Vegetation and Submitter reason for nomination	**Officer comment**
Trees, top of Thompson Road (eastern side) NORTH FREMANTLE  Reasons provided in nomination: *It is one of the few sites of pre-European vegetation left in north Fremantle away from the edge of the river.* Plant species information provided in nomination: Species: *Native wattle trees* Approximate height: *4-5 m* Approximate girth: *A group of small wattle trees* Approximate age: *Remnant pre-European vegetation*	Approx 450m^2 (0.045ha) of roadside verge. Maintained as street garden by the City of Fremantle, known as '*Thompson Rd Agonis hedge'*. The vegetation currently provides a visual screen from the rear of an '*industrial improved – multi'* property. Vegetation includes *Agonis flexuosa*, *Acacia spp* and *Leptospermum laevigatum* (Victorian tea tree). Acacias generally live for around 12 to 15 years. Victorian tea tree is not native to Western Australia and is an invasive woody weed in natural environments. Bushland restoration works include the removal of this species due to its ability to establish in and dominate a natural landscape. Vegetation at this site requires heavy pruning annually to maintain overhead powerline clearance, and visibility and access for road users. Monthly maintenance includes weed control, dead vegetation removal and litter control. This is undertaken in conjunction with nearby '*Coventry Pde - Foundry Crt garden'* vegetation. Trees are maintained in accordance with the City's *Street and Reserve Tree Policy* adopted by Council October 2017. If a vegetation condition scale for natural area assessments could be applied in this situation, this vegetation community would be considered in degraded or very poor condition, or completely degraded. There is scope for some improvement with more intensive management. • This site does not form part of a Perth Regional Ecological Linkage.

	• Together with the '*Coventry Pde - Foundry Crt garden'*, this site sits within a South West Regional Group local linkage (South West Group 2014, *Towards establishing a green network*) and is recognised as part of a green link in the City's *Green Plan 2020*, connecting the river to the coast. • It is adjacent to, but not within, a Bush Fire Prone Area under SPP 3.7. • The site is not identified as an area for priority conservation action. Current level of protection is considered sufficient.
Screening vegetation along west side of Marine Terrace, adjoining railway line FREMANTLE and SOUTH FREMANTLE Reasons provided in nomination: *While this continuous plantation from South Beach to Howard St, is currently in poor condition, it provides an important visual & sound barrier to the increasing rail traffic. It also represents approx 70% of all vegetation in Marine Tce, which typically has*	Narrow belt of vegetation of up to 1.5 – 2.0m width in places and approximately 1.5 km in length. Vegetation is in intermittent clumps adjacent to the railway line, dual use path and street parking along Marine Terrace. Vegetation maintenance is the responsibility of various landowners and managers depending on the location (City of Fremantle, Commissioner of Railways, and Public Transport Authority). Vegetation currently provides a visual screen and possible noise reduction from train traffic, with some green relief from the surrounding hardscape. Vegetation consists of a variety of Acacia species with some tree species, including *Casuarina* and *Melaleuca* tree species as part of the street tree landscape. If a vegetation condition scale for natural area assessments could be applied in this situation, the vegetation belt would be classified as completely degraded. Trees are maintained in accordance with the City's *Street and Reserve Tree Policy* adopted by Council October 2017. Vegetation requires heavy pruning 2 to 3 times annually to maintain visibility and access for road users, dual use path, and car parking.

substandard verge planting for one of Fremantle's significant access streets. *It is important if City of Fremantle really values its street & Reserve vegetation that this 'buffer' is more regularly maintained and in particular protected from the efforts of several land owners living on opposite side of Marine Tce. It is regularly vandalised for the sake of 'protecting' their perceived views.*	• This belt of vegetation does not form part of a Perth Regional Ecological Linkage. • The belt does not sit within a South West Regional group local linkage (South West Group 2014, *Towards establishing a green network*). • The area is recognised as part of a green link in the City's *Green Plan 2020*, extending north-south along the coast. • This area is not identified as an area for priority conservation action. Current level of protection is considered sufficient.
Trees, Hilton Primary School, Grigg Park and other areas throughout HILTON *Remnant Bushland*  Reasons provided in nomination: *Hilton (including Hilton Primary School) is on land that is of Significant Cultural Heritage - it also creates an environment that houses a bird population and creates the environment that surrounds the School the Health Clinic —- all public/ community amenities incl Meeralinga*	Hilton Primary School is the owned by Department of Education, with leases to City of Fremantle and Hilton Harvest Community Garden. Hilton street and reserve trees, including Grigg Park are maintained in accordance with the City's *Street and Reserve Tree Policy* adopted by Council October 2017. If a vegetation condition scale for natural area assessments could be applied in this situation, these parklands and streetscapes would be classified as completely degraded, as they comprise of only isolated native trees or shrubs. • Hilton does not contain any areas identified for priority conservation action. • Hilton does not contain any part of a Perth Regional Ecological Linkage. • A South West Regional Group local linkage (South West Group 2014, *Towards establishing a green network*) extends east-west through Hilton on an alignment that passes through the northern section of Hilton Primary School, this alignment is also recognised as part of a green link in the City's *Green Plan 2020*. Current level of protection is considered sufficient.

Trees, Cypress Hill NORTH FREMANTLE Reasons provided in nomination: *Aboriginal Heritage Listing and the Sacredness of the area*	Two areas could be interpreted as Cypress Hill. The first is Cypress Hill, bounded by Harvest Rd, Ainslie St and private residences. The land parcels that make up this area are owned by Western Australian Planning Commission and managed by Department of Planning, Lands and Heritage. The second is Cypress Hill public open space and is adjacent to Rocky Bay Reserve, and likely includes some part of this Reserve as well. That part of Cypress Hill POS that is adjacent to Rocky Bay Reserve is managed as natural area reserve together with Rocky Bay Reserve by the City of Fremantle. Both Cypress Hill areas are within the Development Control Area as defined under the *Swan and Canning Rivers Management Act 2006,* administered by Department of Biodiversity Conservation and Attractions (DBCA). The *Swan and Canning Rivers Management Regulations 2007* also apply. Management of vegetation at Cypress Hill and broader North Fremantle Foreshore is also guided by the following Council adopted documents: *- North Fremantle Foreshore Management Plan (2013),* *- North Fremantle Foreshore Vegetation Management (2017),* *- Rocky Bay and Cypress Hill Bushfire Hazard Reduction Plan (2017)* and - works carried out under a DBCA permit for bushfire hazard reduction works. In addition, trees are maintained in accordance with the City's *Street and Reserve Tree Policy* adopted by Council October 2017. The conservation of the vegetation within the North Fremantle Foreshore is also provided for in a number of local planning policies (including DGN1, DGN6, DGN7, DGN9, and DGN11). The North Fremantle Foreshore contains and is adjacent to registered Aboriginal Heritage Sites under the *Aboriginal Heritage Act 1972*. Ongoing management and maintenance of

