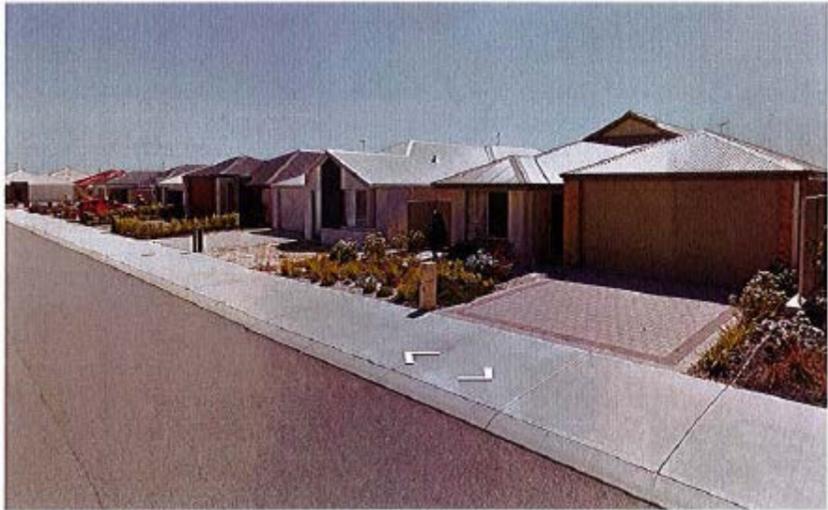


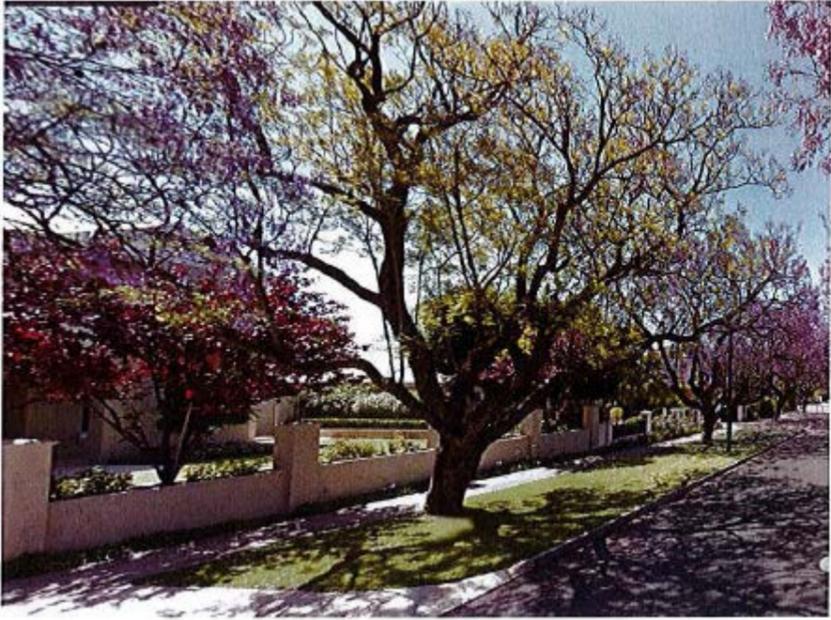
NEW SUMMARY OF SUBMISSIONS
Local Planning Policy 2.2
Residential Development Standards SJ2963
Responsible Officer: Lauren Dujmovic Advertising Date: 22/01/2020 – 14/02/2020

Submitter	No	Submitter Comments	Officer Comment	Officer Recommendation
G & G Corp IN20/3262	1.	<p>Thank you for the opportunity to provide comments on the Draft Local Planning Policy 2.2 - Residential Development Standards (R25 - R60) (herein referred to as 'Draft LPP 2.2').</p> <p>Background</p> <ul style="list-style-type: none"> • The Residential Design Codes (R-Codes) are a State Planning Policy prepared by the Western Australian Planning Commission (WAPC) under section 26 of the Planning and Development Act 2005. The R-Codes outline standards for residential development in Western Australia; and, with the exception of some lot/site or precinct-specific circumstances, they form the basis for the design and assessment of most residential development in Western Australia. It has been developed over an extensive period of time and through a very thorough public consultation process. • SPP7.3 Residential Design Codes Volume 2 -Apartments {R-Codes Vol. 2}. On the 24 May 2019, R-Codes Vol. 2 became operational, superseding Part 6 of R-Codes Vol. 1. It applies to the development of multiple dwellings in: <ul style="list-style-type: none"> o areas coded R40 and above; o mixed-use developments; and o activity centres. • Compliance with the R-Codes can be achieved by either satisfying the "deemed-to-comply" provisions of a specific element or by demonstrating that the "design principles" of that element have been met. "Deemed-to-comply" provisions are essentially minimum development standards. Where a proposal complies with that standard, it is considered to automatically satisfy that element. Where a proposal does not meet a "deemed-to-comply" provision, it is assessed against the corresponding "design principles". The assessment of a proposal against the "design principles" of the R-Codes requires the exercise of judgement and discretion by the decision-maker. <p>Our Concerns</p> <p>We have a number of concerns relating to the Shire's Draft LPP 2.2 and they are detailed as follows:</p> <p><u>Open Space</u> R40, R50/R60 We object to a proposed increase to the Outdoor Living Area (OLA) from 16m² to 10% of the lot size, or 25m² • No information, explanation or Justifications are provided by the Shire in the advertised Draft LPP 2.2 as to why the OLA as required under the R-Codes is flawed and required to be modified and increased to 25m²</p> <p>The Shire should instead focus on providing high-quality public open spaces for the enjoyment of its ratepayers and residents instead of tempering with the R-Codes which are recognised as best practices in the building development industry. As SJ embraces move to medium and high-density living, particularly in</p>	<p><u>Open Space</u></p> <p>For lots coded R40 – R60, officers consider that percentage of site area open space requirements, as prescribed by the R-Codes, may not achieve the best outcomes for functional open space. Draft LPP2.2 instead requires an OLA with an area of 10% of the lot size or 25m², whichever is greater. This provision is similar to the provisions of the R-MD Codes, however it requires an additional 5m² of OLA. Draft LPP2.2 also contains an additional provision that allows the OLA to be reduced by 20% where a balcony is provided with a minimum depth of 1.5m and a minimum area of 6m². This provision provides an incentive for the development of two-storey dwellings and balconies, which contribute to creating high amenity built form with increased passive surveillance.</p> <p><u>Garage Setback and Width and Vehicular Access</u></p> <p>The provisions of draft LPP2.2 were specifically devised to address the issue of vehicles parked in driveways overhanging the footpath. The Shire has experienced issues with vehicles parked in driveways overhanging footpaths as insufficient space has been provided within the driveway for the parked vehicle. The provisions of draft LPP2.2 ensure that a 5.5m driveway length will be provided before the location of a footpath to avoid this issue. Officers do not consider that this provision will lead to vehicles parking across footpaths, as adequate driveway length will be ensured to park a vehicle without interfering with the footpath. Officers consider that it is important to design out this issue to ensure a connected and inviting pedestrian environment that encourages pedestrian activity. The Shire's draft Local Planning Strategy contains an objective under Part 1 Section 3.1.1 to create walkable and safe streetscapes. The garage setback provisions under draft LPP2.2 are aligned with this objective.</p> <p><u>Privacy</u></p> <p>The draft LPP2.2 provision aligns with the R-MD Codes and is to provide flexibility in dwelling design.</p> <p>We appreciate your response via submission to Local Planning Policy 2.2 – Residential Development Standards (R25 – R60).</p>	

