

This written submission is in response to the City administration's UP25/94 Review of Local Planning Policy 3.1 - Residential Development (LPP 3.1) report as published on Friday 5 December 2025 for Council decision at the upcoming 9 December Ordinary Meeting of Council.

Council, please reject the City officer's recommendations and replace it with motions to the effect of **deferring Council's decisions until such time Council have heard directly from the community by March 2026.**

Reasons

1. The residential development policy does impact the community more broadly; it can impact the safety and amenity of our streets and what we all live next door to. There is nothing more local than potential adverse impacts on our homes.
2. History has shown Council policies were faulty, inadequate or dissatisfactory to community members. Council policy outcomes could be substantially improved if Council surrenders its perceived arrogance in favour of more a proactive, direct, unfiltered two-way community engagements through their policy development and reviews.

The City's CEO and officers are meant to assist Council to prepare planning policies to meet Council and the community's visions and objectives. The City's administration, in my opinion, often filter, act with bias, misrepresent or simply ignore submissions from the collective of community members. Council could and should directly and actively listen to the community's voices; many of whom are well educated, experienced, considered and can positively help Council with its decision making.

3. The proposed changes to LPP 3.1 were dealt with at Council's Policy & Legislation Committee Meeting held on 1 December 2025. This Council meeting was not public, that is the public was prohibited from participating in a significant Council meeting on a significant matter. This approach is not consistent with the principles of transparency and public participation. Council can and should make such committee meetings public. Council should stop hiding behind closed doors where possible.
4. The UP25/94 Review Planning Policy 3.1 – Residential Development report was only released to the community at the last minutes on 5 December 2025, adversely impact the community's ability to properly review and make further feedback on the City's interpretations of the submissions and actions they intend to take. Community members have had their ability to ask questions of Council at the 2 December ABF to obtain further information to inform further submissions.
5. It is unrealistic for Council to expect community members to effectively provide feedback in 10-minute restrictive and confined deputations at a Council meeting on long and complex matters, such as the proposed changes to LPP 3.1. I find deputations are ineffective, useless on such often-complex policy matters. Council should reconsider community engagement processes for policy development and reviews more broadly.
6. The report states "Advertising was undertaken between 15th July and 15th September 2025 for the new Local Planning Policy 3.1. **This period and the methods use exceed the requirements within Clause 5 of the Planning and Development (Local Planning Schemes) Regulations 2015**, which only require notice published on website and locally circulating newspaper for 21 days."

Council, as understood, has the power to determine the community engagement processes in-excess of any statutory requirements. Council should properly consider and amend the community engagement processes to fit Council and the community's needs and not fall back to the often-scant minimum "advertising" periods as defined in the legislation as the City's administration often falls to.

7. Elected Members have made statements taken as commitments to improve community engagement, something that will both benefit the quality of Council's decisions and the community more broadly.

Council should demonstrate its commitments to substantially improving community engagements, particularly in this case. Elected Members should “walk their talk” in this case.

8. A 31 August 2025 submission made by a community member is attached as a sample. It appears this submission was not fully and properly captured in the City administration’s “summary” as contained in the UP25/94 report. Council could and should publish all submissions made by community members, as the State Government typically does. This approach would improve transparency and benefit the community’s review of all material provided to Council and the City administration.
9. Community members can no longer ask Council to review the administration’s development application decisions at the request of potentially adversely affected people due to this State government’s 2024 legislative changes. Council’s ability to ‘call-up’ residential development approvals has now been legislatively prohibited. In effect third parties have lost their limited rights of review of CEO and officer residential development decisions.

Council should make sure its Residential Development Policy LPP 3.1 provides clear, robust, comprehensive definitive direction to the CEO to mitigate any adverse impacts of third party affected community members given the significant ‘call-up’ control mechanism has been removed. The attached community member’s submission at point 5 demonstrates a sample problem Council should address, in this case the City officers exercised discretion to approve a higher building height to the adverse impact on a neighbour. That is, Council should ensure policies sufficiently direct the CEO to mitigate community discontent with the policy ‘discretion’ often exercised by the City’s CEO and their officers.

10. The report states “23 submissions were received in total (one not being valid as it related to another LPP). A tabled summary of the submissions received, and the officer’s response is provided along with full submission and response provided on each submission within Attachment 3. Based on the feedback provided in response to consultation, some changes are proposed to the policy.”

Reality is that 11 of the submissions opposed the advertised version of LPP 3.1, only 4 supported it, 8 were considered either N/A or comments only.