	riparian vegetation is undertaken consistent with a Section 18 Consent given under the Aboriginal Heritage Act 1972. In addition, community consultation for the management plan 2013 included engagement with South West Aboriginal Land and Sea Council representing the interests of Traditional Owners in the development and review of the management plan. Current level of protection is considered sufficient.
Tree, Esplanade Park FREMANTLE Reasons provided in nomination: *A lone Cedar among Norfolk pines opposite the Esplanade Hotel.* *In the last 25 years a small group of nankeen night heron has roosted in this tree. They also used a similar tree about 50m south until it was cut down. They do not seem to roost in any other tree.*	Trees are maintained in accordance with the City's *Street and Reserve Tree Policy* adopted by Council October 2017. Current level of protection is considered sufficient.
Tree 1 *Eucalyptus grandis* (Rose Gum) Tree 2 *Eucalyptus camaldulensis* (River Red Gum) 7/18 John Street, NORTH FREMANTLE Reasons provided in nomination: *Both tall and in good health.* *Visual/Aesthetic/Landmark Value* *Ecological value* *Strata/Community benefits* *Habitat/food source for endangered wildlife* *High quality food source for declining native bees.*	See independent arborist report

Concerns over neighbours pruning overhanging branches of the Rose Gum tree.	

SPT2008-2 REVIEW OF R-CODES VOLUME 1 2020 – SUBMISSION

ATTACHMENT 1 -R-Codes Review 2020 – Detailed & technical comments

CLAUSE CHANGES

No	Element	Current Clause	Proposed Modification	Rationale
1.	**1.4 – Application of the R-Codes**	**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: • all **single houses**; • all **grouped dwellings**; and • **multiple dwellings** in areas with a coding of less than R40. 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. Part 7 applies to the **local planning framework**. Throughout this document, words written in **bold** print have a corresponding definition listed in Appendix 1.	**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: • all **single houses**; • all **grouped dwellings**; and • **multiple dwellings** in areas with a coding of less than R40. 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). 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. 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. Part 7 applies to the **local planning framework**. Throughout this document, words written in **bold** print have a corresponding definition listed in Appendix 1.	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.
2.	**2.1 R-Code Volume 1 Approval Process**	**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. **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. **2.1.4** All **residential development** is to comply with the requirements of the R-Codes. Approval under and in accordance with the R-Codes Volume 1 is required if the proposed residential development: (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**. 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. **2.2 Single house approval** **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. **2.2.2** Where a proposal for a **single house***: (a) does not satisfy the **deemed-to-comply** provisions; and	**2.1.2** All **residential development** is to comply with the requirements of the R-Codes Volume 1. A development application is required if: (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**. **2.1.3** A development application required pursuant to clause 2.1.2 shall be lodged with the relevant **decision-maker** for assessment and determination. **2.1.4** 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. **2.1.5** The **decision-maker** may waive the requirement for development approval for amendments to existing development approvals if it is satisfied: (i) the application relates to a minor amendment to the development approval; (ii) the amendment would not substantially change the development approved; 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. **2.2 Judging merit of proposals**	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.

- The proposed clarification is supported
- The formalisation of the R-MD provisions in the R-Codes is supported
- The proposed simplification is supported

CLAUSE CHANGES				
No	Element	Current Clause	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 *Planning and Development (Local Planning Schemes) Regulations 2015* (as amended). **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 260m2, except where the single house complies with a **structure plan** or **local development plan**. **2.4 Judging merit of proposals** Where a 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). **2.5 Exercise of judgement** **2.5.1** 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). **2.5.2** 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. **2.5.3** 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**). **2.5.4** 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 1and the relevant provisions of the **scheme** and any relevant **local planning policy**. **2.5.5**	**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**. **2.2.3** 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. **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. *Note: Refer to Part 7 for details on amendments to R-Codes Volume 1 provisions that are permissible though the local planning framework.* **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**. **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 Single house approval** **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**. **2.5.2** Where 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;	

No	Element	CLAUSE CHANGES Current Clause	Proposed Modification	Rationale	
		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.	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, 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).		• The clarification of the intended exemption of swimming pools and pergolas is supported. It may create confusion and rely on reference to the exemptions in the P&D Regs. • The formalisation of the R-MD provisions in the R-Codes is supported • The proposed clarification is supported • The proposed clarification is supported
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**	**Objectives** 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: • **landscaped** to establish streetscapes; • provide a balanced setting and relationship to **buildings**; and • provide privacy, direct sun and recreational opportunities. (d) To ensure that **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**.	**Objectives** (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 for **buildings** and to ameliorate limit the impacts of building bulk, privacy overlooking, and overshadowing on **adjoining properties**. (d) To ensure that **open space** (private and communal) is provided on site that and: • Is **landscaped** to establish enhance streetscapes; • Complements nearby provide a balanced setting and relationship to **buildings**; and • provides privacy, direct sunlight and recreational opportunities. 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**.	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: 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** as the case may be (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**).	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: 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** as the case may be (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.	

CLAUSE CHANGES				
No	Element	Current Clause	Proposed Modification	Rationale
6.		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: i. for the purposes of an aged or **dependent persons'** **dwelling** or a single **bedroom dwelling**, 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**; iii. the area of any existing lot, survey strata lot or strata lot with permanent legal access to a public road, notwithstanding that it is less than that required in **Table 1**.	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: 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**; 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 it~~ is less than that required in **Table 1**.	Amended for clarity.
7.	**5.1.2 Street Setbacks**	C2.1 **Buildings** set back from the **primary street** boundary: i. in accordance with **Table 1**; ii. corresponding to the average of the **setback** of existing **dwellings** on each adjacent property fronting the same **street**; iii. 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**); iv. in the case of areas coded R15 or higher, where: • 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. C2.2 **Buildings** set back from the **secondary street** boundary in accordance with **Table 1**. C2.3 **Buildings** set back from the corner truncation boundary in accordance with the secondary street setback in Table 1. 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 façade as viewed from the street (refer **Figure 2b**). Projections greater than 1m and exceeding 20 per cent of the building façade at any level are subject to an equivalent open area under clause 5.1.2 C2.1iii.	C2.1 **Buildings** (excluding carports, front fences, retaining walls and siteworks) set back from the **primary street** boundary: i. in accordance with **Table 1**; ~~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** ~~and 2c~~); 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: • 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. C2.2 **Buildings** set back from the **secondary street** boundary in accordance with **Table 1**. C2.3 **Buildings** set back from the corner truncation boundary in accordance with **Table 1**. 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~~	Amended to delete existing clause C2.1 ii as considering adjoining properties and streetscape context often requires planning review and judgement. Subsequent sub clauses renumbered. Renumbered clause C2.1 ii exempts carports 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. Where R-MD codes apply, the requirement for the building street setback to average does not apply. C2.1iii amended for clarity, intent unchanged. C2.4 amended to support streetscape activation by encouraging appropriate encroachments into the primary street setback area.