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		<p>Byford, it becomes crucial to provide quality outdoor environments that can promote healthy living. It is considered that a courtyard of 16m² is adequate and a functional outdoor living area.</p> <p><u>Garage Setback and Width and Vehicular Access</u> Front Load R25- R60 As long as SJ Shire continues to be a car-dependent focused local authority, cars as the primary mode of transport will continue to prevail and dominate the streetscape in every corner of the suburbs. The proposed setbacks for front-loaded lots at 4.5m or 5.5m depending on the footpath location will be difficult to monitor and enforce. The proposal will encourage developers to provide a footpath next to the road kerb like the example below.</p>  <p>This compares with a footpath close to the lot boundary with uninterrupted verge parking as indicated below.</p>		

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		 <p>It is considered that the proposed front load setbacks would create an unintended built form outcome that would promote vehicles mounting the kerb parking across the footpath as opposed to the pedestrian-friendly streetscape environment synonymous with the inner-city suburbs.</p> <p><u>Privacy</u></p> <p>R50/R60 Unlike the R-Codes, the Draft LPP 2.2 does not propose any privacy provisions applicable to the density coding of R50 and R60. Does this mean no windows or openings are permitted to face the side boundaries on the second floor? If no, then what are the minimum setback requirements from those windows/openings to the side boundaries?</p> <p>I trust this clarifies our position in relation to the Shire's proposed Draft LPP 2.2.</p>		
Taylor Burrell Barnett on behalf of Cedar Woods IN20/3291	2.	<p>Taylor Burrell Barnett, on behalf of our client Cedar Woods, is pleased to lodge the following submission on the Shire of Serpentine Jarrahdale's draft Local Planning Policy 2.2: Residential Development Standards (R25-R60) (LPP2.2). As the developer of The Brook at Byford estate, Cedar Woods has a strong interest in the content of LPP2.2, which will guide the future development of residential lots within this estate.</p> <p>We support the Shire's endeavours to progress an LPP to provide a standard set of deemed-to-comply requirements for medium density residential development which respond to contemporary design standards for new development occurring across the Shire. The LPP will ensure a consistent approach is applied to all new residential development within the Shire, and reduces the need for site-specific development standards to be sought through individual development applications</p>	<p>Noted. The Shire is aiming to achieve a specific character and sense of place within the urban areas of the Shire that is unique to the area. Officers consider that some elements in particular such as street setbacks, open space and garage setbacks have an important impact on the character of the place. Some provisions allowed under the R-MD Codes are considered to create an urban intensity that is not aligned with the Shire's vision for preserving rural character within an urban setting. Open streetscapes with a defined front yard, functional private open space that creates a sense of openness and reduces urban intensity and the protection of vegetation and canopy coverage on private lots are important values to the community. Design Principle 1 – Context and Character of State Planning Policy 7.0 Design of the Built Environment (SPP7.0) states that</p>	<p>Amend the provisions for soft landscaping for R40 and R50/60 to the following:</p> <p>R40 - Front loaded lots – 40% soft landscaping of the front setback area Rear loaded lots – 50% soft landscaping of the front setback area</p> <p>R50/60 - Front loaded lots – 40% soft landscaping of the front setback area Rear loaded lots – 60% soft landscaping of the front setback area</p>

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		<p>or LDPs, many of which require the approval of the Western Australian Planning Commission (WAPC).</p> <p>However, it is noted that a number of the development standards contemplated under draft LPP2.2 vary from those outlined under the WAPC's Planning Bulletin 112/2016 – Medium-density single house development standards – Development Zones (PB112). In an effort to maintain consistency across local government areas, it is noted that the WAPC does not encourage and will generally not support further variations to the provisions outlined in Appendix 1 of PB112, unless it can be demonstrated that the variations will deliver positive community outcomes. In our view, the Shire's suggestion that the standard variations under PB112 are not suitable in their entirety given the Shire's "rural character in an urban context" is unfounded. The provisions of the draft LPP will only relate to the established and emerging medium density residential areas within the Shire, which cannot reasonably be considered as having a 'rural character'. Furthermore, in some cases the draft LPP seeks to impose greater requirements beyond what is provided for under PB112 or the R-Codes. This contradicts the purpose of the R-MD Codes, which seek to enable flexibility in design and respond to contemporary housing typologies.</p> <p>Our comments and suggested modifications are detailed in this submission.