Despite most of the submissions opposed the advertised proposed changes to LPP 3 it appears the submissions were substantially ignored as the City officers seem to be pressing ahead regardless, in my opinion. This apparent cultural behaviour is dismissive and disrespectful of the effort individuals put into making considered submissions, in my opinion.

One comment from submission # 2 was “**The changes may be beneficial, but unless the City changes it's arrogant non-helpful attitude it simple won't matter.**” This appears very apt. Council should proactively address the cultural issues to demonstrate top-down leadership to change this type of sentiment from community members.

Council, please fall on the side of the community that elects you and do not accept the City administration’s recommendations until you have completed proper, direct, unfiltered two-way community engagement in relation to LPP 3.1.

Attachment: City of Melville Community Engagement submission Amendments to Local Planning Policy 3.1 – Residential Development 31 August 2025

References:

City website page

<https://www.melvillecity.com.au/our-city/connect-with-us/melville-talks/community-engagements/amendments-to-local-planning-policy-3-1---resident>

20 May 2025 OMC minutes UP25/66 Manager Strategic Urban Planning (MSUP) report

<https://www.melvillecity.com.au/getattachment/27379282-6700-4324-a8a2-ac3837e69299/minutes-ordinary-meeting-of-council-20-may-2025>

The following non-exhaustive feedback is:

1. The substantive editing changes to the text of the existing policy makes it very difficult to properly track changes made. The tracked version of the current LPP3.1 with proposed amendments was not provided to the broader community. This was specifically requested from the City, as attached. There is great concern that minor unnoticed changes to the text may cause unintended, or perhaps wilful detriment to residents when tested in courts. This concern is supported by the MSUP's report statement "*Simplify the City of Melville's planning framework and ensure no ambiguity in terms of consistency with recent decisions made by the State Administrative Tribunal (SAT) and Supreme Court in relation to local frameworks being inconsistent with the RCodes.*"
2. The R-Codes and local planning policies are complex topics and possibly difficult for the typical residents (including many Elected Members) to properly comprehend to make fully informed decisions. There was a lot of cross references to LPS6 and R-Codes, not provided and difficult to confidently find. Council and community would benefit from leveraging experienced and knowledgeable residents through and detailed interactive workshop review facilitated by the City's planning officers. This approach would be confident with the heralded success of the CBACP CRG that has been a successful and valuable contribution to Council and the community. Council should not accept the proposed changes to this significant policy until the City planning team complete a facilitated community engagement workshops in the same manner as what happened with the CBACP CRG. It is noted that changes to LPP 3.1 will likely relate to and impact more residents that that live in the CBACP and adjoining areas.
3. MSUP's report does not contain any information on the potential impact of the proposed changes or any indication of the benefits. Council should consider all impacts/benefits before making decisions.
4. MSUP's report states "*Table 7 within Local Planning Scheme no. 6 (LPS6) provides built form development standards for non-residential zones, which includes specific building heights for each zone.*" "*An additional clause has been included to confirm that this policy is made under the relevant provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 and City of Melville LPS6.*" "*The policy scope has been updated to note the minor changes in relationship between LPS6, the R-Codes and LPP3.1. This confirms in what instances LPP3.1 is applicable, any relevant R-Code clauses modified by LPP3.1 and when a performance assessment against the design principles is required.*"

LPS6 is currently under review <https://www.melvillecity.com.au/our-city/connect-with-us/melville-talks/community-engagements/local-planning-scheme-6-review> for which there is significant community objection to the proposed changes. There is little information provided in the MSUP's report to clearly and fully detail interactions between LPS6 (current and proposed) and proposed LPP3.1. There may be suspicion that the LPP3.1 may progress some of the intended LPS6 planning criteria changes by the back door. It may be premature to amend LPP3.1 until LPS6 review is concluded.

5. More information is required to properly understand MSUP's statement "*The City also recommends that R-Code provisions currently modified under LPP3.1 are to be repealed where they are more restrictive than the DTC of the R-Codes to remove any ambiguity noting the Supreme Court case McComish v Shire of Peppermint Grove (2024) which determined that Local Planning Scheme provisions (and hence local planning policies which are of lower hierarchy) cannot be more restrictive than the DTC of the R-Codes, given works that comply with the DTC of the R-Codes is exempt under Cl.61 of the Planning and Development (Local Planning Schemes) Regulations 2015.*"

Amongst other things this appears at odds with the City's response to Councillor questions "*Question 2: The Supreme Court ruling from 2022 regarding LPPP not being able to be more restrictive than RCodes – where is there scope for the City to introduce provisions to improve amenity?*"

*Response 2: This proposed policy is to reduce ambiguity in how policy is interpreted for both officers and applicants, but is yet to be fully tested in all context. **However, it is the Council's decision to move alternative motions to retain current provisions.***"

The perceived ambiguity could be explained by the City's planners at community review at an interactive engagement workshop with experience and interest community members.