- The proposed clarification is supported
- The proposed simplification is supported.
- Comment: C2.1 iii. Should specify that a porch, verandah, balcony or the equivalent should be "unenclosed" on three sides, similar to C2.4.

CLAUSE CHANGES

No	Element	Current Clause	Proposed Modification	Rationale
			~~such projections does not exceed 20 per cent of the building façade as viewed from the street (refer Figure 2b). Projections greater than 1m and exceeding 20 per cent of the building façade at any level are subject to an equivalent open area under clause 5.1.2 C2.1iii.~~	
8.	**Figure 2** (see all draft new figures below)	Figure 2a – measuring primary street setbacks (cl 5.1.2 C2.1iii)	Figure 2a – measuring primary street setbacks (cl 5.1.2 C2.1~~iii~~) Amended to remove references to changed provisions	Consequential to 5.1.2 C2.1
		Figure 2b – measuring minor projections into primary street setback	Amend to clarify porch (or equivalent) can project to "s4" line	Consequential to 5.1.2 C2.4 amendment.
		Figure 2c – measuring street setback for garages and carports	Amend to remove 4.5m reference	Consequential to 5.1.2 C2.4 and 5.2.1 C1.1 amendments.
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. buildings set back from lot boundaries in accordance with **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**).	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. buildings set back from lot boundaries in accordance with **Table 1** and Table ~~2a and 2b~~ (refer to **Figure Series 3** ~~and 4~~); 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. iii. **unenclosed** areas accessible for use as **outdoor living areas**, elevated 0.5m or more above **natural ground level**, set back in accordance with **Table 2** as though they ~~were major openings to habitable rooms~~ with have a **wall height** of 2.4m above their floor level; iv. 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; v. minor projections from the dwelling such as a chimney, other architectural feature or an eaves overhang not projecting more than 0.75m into a **setback** area; and vi. 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 figure~~s 2b and~~ **4b**). **Table 2 – Building setbacks based on wall height** | Wall height* (m) | Setback (m) | | 3.5 or less | 1.2 | | 4 | 1.5 | | 6 | 2** | | 8 | 2.5** | | 9 | 3** | | 10 | 3.5** | * Take the nearest higher value for all height ~~and length~~ calculations. ** R-MD coded lots reduced to 1.5m Note: Visual Privacy provisions under clause 5.4.1 still apply.	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. C3.1ii – this clause acknowledges that WA has great outdoor lifestyle opportunities, and reduced setbacks to maximise outdoor living areas is desirable and a regular discretion exercised by local government. The provision aligns with the BCA and is limited to a height and dimension.
10.	**5.1.3 Lot Boundary Setbacks**	C3.2 **Walls** may be built up to a **lot 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**:	C3.2 **Walls** may be built up to a ~~lot boundary, survey strata boundary, or indicative lot site~~ boundary behind the **street setback** (specified in **Table 1** and in accordance with clauses 5.1.2 and 5.2.1~~, 5.2.2~~), within the following limits and subject to the overshadowing provisions of clause 5.4.2 and **Figure Series 11**:	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

- The simplification of setbacks calculation is supported, particularly removing the different calculation for walls with/without major openings.
- The reduced setback for minor and incidental structures is supported however, a note should be added to clarify that in regard to C3.1 ii, the patio, verandah or equivalent to be unenclosed to the boundary.
- The simplification of the boundary wall calculation is supported including the removal of the average height requirements,

CLAUSE CHANGES				
No	Element	Current Clause	Proposed Modification	Rationale
11.	Figure Series 3	Figure Series 3 – measuring wall height for lot boundary setbacks	All figures amended – see figures at the end of the document	

i. where the **wall** abuts an existing or simultaneously constructed wall of similar or greater dimension;

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;

iii. 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** behind the front **setback**, to one side boundary only; or

iv. where both the subject **site** and the affected adjoining **site** are created in a plan of subdivision submitted concurrently with the **development** application.

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** means a **wall**, on or less than 600mm from any **lot boundary** (**green title** or **survey strata lot**), other than a street boundary.

i. ~~**an average of 3m or less**~~, in areas coded R20 and R25, **walls** not higher than 3.5m ~~with~~ 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

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

iii. where both the subject site and the affected adjoining **site** are created in a plan of subdivision submitted concurrently with the **development** application for the proposed development, and the boundary walls are interfacing and of equal dimension; or

iv. where the **wall** abuts an existing or simultaneously constructed boundary wall of ~~**similar**~~ equal or greater dimension.

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.

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 R60, 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.

ensure consistency between local governments.

C3.1 iii modified for clarity

C3.2 iv "equal" rather than "similar" to clarify interpretation.

"lot boundary" is changed to "site boundary" to improve different typology opportunities in grouped dwellings and provide for commonly accepted variation.

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.

- however a 3m maximum is considered sufficient.
- The clarification that posts are not considered to be a boundary wall if location on (within 600mm) from the boundary is supported.
- The clarification that setbacks are from the site boundary is supported.
- Where 'site boundary' is referred to in Note 1, it should include specific reference to 'strata lot' in addition to 'green title' and 'survey strata'.