</p> <p>The Brook at Byford Estate</p> <p>The planning and development of The Brook at Byford Estate has been progressing over the last 10+ years, with the Stage 1 of development being substantially completed. The estate is zoned Urban Development under the City's current Town Planning Scheme No. 2 (TPS2), and is subject to the provisions of the Lot 2 Nettleton Road Local Structure Plan (LSP). The LSP identifies the developable land as Residential, with a mix of R40 and R60 coded land where subdivision/development has occurred across Stage 1, and a density range of R40-R60 applying to the remainder of the estate with an R20 interface to abutting low density development.</p> <p>Stage 2 of the estate has been granted subdivision approval by the WAPC, and similar to Stage 1, is subject to specific LDP provisions which seek to vary the R-Codes deemed-to-comply provisions to provide for contemporary design standards, many of which are standard across numerous LDPs throughout the Shire, and also to address specific matters required by conditions of subdivision approval.</p> <p>To reduce the need for superfluous LDPs for each stage of subdivision in a residential estate, and to avoid the need for individual landowners to obtain development approval for standard R-Code variations, the intent of the Shire's draft LPP2.2 is supported. However, we provide the following comments on the specific provisions put forward by the Shire.</p> <p>Draft LPP2.2 Policy Measures</p> <p>We support the Shire's application of the policy to all land zoned or designated as Residential within the Shire's Local Planning Scheme or a Structure Plan, as opposed to PB112 which suggests the variations should only apply to Development Zones. This ensures all future dwellings are able to benefit from the</p>	<p>'good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place'. This design principle further states that new development should integrate into the townscape setting of a place.</p> <p><u>Landscaping</u></p> <p>The Shire has set the requirements under LPP 2.2 to ensure a high amenity of streetscapes and increased urban canopy coverage in line with the Shire's Urban and Rural Forest Strategy. Given the area of the front setback that would be required to accommodate the hardstand for vehicle access and the garage, Officers acknowledge that in some instances the landscaping requirements under draft LPP2.2 may be difficult to achieve. Officers consider that the 50% soft landscaping requirement for R40 lots and the 60% soft landscaping requirement for R50/60 may be difficult to achieve for front loaded lots. As such, it is recommended that draft LPP2.2 be modified to state the following soft landscaping requirements:</p> <p><i>R40 -</i> Front loaded lots – 40% soft landscaping of the front setback area Rear loaded lots – 50% soft landscaping of the front setback area</p> <p><i>R50/60 -</i> Front loaded lots – 40% soft landscaping of the front setback area Rear loaded lots – 60% soft landscaping of the front setback area</p> <p><u>Garage Setback</u></p> <p>The provisions of draft LPP2.2 were specifically devised to address the issue of vehicles parked in driveways overhanging the footpath. The Shire has experienced issues with vehicles parked in driveways overhanging footpaths as insufficient space has been provided within the driveway for the parked vehicle. The provisions of draft LPP2.2 ensure that a 5.5m driveway length will be provided before the location of a footpath to avoid this issue. Officers consider that it is important to design out this issue to ensure a connected and inviting pedestrian environment that encourages pedestrian activity. The Shire's draft Local Planning Strategy contains an objective under Part 1 Section 3.1.1 to create walkable and safe streetscapes. The garage setback provisions under draft LPP2.2 are aligned with this objective.</p> <p><u>Other Matters</u></p> <p>The Shire does not support the suggested modification to include a provision that states: 'Access to on-site car parking for</p>	

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		<p>R-Code variations permitted under the policy and provides a consistent approach for the consideration of all residential development within the Shire, rather than restricting this to Urban Development zoned land.</p> <p><u>We support the Shire's intention to apply the provisions of LPP2.2 to medium density residential development within the Residential and Urban Development zones.</u></p> <p>Suggested Modifications to Draft LPP2.2</p> <p>Landscaping</p> <p>Draft LPP2.2 proposes minimum requirements for soft landscaping in the front setback area, with the minimum percentage varying based on the density code. This requirement goes above and beyond what is contemplated under the R-Codes or PB112, and in most instances will be difficult, if not impossible to achieve, due to the hardstand area required to accommodate the crossover/driveway to a front garage.</p> <p>The R-Codes allow for a garage door and its supporting structures to occupy, as of right, up to 50% of the frontage at the setback line, with this potentially able to be increased under the provisions of LPP2.2. The garage is typically being accessed by a hardstand driveway of similar proportions. Whilst this would theoretically leave the remaining 50% of the front setback area for landscaping, consideration also needs to be given to pedestrian pathways, verandas and porches accommodated at the front of the dwelling.</p> <p>We acknowledge and support the Shire's intention to ensure high quality streetscapes are provided to enhance the local character, however, the practicality of imposing such a significant percentage of soft landscaping should be reconsidered and reduced, taking into consideration the extent of hardscape required to provide pedestrian and vehicular access to a dwelling.</p> <p><u>We recommend the minimum percentage of soft landscaping required in the front setback area be modified to a minimum 40% for all density codings, with potential for this to be increased where rear lot access is proposed.</u></p> <p>Garage setback</p> <p>Draft LPP2.2 requires a minimum 5.5m primary street setback where a footpath is located less than 1m from the lot boundary across all medium density codings. This seeks to increase the requirements above and beyond what is deemed-to-comply under the R-Codes, which contradicts the purpose of varying the standard development requirements to allow for contemporary housing typologies to be accommodated on smaller lots.</p> <p>We understand the Shire proposes this increased setback to avoid the issue of larger/longer vehicles parking in a driveway and overhanging the verge or footpath. We contest this as a valid reason for the increased setback requirement, and consider this situation is unlikely to be a common occurrence. Where this situation arises, it should be appropriately managed and dealt with by the Shire (by advising residents, issuing infringements, etc.) on a case by case basis. It is entirely inappropriate for this to be addressed through the imposition of increased setback requirements, potentially impacting the design and functionality of a</p>	<p><i>corner lots may be provided from the primary or secondary street, subject to compliance with AS2890.1'.</i></p> <p>While it is acknowledged that this matter is often addressed in LDPs, Officers consider that allowing such flexibility for all corner lots may lead to poor design outcomes. Access from the primary street can provide for standard layout houses on all lots, but can result in poor streetscape outcomes on the secondary street boundary. The benefit of garages not being located on the primary street include an increase in passive surveillance and activation on the primary street as well as the secondary street or right-of-way. This can enhance perceptions of safety and may reduce crime. Officers do not support including this as a provision within draft LPP2.2 and consider that the issue is best addressed on a case-by-case basis.</p> <p><u>Relationship to other Documents</u></p> <p>The inconsistency between Draft Local Planning Policy 2.2 and the Draft Local Planning Scheme No.3 has been addressed in the modifications to the Draft Scheme that were supported by Council at the Special Council Meeting held on 22 June 2020.</p> <p>We appreciate your response via submission to Local Planning Policy 2.2 – Residential Development Standards (R25 – R60).</p>	

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		<p>dwelling. The standard 4.5m garage setback as required under the R-Codes and applicable to residential development across the State is adequate to accommodate a standard parked vehicle, and there are no extraordinary circumstances or reasons which would justify the Shire's proposal for an additional setback beyond the 4.5m requirement.</p> <p><u>We recommend the 5.5m garage setback requirement where footpaths are less than 1m from the lot boundary be deleted.</u></p> <p>Other matters</p> <p>Whilst not included in the Shire's draft LPP2.2, we recommend consideration be given to including additional provisions relating vehicular access.</p> <p>In our experience, the WAPC is commonly including conditions of subdivision approval (on the advice of the Shire) which require LDPs to address the location of crossovers. The R-Codes element 5.3.5 relating to vehicular access is unable to be varied through an LDP without the approval of the WAPC. This means any LDP submitted by an applicant to address such a condition of subdivision is subject to the additional time and costs associated with the dual approval process for what appears to be a fairly standard variation being approved by both the WAPC and the Shire.</p> <p>In considering such provisions, regard should be given to allowing flexibility for vehicular access/crossovers to be located on the primary street of corner lots where it is safe to do so, without the requirement for separate planning approval for this minor and common variation. This ensures standard dwelling designs are able to be accommodated on the majority of lots, as opposed to garages on the secondary street which require a non-standard design that can be costly to landowners, thus affecting the saleability of such lots.