<table>
<tr>
<td>12.</td>
<td>5.1.4 Open Space</td>
<td>Table 1 (extract) – open space
<table><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></td>
<td>Table 1 (extract) – open space
<table><tr><td>R20</td><td>45</td></tr><tr><td>R25</td><td>45</td></tr><tr><td>R30</td><td>40</td></tr><tr><td>R35</td><td>40</td></tr><tr><td>R40</td><td>40</td></tr><tr><td>R50</td><td>35</td></tr><tr><td>R60</td><td>35</td></tr><tr><td>R80</td><td>30</td></tr></table></td>
<td>Five percent deducted from all open space standards to allow for commonly accepted 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.</td>
</tr>
<tr>
<td>13.</td>
<td>5.1.6 Building Height</td>
<td>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).
Table 3: Maximum building heights
<table><tr><th colspan="4">Maximum building heights (i)</th></tr><tr><th></th><th colspan="3">Category</th></tr><tr><th></th><th>A</th><th>B</th><th>C</th></tr><tr><td>Tops of external wall (roof above) (ii)</td><td>3m</td><td>6m</td><td>9m</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></table>
i. 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.
ii. Gable walls above eaves height:
• 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.
iii. Applies to ridges greater than 6m long. Short ridges: add 0.5m height for each 2m reduction in length.
iv. 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.</td>
<td>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):
Table 5: Maximum Building Heights
<table><tr><td colspan="3">Maximum building heights</td></tr><tr><td>i</td><td>Building height</td><td>7m</td></tr><tr><td>ii</td><td>Building height including gable, skillion and concealed roof</td><td>8m</td></tr><tr><td>iii</td><td>Building height including pitched roof</td><td>10m</td></tr></table>
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):
Table 6: Maximum Building Heights
<table><tr><td colspan="4">Maximum building heights</td></tr><tr><td></td><td></td><td colspan="2">Category</td></tr><tr><td></td><td></td><td>A</td><td>C</td></tr><tr><td>i</td><td>Building height</td><td>3m</td><td>9m</td></tr><tr><td>ii</td><td>Building height including gable, skillion and concealed roof</td><td>4m</td><td>10m</td></tr><tr><td>iii</td><td>Building height including pitched roof</td><td>6m</td><td>12m</td></tr></table>
~~i. 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.~~
~~ii. Gable walls above eaves height:~~
~~• 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.~~
~~iii. Applies to ridges greater than 6m long. Short ridges: add 0.5m height for each 2m reduction in length.~~
~~iv. 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.~~</td>
<td>Revised clause and table to allow for increased heights to account for modern building standards (higher ceilings and allowance for services).

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.

Category A and C building heights are relocated 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.

Tables embedded in clause to avoid cross-referencing and improve legibility.</td>
</tr>
<tr>
<td>14.</td>
<td>5.2.1 Setback of garages and carports</td>
<td>C1.1 Garages set back 4.5m from the primary street except that the setback may be reduced:
i. in accordance with Figure 8b where the garage adjoins a dwelling provided the garage is at least 0.5m behind the</td>
<td>C1.1 Garages set back ~~4.5m from the~~ in accordance with the primary street setback except that the setback may be reduced:
i. up to 50 per cent in accordance with clause 5.1.2 C2.1ii; and</td>
<td>The impact of garage and garage doors can be significant, particularly where forward of the dwelling. C1.1 i and ii operate together, by only allowing reduced garage setbacks where the</td>
</tr>
</table>

- The reduction in the open space requirement is strongly opposed. The loss of open space and loss of tree canopy continue to be one of the strongest objections to infill development. The justification to reduce this requirement is not substantiated.
- The simplification of the building height calculation and the inclusion of skillion roof forms is supported.
- The rationale for the across-the-board increase, especially given the changes to the way wall height is to calculated is of slightly questionable necessity.
- Reference to 'Building height' (i) of Table 5 should be 'wall height'.
- The use of the term 'complement' in relation roof pitch, colours and materials is problematic for heritage listed properties and areas in Fremantle and also in terms

		ii. dwelling alignment (excluding any **porch**, **verandah** or **balcony**); or, to 3m where the garage allows vehicles to be parked parallel to the **street**. The **wall** parallel to the street must include openings. C.1.2 **Carports** set back from the **primary street** in accordance with clause 5.1.2 C2.1. 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. C1.4 **Garages** and **carports** set back 1.5m from a **secondary street**. C1.5 **Carports** within the **street setback area** in accordance with clause 5.1.2 C2.1iii 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**).	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 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**. 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: 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**). C1.3 **Garages** and **carports** built up to the boundary abutting a ~~private street~~-**communal 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. C1.4 **Garages** and **carports** set back 1.5m from a **secondary street**. ~~C1.5~~ **clause incorporated in C1.2**	garage is a minimum 0.5m behind the dwelling alignment, or at least set back behind the primary setback area. Combined C1.2 and C1.5 to simplify the provision. 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. C1.2i included to promote well designed carports compatible with the dwelling façade to support good streetscape quality. Further guidance will be provided within the explanatory guidelines.	of greater clarity of a 'deemed to comply' pathway.
15.		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.	P1 ~~The setting back of~~ **Carports** and **garages** set back to maintain clear sight lines along the **street**, ~~and~~ **not** to not obstruct views of dwellings from the street and vice versa, and ~~not to detract from~~ the appearance of **dwellings**.	Design principle amended to ensure that design aspects can be considered in the context of both the street and dwelling.	
16.	**Figure Series 8**			Amend figure series to clarify changes to 5.1.2 and 5.2.1.	
17.	**5.2.2 Garage width**	C2 Where a **garage** is located in front or within 1m 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**).	C2 ~~Where a garage is located in front or within 1m 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** more than half the width of the garage and its supporting structures (or a garage wall where a garage is aligned parallel to the street) and the entrance to the **dwelling** is clearly visible from the primary street (refer to **Figure 8c**).	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. 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.	

18.	**5.2.4 street walls and fences**	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.	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**) 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**).	New clause 5.2.4 provides DTC standard for common pier and panel fencing that can in some LG jurisdictions trigger a development application. 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.
19.	**Figure Series X**	No existing	Included to clarify fence provisions	
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, other structures adjoin vehicle access points where a **driveway** meets a public **street** and where two streets intersect (refer **Figure Series 9**).	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: 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**)	Amended to clarify intent that site lines are provided to both the public street, and private streets (like common property access legs).
21.	**5.3.1 Outdoor living areas**	C1.1 An outdoor living area to be provided: 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.	C1.1 An outdoor living area to be provided: i. in accordance with **Table 1**; ii. behind the **street setback area**; iii. directly accessible from a ~~habitable room~~ **primary living space** 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**).	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 increase in overall OLA ensures that the allowable covered space does not result in reduced natural light and ventilation access.
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 10m² 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 10m² and minimum dimension of 2.4m.	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.
23.		Design principle P1 Outdoor living areas which provide spaces: • 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.	Design principle P1 A consolidated outdoor living areas is provided per dwelling which provide spaces for entertaining, leisure and connection to the outdoors that is: • of sufficient size and dimension to be functional and usable; • capable of use in conjunction with a ~~habitable room~~ primary living space of the dwelling; • sufficient in uncovered area to allow for ~~open to~~ winter sun and natural ventilation; • sufficient uncovered area to provide for landscaping, including planting of a tree(s); and • optimises ~~ed~~ use of the northern aspect of the site. P2 Where provided within the street setback area, the outdoor living area: • achieves the design principles contained in 5.3.1 P1, • facilitates street surveillance between the dwelling and the street; and • minimises the use of front fences and walls above 1.5 metres.	This design principle is updated to support the changes to the DTC provision, reflect the intent outlined in the 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. 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.