</p> <p><u>Given the above, it is recommended the following (or similar) provision be included as an acceptable variation to the R-Codes under the Shire's LPP2.2:</u></p> <p><i>Access to on-site car parking for corner lots may be provided from the primary or secondary street, subject to compliance with AS2890.1.</i></p> <p>Relationship to other documents</p> <p>Clause 26 of the Shire's draft Local Planning Scheme No. 3 (as advertised in late 2019) deals with modifications to primary street setbacks to single house standards for medium density (R25-R60) housing and modifications to boundary setbacks for housing in R25-R80 coded areas. We recommend such provisions be removed from draft LPS3 to avoid confusion where any inconsistencies arise between the scheme and policy provisions. The proposed LPP2.2 is the appropriate mechanism to address development standards as opposed to scheme provisions.</p> <p>We recommend the Shire also give consideration to the relationship between LPP2.2 and existing approved LDPs. Clarification should be provided on the effect of existing approved LDPs, and which document takes precedence in the event of any inconsistencies in development standards.</p>		

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		<p>Conclusion</p> <p>We thank the Shire for the opportunity to provide comment on its draft LPP2.2, and request the suggested modifications outlined in the submission be incorporated into the policy provisions before it is endorsed by Council.</p> <p>The suggested modifications provide greater flexibility for current and future residents of the Shire to build functional, contemporary housing typologies without the burdensome requirement for planning approval for widely accepted R-Codes variations, and avoids the need for superfluous LDPs where standard variations are sought.</p>		
<p>Roberts Day on behalf of Gold Fusion IN20/3272</p>	<p>3.</p>	<p>Shire of Serpentine-Jarrahdale (the Shire). We thank the Shire of the opportunity to make a submission on Draft Local Planning Policy 2.2: Residential Development Standards (LPP2.2).</p> <p>For the purposes of this policy review, anything requiring development approval (i.e. not deemed to comply) is considered a substantial obstacle given the additional time and cost imposed on buyers who are sensitive to both these factors. These obstacles will often result in ownership being out of reach of buyers.</p> <p>Generally, most controls represent a more flexible approach to development control when compared to the Residential Design Codes (R Codes). This is important – and to be commended – as much land identified for development within the Shire is in some way constrained, and alternative deemed-to-comply approaches are necessary.</p> <p>We note that a few policy measures proposed are inconsistent, will have knock-on effects, or are missed opportunities and require modification – especially when measured against the stated purposes of LPP2.2. Many of these are common across all density codes in the policy.</p> <p>Our specific comments on LPP2.2, organised by headings provided in Table 1 of the policy, are as follows:</p> <p>1) Street Setback and Front Fences</p> <p>a) Measuring heights for fences from the street side (not lot side) will not take into account retaining walls. In Whitby, this is particularly important given the sloping nature of the site, requiring either lot retaining or substantial mass earthworks. Providing retaining for lots reflects the desire to retain landform and therefore maximise opportunities to retain mature trees and local character, in keeping with the purpose to LPP2.2. In addition to indirectly threatening retention of mature trees, the provision as written could result in unusually low fences that appear jarring on the streetscape. This provision is therefore not site responsive, contrary to LPP2.2's stated policy objectives. It is acknowledged that the provision matches the RMD Codes, but its wholesale adoption into LPP2.2 is not accommodating to the local character and context of the Shire (also contrary to the stated purpose of LPP2.2).</p> <p>Recommendation: The rationale of maintaining passive surveillance is important. We suggest this can be addressed by requiring fences to be visually permeable above 900mm in height. It is understood that there may be opportunity to develop a ore contextual response to local conditions in discussions with the Department of Planning, Lands and Heritage (DPLH).</p>	<p>Front Fences</p> <p>A submission was received that raised concern in regards to the front fence provision that measuring fences from the primary street side of the front fence would not take into account the retaining walls. The draft LPP2.2 provision aligns with the R-MD Codes and is to ensure passive surveillance to the streetscape.</p> <p>Landscaping</p> <p>The Shire has set the requirements under LPP 2.2 to ensure a high amenity of streetscapes and increased urban canopy coverage in line with the Shire's Urban and Rural Forest Strategy. Given the area of the front setback that would be required to accommodate the hardstand for vehicle access and the garage, Officers acknowledge that in some instances the landscaping requirements under draft LPP2.2 may be difficult to achieve. Officers consider that the 50% soft landscaping requirement for R40 lots and the 60% soft landscaping requirement for R50/60 may be difficult to achieve for front loaded lots. As such, it is recommended that draft LPP2.2 be modified to state the following soft landscaping requirements:</p> <p><i>R40 -</i> Front loaded lots – 40% soft landscaping of the front setback area Rear loaded lots – 50% soft landscaping of the front setback area</p> <p><i>R50/60 -</i> Front loaded lots – 40% soft landscaping of the front setback area Rear loaded lots – 60% soft landscaping of the front setback area</p> <p>Garage Setbacks</p> <p>The provisions of draft LPP2.2 were specifically devised to address the issue of vehicles parked in driveways overhanging the footpath. The Shire has experienced issues with vehicles</p>	<p>Amend the provisions for soft landscaping for R40 and R50/60 to the following:</p> <p><i>R40 -</i> Front loaded lots – 40% soft landscaping of the front setback area Rear loaded lots – 50% soft landscaping of the front setback area</p> <p><i>R50/60 -</i> Front loaded lots – 40% soft landscaping of the front setback area Rear loaded lots – 60% soft landscaping of the front setback area</p> <p>Amend the 'SJ Provision' for rear loaded lots for R25, R30/35, R40 and R50/60 lots to the following:</p> <p>Rear load Nil – provided laneway is minimum of 6m wide.</p>

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		<p>b) Landscaping requirements as a portion of the front setback increase as lot sizes get smaller for little appreciable public benefit (as it's a larger portion of a smaller lot frontage). This is problematic as it comes into conflict with other demands on land in the front setback, especially driveways for narrower front-loaded lots. <u>Recommendation:</u> The soft landscaping requirements remain uniform at 40% for all lots.</p> <p>2) Garage Setback and Width and Vehicular Access a) The proposed 0.5m rear setback for garages is contrary to the R Codes, is not needed for manoeuvring purposes (given 6m laneways), and results in less functional outdoor space for occupants and landscaping. It is noted that the 0.5m setback is not required for rear loaded R25 dwellings, underlying the fact that the setback is not needed at all. In short, this required setback is wasted land. It is understood that manoeuvring space can be reduced if garage width is widened (refer AS2890.1 Fig 5.4). Homebuyers should retain the flexibility to widen their garages and reduce rear setbacks should they wish. The blanket requirement of 0.5m setback removes this flexibility. <u>Recommendation:</u> The 0.5m setback should be removed and the nil setback permitted by the R Codes should be retained. Specific considerations of setbacks and garage widths can be determined, for example, through the building approval process. Again it is understood that DPLH are willing to work with the Shire to find an appropriate solution for this provision.</p> <p>b) Front setbacks for garages seem to also adopt the RMD Code provisions. At an estate level, this is one of the poorer elements of the RMD provisions, because it forces developers to make a choice between substantially reducing developable area by increasing setbacks by 1.0m, and the compromised streetscape outcome of having pedestrian paths abutting the road carriageway, exposing pedestrians to more risk. Public parking bays are generally 5.5m deep, but private parking need not allocate as much space. Noting that even public parking bays may be as short as 4.9m in some circumstances, we suggest 5.0m is sufficient, and would do less to discourage ideal footpath alignment and pedestrian amenity. <u>Recommendation:</u> Setbacks should be 4.5m or 5.0m, rather than 4.5m or 5.5m, depending on location of the footpath.</p> <p>3) Parking a) Like many new communities, reducing car dependence will be a significant challenge for the Shire. However the policy's parking requirements don't address this issue, generally requiring a uniform two bays per dwelling. Some buyers will want double garages, but <i>requiring</i> two bays in all circumstances (i.e. not providing the option for one bay) is a missed opportunity to stimulate modal shift, and also address housing affordability (by reducing construction costs). There is an opportunity to respond better to context and deliver appropriate flexibility in keeping with a stated purpose of LPP2.2. <u>Recommendation:</u> For all density codes, provision should be made for one car bay to be sufficient within 400m of a planned bus route and 800m of a planned train station</p> <p>4) Overshadowing a) The overshadowing provisions are somewhat ambiguous, in relation to the actual impact of a proposed dwelling, and guidance for the front and rear half of the block.</p>	<p>parked in driveways overhanging footpaths as insufficient space has been provided within the driveway for the parked vehicle. The provisions of draft LPP2.2 ensure that a 5.5m driveway length will be provided before the location of a footpath to avoid this issue. Officers consider that it is important to design out this issue to ensure a connected and inviting pedestrian environment that encourages pedestrian activity. The Shire's draft Local Planning Strategy contains an objective under Part 1 Section 3.1.1 to create walkable and safe streetscapes. The garage setback provisions under draft LPP2.2 are aligned with this objective.