- The clarification of a maximum height of the piers is supported, however it recommended that the overall height of the entire fence be specified.
- Support clarification of the sightline provisions.
- Support the clarification of the OLA requirements and design principles including the inclusion of a design principle relating to the use of primary street fencing.

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 room~~ 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.
25.	**Figure series X**	No existing	Figure Xc – Dimensions and calculations for outdoor living areas (clause 5.3.1 C1.1)	Included to assist OLA assessment
26.	**Table 1**	Minimum outdoor living area (m^2) R20 30 R25 30 R30 24 R35 24 R40 20 R50 16 R60 16 R80 16	Minimum outdoor living area (m^2) R20 ~~30~~ 32 R25 R30 R35 R40 R50 R60 R80	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.
27.		Refers to **Tables 2a** and **2b**	Refer to **Table 2**	Consequential modification due to simplification.
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 parking areas; v. bin storage areas conveniently located and screened from view; vi. trees which are greater than 3m in height shall be retained, in **communal open space** areas which are 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; 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.	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 roof above; and ii. The **street setback area** with no more than 50 per cent hard surface. 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 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;~~ the **street setback area** developed without car parking, except for visitors' bays; iii. **landscaping** between each ~~six~~ two consecutive ~~external~~ 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.~~	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 C2.2i 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.

- The increase in the minimum area of OLA is supported.
- The introduction of more effective landscaping and tree planting requirements for new development is strongly supported however, the requirement should include the planting of a tree, not just provision of *space* for a tree.

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.	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.	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: • 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.	A≡ within: • 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.	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.
31.		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.	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. 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: **Dwellings** / **Visitor bays** 0 -3 / 0 4 / 1 5-8 / 2 9 -12 / 3 13-16 / 4 17-20 / 5	One visitor car bay is now required for four dwellings or more. 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.
32.	**5.3.5 Vehicular access**	C5.1 Access to on site car parking spaces to be provided: • 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**;	C5.1 Access to on site car parking spaces to be provided: • 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**;	Amended for clarity and to limit unnecessary crossovers onto adjacent streets where communal street access is available.
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. 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. 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. 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. C6.5 Pedestrian paths provided as required by clause 5.3.2 C2 ii.	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. C6.42 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. C6.43 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), ~~provides an accessible path of travel and is at least 1.2m in width.~~ C6.24 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.	Amended and re-ordered for clarity. 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.

- The calculation of multiple trips may be problematic in terms of greater clarity for a 'deemed to comply' pathway.
- The clarification of visitor parking is supported.
- The clarification of access requirements to include communal streets in the DTC wording is supported.

34.	**5.3.7 Site works**	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**. 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**.	Delete 5.3.7 and 5.3.8, renumber subsequent clauses and insert the following: **5.3.7 – Site works and retaining walls** 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**. C7.2 Retaining walls, fill and excavation within the site and behind the required **street setback** to comply with **Table 4** **Table 4 – Setback of site works and retaining walls** **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** 0.5m or less: 0m / 0m 1m: 1m / 1m 1.5m: 1.5m / 3m 2m: 2m / 4m 2.5m: 2.5m / 5m 3m: 3m / 6m 3.5: 3.5m / 7m 4m: 4m / 8m 4.5: 4.5m / 9m 5m+: 5m / 10m * Take the nearest higher value for all height and length calculations.	These provisions simplify the existing provisions (5.3.7 and 5.3.8) into one clause and allow for straightforward height and setback calculations. This clause also permits site works and retaining walls that are less than 0.5m to be located up to a side lot boundary within the front setback area, a common variation. Note: building permits are not required for retaining walls unless they exceed 500mm. There are minor variations to the setback provisions for site works, however it is considered that the clarity of assessment will outweigh the potential number of additional applications.
35.	**5.3.8 Retaining walls**	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.	Note: Visual Privacy provisions under clause 5.4.1 still apply	
36.	**5.3.9 Stormwater management**	5.3.9 Stormwater management	Renumber provision ~~5.3.9~~ 5.3.8 Stormwater management	Consequential amendment due to amalgamation of clauses 5.3.7 and 5.3.8.
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**): Types of habitable rooms/active habitable spaces / location: Setbacks for areas coded R50 or lower / Setbacks for areas coded R60 or higher Major openings to bedrooms and studies: 4.5m / 3m Major openings to habitable rooms other than bedrooms and studies: 6m / 4.5m Unenclosed outdoor active habitable spaces: 7.5m / 6m	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**): Types of habitable rooms/active habitable spaces / location: Setbacks for areas coded ~~R50~~ R25 and lower / Setbacks for areas coded R30 and higher Major openings to bedrooms and studies: 4.5m / 3m Major openings to habitable rooms other than bedrooms and studies: 6m / 4.5m	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.

- The attempt to simplify the setback calculations for retaining walls is considered more complicated than necessary.
- The reduced visual privacy setbacks will streamline the approval process for many dwellings is supported, however it is likely to lead to increased levels of dissatisfaction from neighbours in established areas.

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.	Unenclosed outdoor active habitable spaces	7.5m	6m	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.
			Note: 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.			
39.	**5.4.3 Outbuildings**	C3 Outbuildings that: 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:			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 particularly, 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.
			Table 7			
			A Multiple outbuildings and large outbuildings		B Small outbuildings	
			(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) 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; and (viii) is non-habitable.		(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.	
			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.			
40.	**5.5.1 Ancillary Dwellings**	C1 **Ancillary dwelling** associated with a **single house** and on the same lot where: 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: (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.	C1 **Ancillary dwelling** associated with a **single house** and on the same lot where: i. the lot is not less than 350m² in area; 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; v. ancillary dwelling is designed to complement the colour, roof pitch and materials of the single house on the same lot; vi. ancillary dwelling does not preclude the single house from meeting the required minimum **outdoor living area**; and vii. ancillary dwelling complies with all other R-Code provisions, only as they apply to **single houses**, with the exception of clauses: (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			There is indicative support within the community and local government for allowing alternate/smaller forms of living on lots less than 350m². 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.