</p> <p>Officers recognise that the provision for a 0.5m garage setback to laneways may result in less functional outdoor space and support removing this provision.</p> <p><u>Parking</u> The Shire is still largely car-dependant due to a lack of public transport services and the distance of the Shire from the CBD and other employment areas. Officers do not support any changes to the Policy given the existing context.</p> <p><u>Overshadowing</u> The draft LPP2.2 provision aligns with the R-MD Codes. The provisions apply to the development subject to consideration and it is not anticipated that overshadowing would be calculated for any 'overlap' with any other existing development that casts a shadow on the same part of the site.</p> <p>We appreciate your response via submission to Local Planning Policy 2.2 – Residential Development Standards (R25 – R60).</p>	

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		<p>Specifically, does overshadowing calculation account for the requirement to have a 1.8m boundary fence (which will inevitably cast a shadow over the rear half of any lot), and distinguish between these overshadowing impacts? Also, would the overshadowing maxima (e.g. 35% for R40) be measured over the back half of the lot only or the whole lot? The wording at present is unclear.</p> <p>Recommendation: Overshadowing should be related to the proposed development (i.e. any overshadowing over and above that thrown by fences), and focussed on areas where overshadowing will have a particular impact on amenity (the rear half of the lot)</p> <p>5) Public Realm</p> <p>a) Finally, separate from the specific provisions, it will be important the landowners' efforts to maintain amenity on private lots are complemented by enlightened street design and engineering approval processes to ensure a high quality street environment, for example ensuring planted street trees are retained (not simply removed at homeowners' request), that existing mature trees are able to be accommodated into street design, and that low speed street design is adopted.</p> <p>Thoughtful stewardship of the public realm can substantially contribute to LPP2.2's stated purposes, including combating the heat island effect, providing for an interactive streetscape, and enhancing local character and place identity.</p> <p>Thank you again for the opportunity to comment. We are eager to see Whitby and the Shire thrive. Well-targeted development controls contribute to this outcome. Generally, LPP2.2 is well targeted, however a few minor points of clarification and adjustment can ensure foreseeable and preventable side-effects are avoided, and the stated purposes of the policy be better fulfilled</p>		
<p>CLE Town Planning & Design on behalf of Parcel Property</p> <p>IN20/3448</p>	4.	<p>Thank you for the opportunity to comment on proposed Local Planning Policy 2.2: <i>Residential Development Standards (R25-R60)</i> ('the draft policy'). CLE makes this submission on behalf of Parcel Property, which acts as the project manager for the Beenyp Grove residential estate. At completion, Beenyp Grove will comprise nearly 2000 residential lots, a local centre, primary school and an extensive network of public open space. It is a significant component of the Byford urban precinct.</p> <p>Beenyp Grove is developing in accordance with the approved Doley Road Precinct Local Structure Plan and an estate-wide Local Development Plan specifying variations to the Residential Design Codes ('R-Codes'). Parcel Property would appreciate the Shire's confirmation that the draft policy will have no effect on the Beenyp Grove Local Development Plan and, for the benefit of future estates, advocates for consistency between LPP 2.2 and the WAPC's Planning Bulletin 112: <i>Medium-density single house development standards – development zones</i> ('PB 112', often referred to as the 'R-MD Codes').</p> <p><i>The Beenyp Grove Local Development Plan should not be affected</i></p> <p>Local Development Plan 1 for Beenyp Grove ('the LDP') was originally approved in December 2017 and was most recently amended in September 2019. The LDP was prepared to provide R-Codes variations for land coded R25, R40 and R60 at Beenyp Grove in the absence of the R-MD Codes. The LDP variations were agreed with the Shire as a compromise between the original R-Codes, which have limitations for medium-density housing, and the</p>	<p>Noted. The Shire is aiming to achieve a specific character and sense of place within the urban areas of the Shire that is unique to the area. Officers consider that some elements in particular such as street setbacks, open space and garage setbacks have an important impact on the character of the place. Some provisions allowed under the R-MD Codes are considered to create an urban intensity that is not aligned with the Shire's vision for preserving rural character within an urban setting. Open streetscapes with a defined front yard, functional private open space that creates a sense of openness and reduces urban intensity and the protection of vegetation and canopy coverage on private lots are important values to the community. Design Principle 1 – Context and Character of State Planning Policy 7.0 Design of the Built Environment (SPP7.0) states that 'good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place'. This design principle further states that new development should integrate into the townscape setting of a place.