- The clarification that OS doesn't include the shadow cast from a dividing fence is supported however the exclusion of single storey walls is strongly opposed.
- The separation of the provisions for small and large sheds is supported.
- The reduction in the size area recruitment for Ancillary Dwellings is supported.
- The use of the term 'complement' in relation design, roof pitch, colours and materials is problematic for heritage listed properties and areas in Fremantle and also in terms of greater clarity

41.		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.	(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.~~ 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.	Amended to support design principle assessment of revised DTC.
42.	**Table 1**	Minimum setbacks for R20/R25 primary street setback 6 metres.	Minimum setbacks for R20/R25 primary street setback 5 metres.	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.
43.		Update Table 1 (extract) to reflect provision changes and insert the following for R-MD coded lots:		Consequential amendment to reflect inclusion of R-MD Codes within the R-Codes Volume 1.
44.		**7.1 Local Planning Framework consistent with R-Codes Volume 1** 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. 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. 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. Decision-makers are encouraged to: 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 **7.2 Pre-existing local planning policies** 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: 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. **7.3 Sections that may be amended or replaced by local planning policies and local development plans**	Clarifies ability of instruments adopted under local planning frameworks to amend DTC provisions. Clarifies status of existing planning instruments adopted prior to gazettal of R-Codes, that they can continue to operate. 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.

R-MD Code	Min outdoor living (m2)	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	*

of a 'deemed to comply' pathway.

- The inclusion of a requirement the AD to be of a small scale as part of a design principle is supported.

		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 street setbacks	
		5.1.3 C3.2 – 3.3 lot boundary setbacks	
		5.1.6 building height	
		Streetscape	
		5.2.1 streetscape setback of garages and carports	
		5.2.2 garage width	
		5.2.3 street surveillance	
		5.2.4 street walls and fences	
		5.2.5 sight lines	
		5.2.6 appearance of retained dwelling	
		Site planning and design	
		5.3.7 retaining walls and site works	
		Building design	
		5.4.4 external fixtures	
		Special purpose dwellings	
		5.5.2 C2.1 ii) aged and dependent persons' dwelling(s)	
		7.4 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 site area	
		5.1.3 C3.1, C3.4 C3.5 lot boundary setbacks	
		5.1.4 open space	
		5.1.5 communal open space	
		Site planning and design	
		5.3.1 outdoor living areas	
		5.3.2 landscaping	
		5.3.3 parking	
		5.3.4 design of parking spaces	
		5.3.5 vehicular access	
		5.3.6 pedestrian access	
		5.3.9 stormwater management	
		Building design	
		5.4.1 visual privacy	
		5.4.2 solar access for adjoining lots	
		5.4.3 outbuildings	
		Special purpose dwellings	
		5.5.1 ancillary dwellings	
		5.5.2 (except C2.1 ii) aged and dependent persons' dwelling(s)	
		5.5.3 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	

		c) can be properly implemented and audited by the decision-maker as part of the ongoing building approval process.	
		7.5 Amending local planning policies to achieve consistency with R-Codes Volume 1 An adopted local planning policy that requires amending to achieve consistency with the R-Codes Volume 1, may be adopted by the local government as a minor amendment without the requirement for advertising. *Note: Schedule 2, Part 2, Clauses 4(1) of the Planning and Development (Local Planning Schemes) Regulations 2015 provides for local planning polices to proceed without advertising.*	
		7.6 Scope of structure plans and activity centre plans to amend R-Codes Volume 1 A structure plan or activity centre plan may amend or replace a deemed-to-comply provision of Part 5 of the R-Codes Volume 1 where it can be demonstrated to the satisfaction of the WAPC that the proposed variation: a) is consistent with the relevant objectives and design principles of the R-Codes; b) is required to achieve an improved and desired design outcome that is specific to the context, opportunities and constraints of the site; c) can be properly implemented and audited by the decision-maker as part of the ongoing residential building approval process.	
		7.7Ability of existing structure plans, activity centre plans and local development plans to amend the R-codes A structure plan, activity centre plan or local development plan which came into effect prior to the gazettal of the R-Codes and that amends or replaces a deemed-to-comply provision of the R-Codes, shall continue to have effect and prevail over the R-Codes until the expiration of the approval period for that structure plan, activity centre plan or local development plan.	
		7.8 Application of R-MD Codes A local planning policy, structure plan, activity centre plan or local development plan may apply the R-MD standards of the R-Codes Volume 1 to single house development on lots that are zoned in a scheme Urban Development (or equivalent). *Note: R-MD codes relate to clauses 5.1.2, 5.1.3 and Table 1 of Part 5, R-Codes, Volume 1.*	
45.	All	All	Consequential modifications to provisions, numbers, figures, tables, and references as required throughout State Planning Policy 7.3 Volume 1 and associated explanatory material.	Edits required to ensure links between provisions and figures are maintained and document updated as appropriate where provisions have been added or removed.

DEFINITION CHANGES

No.	Current definition	Proposed Modification	Rationale
46.	**Activity centre plan or activity centre structure plan** As defined under the *Planning and Development (Local Planning Schemes) Regulations 2015* and are prepared in accordance with *State Planning Policy 4.2.*	**Activity centre plan ~~or activity centre structure plan~~** As defined under the *Planning and Development (Local Planning Schemes) Regulations 2015* 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 ~~underside of 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**.	**Pergola** 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.
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.	Addresses administrative error.
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.

- Proposed changes to definitions generally supported with the exception of the increase in the height permitted above natural ground level for non-accessible areas. It should be 0.5m.

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 50m2 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.	**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 50m2 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~~ 1m 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	FIGURE CHANGES Proposed Modification	Rationale
55.	Figure 2a	**Figures** 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) 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 Figure 2a – Measuring primary street setbacks (clause 5.1.2 C2.1 i and ii and 5.2.1 C1.2) 	This figure reflects the updates to tables, setbacks and removal of carports from averaging calculations.
56.	Figure 2b	Figure 2b – Measuring minor projections into primary street setback (clause 5.1.2 C2.4) 	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.

- Support updates to Figure Series in line with comments above.

No	Current FIGURE	FIGURE CHANGES Proposed Modification	Rationale
57.	Figure 2c and 2d	**Figure 2c – Measuring street setback for garages and carports (clause 5.1.2 and 5.2.1)** Garage setback may be reduced in accordance with 5.2.1 C1 (i and ii) A1 Area of building forward of **primary street setback** A2 Compensating open area behind **primary street setback** 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) **Figure 2d – Measuring communal street setbacks (clause 5.1.2 C2.1 iii)** 	Updates clarify the new setback provisions for garages under clause 5.2.1, minor projections under 5.1.2 as well as other supplemental amendments.

58.	New figure /renumbered	**Figure 2e – Measuring upper floor primary street setbacks (clause 5.1.2 C2.1 ii)** side setback Ground floor 1 metre 1 metre A2 A2 A1 side setback Upper floor 2 metres 2 metres A2 A1 A1 = Building footprint forward of the street setback line A2 = Area behind the street setback line occupied by open space A1 = Building footprint forward of the street setback line not occupied by the upper floor building footprint	Update to clarify how upper floor averaging is to occur for consistency.
59.	Figure 3a-3c	**Figure 3a – Cross section, flat site** boundary H natural ground level **Figure 3b – Cross section, sloping site** boundary H finished floor level natural ground level **Figure 3c – Cross section, flat site** boundary H natural ground level **Notes** 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 roof/gutter (Figure 3a-3h). 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). 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).	Update to align with wall height calculations to the underside of the eaves.
60.	Figure 3d-3h		Update to align the wall height calculations to the underside of the eave and

Figure 3d – Cross section, sloped site

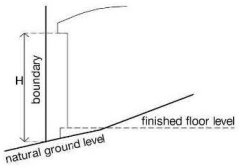


Figure 3e – Cross section, sloped site

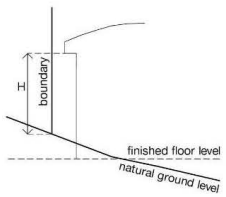


Figure 3f – Cross section, alternate levels with existing retaining

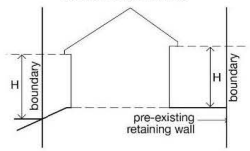
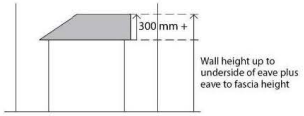
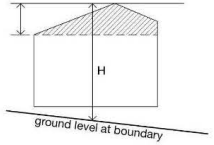


Figure 3g – Cross section, eaves and fascia greater than 300mm



Note: Where eaves of fascias exceed 300mm in height, the wall height is to include the height of the eave or fascia

Figure 3h – Cross section, skillion roof



Notes

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).

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).

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).

Where a wall has a skillion roof or gable roof above, the height of the wall is calculated to the heighest point of the skillion or gable roof (Figure 3H).

accounts for eaves and facias that are of an abnormal size.

61.	Figure 4a & 4B	**Figure 4a – lot boundary setback calculations under Table 2** **Elevation** **Section** **Note** Wall 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 **Figure 4b – Reduced boundary setbacks (clause 5.1.3 C3.1 i and vi)** **Notes** 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.	New figure 4a the new Table 2 lot boundary setback calculations simplistically and account for consequential changes to provisions and tables. The remainder of Figure 4 are no longer required.

62.	Figure 5	**Figure 5a – Elevation – flat site** **Notes** The height of a **lot boundary wall** shall be measured to the point immediately above the **natural ground level** below. 5a 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 adjacent to the **natural ground level** below and the highest point immediately above the natural ground level below. **Figure 5b – Elevation – sloped site** 5b Where the boundary is sloped the height shall be the height of the **wall** at its highest point above the **natural ground level** (HI). **Figure 5c – Elevation – sloped site** 5c 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 (HI).	Updated to reflect the new boundary wall height calculations due to the removal of averaging calculations.
63.	Figure 6a	**Figure 6a – Measuring open space (clause 5.1.4 C4)** **Notes** S3 Side boundary **setback** (**Table 2**) A Uncovered **open space** B **Uncovered** areas of **outdoor living area** (to a maximum 10 per cent **site area** or 50m², whichever is lesser) C Side **setback** area D Uncovered **driveway** or uncovered car parking spaces Open space = A + B + C + D	Updated to reflect consequential change.

64.	Figure 8 series	**Figure 8a – Carport setbacks (clause 5.2.1 C1.2)** **Figure 8b – Garage setbacks (clause 5.2.1 C1.1)** **Notes** 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) S6 Minimum as per clause 5.2.1 C1.1 L2 Maximum 50 per cent of **frontage**	Updated to reflect consequential change.
65.	New figure Xa	**Figure Xa – measuring visually permeable fences above 1.2m (clause 5.2.4 C4.1 and 4.2)** 	Updated to clarify front fence visual permeability calculations for 5.2.4 where fencing is proposed above 1.2m in height. Also clarifies that the height of the front fence is measured from the ground level at the primary street boundary

66.	New figure Xc	**Figure Xc – Dimensions and calculations for outdoor living areas (clause 5.3.1 C1.1)** **Notes** 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.	To clarify the calculation methods and dimensions for outdoor living area.

SPT2008-3 FREMANTLE OVAL UPDATE REPORT

ATTACHMENT 1 - Design Principles Diagram

KEY PRINCIPLES DIAGRAM

The purpose of the diagram is to visually communicate the key principles for the potential future upgrades and developments within the Fremantle Oval Precinct.

The diagram demonstrates the major axis points to and within the precinct in relation to the heritage elements and broader context. The diagram is the first step in developing a guiding framework for this important and complex precinct. It is not a design proposal or masterplan.

1. Upgrade the Fremantle Oval for football
- Re-orient and re-size the oval in order to optimise its use for WAFL and AFLW.
- Provide a better connection between the oval and Victoria Pavilion

2. Improve pedestrian entry areas/ axis points
- Create legible and safe pedestrian entries to the precinct along the primary pedestrian accesses leading to the precinct.
- Reinforce the primary pedestrian connections by improving visual & physical linkages

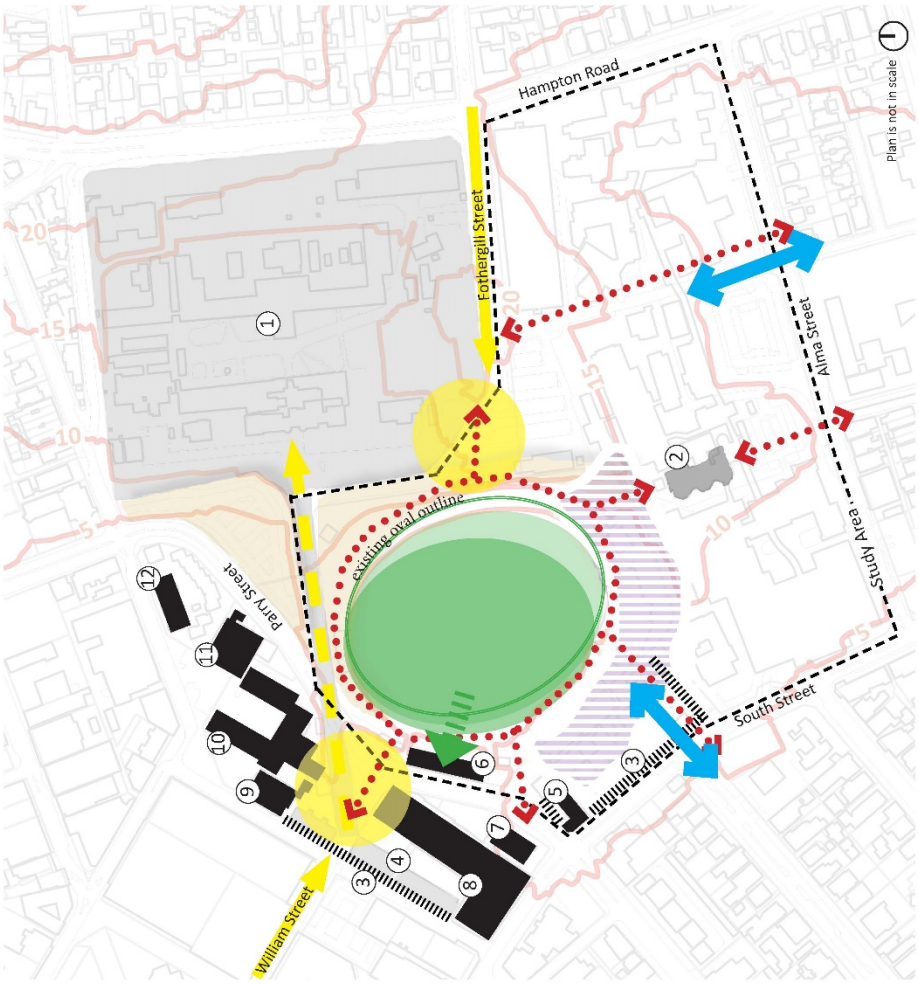
3. Improve pedestrian/ cycling permeability