</p> <p><u>Status of Local Development Plans</u></p> <p>If a local development plan has been approved over an area of land, the provisions of the local development will continue to</p>	<p>Add a new Policy Measure which states:</p> <p><i>'Where an approved Local Development Plan applies to the land the provisions of the approved Local Development Plan shall apply. Where there is an inconsistency between an approved Local Development Plan and this Policy, the approved Local Development Plan shall prevail.'</i></p>

NEW SUMMARY OF SUBMISSIONS
Local Planning Policy 2.2
Residential Development Standards SJ2963
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		<p>full suite of variations in the R-MD Codes. The LDP has provided clarity and consistency for Parcel Property's partner builders at Beenyup Grove and enabled housing product that is generally, if not entirely, reflective of the R-MD Codes applicable in other local government areas.</p> <p>The advertised version of LPP 2.2 and discussions with the Shire leave the status of LPP 2.2 relative to the LDP somewhat unclear. LPP 2.2 states that it applies to "all land zoned or designated as Residential with an R-Code between R25-R60 as shown within...a Structure Plan". Considered in isolation, this provision could be construed as implying that LPP 2.2 would prevail over any other planning document to the extent of any inconsistency. However, we do not believe that this is the Shire's intention, given that:</p> <ul style="list-style-type: none"> • The LDP has been validly approved and contains R-Codes variations agreed to by the Shire for a specific place; • No concern about the R-Codes variations in the LDP have been raised with CLE or Parcel Property by the Shire; • The Shire has not indicated that it wishes to amend or rescind any LDP; • The <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> state that Local Planning Policies are to be given mere "regard" in decision-making, which is generally considered to be a lesser weighting than "due regard" as applied to LDPs. <p>As such, it is our understanding that LPP 2.2 will have no effect over the LDP. We would appreciate the Shire's confirmation that this is the case.</p> <p><i>The draft policy should reflect Planning Bulletin 112</i></p> <p>The WAPC adopted the R-MD Codes in April 2016, and it has since been adopted by most metropolitan local government authorities with urban growth ('Development') zones. The purpose of the R-MD Codes is to provide a set of standard variations to the R-Codes that are tailored to medium-density housing product. The variations can be implemented in various ways, including through a Local Planning Policy. Once implemented, the R-MD Codes provide a deemed-to-comply pathway for contemporary medium-density housing product, which is not adequately regulated in the R-Codes.</p> <p>The Shire is one of the few local government authorities that has not implemented the R-MD Codes. We note that LPP 2.2 is generally consistent with the R-MD Codes, however, there are several discrepancies. This is particularly the case for the R40 code. Although modest on paper, the Shire's proposed variations fail to recognise that the project homes that characterise new estates are generally standardised, which keeps design costs to a minimum. This is made possible in most local government areas by the direct implementation of the R-MD Codes for land coded R25-R60. Variations to the R-MD Codes, no matter how modest, necessitate reconfiguration of house designs for specific local government areas, which acts as a disincentive to builders and is to the detriment of housing affordability. Attraction of investment to the Shire and facilitation of population growth, which brings social and economic benefits, depends in part on a planning framework that delivers consistency and certainty from the strategic level to the design of houses.</p> <p>The R-Codes variations in LPP 2.2 appear to be a compromise between the R-</p>	<p>apply. It is recommended that draft LPP2.2 be modified to clarify this.</p> <p>We appreciate your response via submission to Local Planning Policy 2.2 – Residential Development Standards (R25 – R60).</p>	

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		<p>Codes and the R-MD Codes, the purpose of which is unclear. The process of preparing the R-MD Codes included widespread consultation and technical input on a variety of aspects, and we consider that there is little to be gained from creating provisions that are specific to a particular local government area. Doing so is contrary to the purpose of R-MD Codes, and we respectfully request that the Shire's variations to the R-Codes be consistent with PB 112. Parcel Property is committed to continuing with the approved LDP for Beenyp Grove, but for future estates it is desirable for the R-MD Codes to be applicable.</p>		