4. Create clear, new major vehicular access points into precinct
- Internal vehicle road and movement layouts within precinct to be developed in the future as project evolves

5. Protect and improve the heritage setting of the Fremantle Prison
- Introduce physical and visual connections between the key Convict heritage elements
- Retain the levels/ limestone scarp on the eastern side of the oval as part of the original setting to the prison

6. Future Potential Development
- Concentrate future development towards the southern end of the oval, away from prison, scarp and ramp.

7. Future Land Use Planning
- With football as the primary focus, other main land uses which will be encouraged within the precinct include residential, sports administration, community/cultural and public car-parking, which are commensurate with this location on the edge of the city centre, but also help support activity in the core of the city.



SPT2008-4 RECOVERY – POTENTIAL PLANNING APPROVAL RESPONSES

ATTACHMENT 1. Local Planning Policy 1.2 – Refunding and Waiving/Reducing of Planning and Building Fees

City of Fremantle

CITY OF FREMANTLE

LOCAL PLANNING POLICY 1.2

REFUNDING AND WAIVING / REDUCING OF PLANNING AND BUILDING FEES

ADOPTION DATE: 23 July 2008
AUTHORITY: LOCAL PLANNING SCHEME NO. 4; PLANNING AND DEVELOPMENT (LOCAL GOVERNMENT PLANNING FEES) REGULATIONS 2000; BUILDING REGULATIONS 1989

This policy outlines the circumstances where the City may consider an application for the refund, reduction or waiving of planning fees charged in accordance with the *Planning and Development (Local Government Planning Fees) Regulations 2000* and building application fees charged in accordance with the *Building Regulations 1989*.

STATUTORY BACKGROUND

Planning fees are imposed in accordance with Regulation 4 and Schedule 1 of the *Planning and Development (Local Government Planning Fees) Regulations 2000*. The prescribed fees are a maximum amount which may be reduced in accordance with regulation 7 or waived or refunded (in whole or part) under regulation 14. Regulation 8 also permits a local government to recover costs and expenses incurred in the provision of a specified service. Building Licence fees are imposed in accordance with Part 6 of the *Building Regulations 1989*.

The Schedule of Fees and Charges adopted with the Council's annual budget contains the fees set for the current financial year.

POLICY

1. Council does not consider financial hardship, personal or family circumstances to be grounds for the waiving or reduction of planning fees.

2. **Waiving of Planning and Building Fees**
   Planning fees will not be waived under any circumstances except by a resolution of the Council. Building fees will not be waived under any circumstances.

3. **Reduction of Planning Fees**
   An application for a reduction in planning fees by 50% may be approved under the following circumstances:

   (a) Where the development is of less than $50,000 in value and the application is, in the opinion of the Manager Development Services, similar to a previous application determined during the preceding year to the point where previous assessment work can significantly contribute to the assessment of the new application.

   OR

   (b) Where the applicant is a "not for profit" organisation and has obtained an income tax exemption status from the Australian Taxation Office.

   OR

   (c) Where the application is for a home occupation only under the Federal Government's New Enterprise Incentive Scheme (NEIS).

Where an application for a fee reduction is made under (b) or (c) above, the applicant will be required to provide sufficient proof at the time of submitting the request.

4. **Refund of Planning Fees**
The City will consider a written request for the refund of planning fees where the application is withdrawn prior to a determination being issued only in the following circumstances:

(a) Where, in the opinion of the Manager Development Services, no assessment work has been undertaken by the City and the application is subsequently withdrawn in writing within seven (7) days of the date of application, 90% of application fee may be refunded.

(b) Where assessment work has commenced by the City, a refund of 50% of the application fee may be approved where:

(i) The application has not been advertised; and
(ii) The application is withdrawn in writing by the applicant within twenty one (21) days of lodgement of the application.

5. **Costs and Expenses**
The City will not waive or reduce any costs or expenses that may be charged to an applicant where these are incurred through the provision of a service under Regulation 8 of the *Planning and Development (Local Government Planning Fees) Regulations 2000* regardless of whether a reduced application fee under 3(a), (b) or (c) has been approved.

6. **Variations to Planning Approvals**
A reduction in fees shall not apply to applications to vary a planning approval which has already been granted unless the need for such an application is solely attributable to a previous administrative error in which case no fee will be charged.

7. **Unauthorised Existing Development**
The reduction or refund of planning fees will not under any circumstances apply to applications made under clause 8.4 of Local Planning Scheme No. 4 where a use or development has already been commenced or carried out unlawfully and the purpose of the application is to render that use or development lawful under the Scheme.

8. **Building Licence Fees**
The *Building Regulations 1989* do not make provisions for a Building Licence to be transferred to another builder and therefore a change in the building contractor requires the issue of a new licence. The City will impose the minimum building licence application fee(s) only for the issue of a new licence in this circumstance where:

(a) a landowner nominates a new builder to undertake works that had previously been licensed by the City to another builder; and

(b) in the opinion of the Principal Building Surveyor, the building plans are identical and the act of producing the licence in the new builder's name is an administration issue only, with no reconsideration of the documents being required.

In all other circumstances, the full fee is required to be paid. The City will not refund the Building Licence fees payable for the issue of the original Licence.