7 July 2025 DAU minutes (UP25/82) relating to 50 Blackwall reach Pde Bicton [Rhttps://www.melvillecity.com.au/getattachment/04abf767-8285-442e-8d69-2d98b3cf3e79/dau-minutes-7-july-2025-\(1\)](https://www.melvillecity.com.au/getattachment/04abf767-8285-442e-8d69-2d98b3cf3e79/dau-minutes-7-july-2025-(1)), (it is noted the CEO attended the DAU meeting) in which heights was an issue, adversely impacting views of significance for an adjoining property. It is not clear how the proposed LPP3.1 changes will stop City CEO / planning officers' discretion to approving heights above the stated limits

6. Current LPP3.1 Section 6 relates to Boundary Walls. This section was substantially kept in the proposed version, including the statement "*Boundary walls, retaining walls and vertical screening structures shall be finished to the satisfaction of the City.*"

However, C3.5 was removed. The MSUP's explanation of the proposed changed was "*Remove C3.5 within Clause 6 in relation to vertical screening structures being considered boundary walls. All other modifications in Clause 6 are proposed to be retained.*" This is not justification for the proposed significant change. This is the type of subtle that may cause even more disputes between neighbours; potential suburban civil wars (residents have suffered (including assaulted) over such things. This is an example of the lack of information provided in the MSUP's report and

alone should justify the need for Council directing the CEO to undertake interactive engagement review workshops with experienced, knowledgeable and interested community members in line with the CBACP CRG approach.

The proposed removal of C3.5 should be rejected due to lack of adequate justification.

7. The proposed LPP3.1 appears to remove significant criteria for Street Setback, with the justification “*To be removed and default to the DTC of the R-Codes.*”

This is an inadequate justification to remove what currently significant restrictions that protect the streetscape and amenity. Removal of criteria such as:

“The Deemed-to-Comply provisions of Clause 5.1.2 of the R-Codes are replaced with the following:

C2.1 Buildings, excluding carports, unenclosed porches, balconies, verandahs, or equivalent, set back from the primary street boundary:

- i. in accordance with Table 1; or*
- ii. corresponding to the average of the setback of existing dwellings on each adjacent property fronting the same street; or*
- iii. reduced by up to 50 per cent provided that the area of any building, including a 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 and 2c);”*

should be rejected, amongst others, due to the potential significant adverse impacts.

8. Feedback and opinions above are made good faith based on information available to assist Council in improving community members participation in the decisions and the affairs of the City and to assist Councillors to make proper and proficient decisions in the best interest of the community and any individual residents those Councillor are elected to represent. It is noted council legally obligated to make its decisions based on evidence, on the merits and in accordance with the law.

*** end***

Residential Development

[This document outlines supplementary assessment criteria to the Residential Design Codes Volume 1 – Part B for residential development within the City of Melville.](#)

[If you are searching for general information in relation to planning requirements, please refer to the Planning Services page of our website <https://www.melvillecity.com.au/> or alternatively you can speak to one of our planning officers either on the phone, 9364 0666 or in person at 10 Almondbury Road, Booragoon during business hours, 8.30am – 5:00pm Monday to Friday.](#)

Policy Type: Local Planning Policy
Policy Owner: Director Urban Planning

Policy No. LPP3.1
Last Review Date: 17 May 2022 TBD

Citation

[This is a Local Planning Policy prepared under Schedule 2 of the Planning and Development \(Local Planning Schemes\) Regulations 2015 and the City of Melville Local Planning Scheme No.6. \(LP6 No.6\). This Local Planning Policy has also been prepared to comply with Part 3.2.3 of the Residential Design Codes Volume 1.](#)

[This Local Planning Policy may be cited as Local Planning Policy No. 3.1 – Residential Development.](#)

Background

~~Many physical attributes combine to define local residential character and create attractive streetscapes. These include the location and appearance of buildings, the extent to which they are set back from the street, the existence of landscaping, the siting and design of front fencing, and the existence of other structures located within the street setback area.~~

~~Residential streetscapes within the City of Melville are generally characterised by a continuity of buildings setback from the street and from each other. Infill development and the pressure for increased housing density associated with such development, brings with it a number of challenges in terms of creating and maintaining attractive and locally distinctive residential streetscapes.~~

~~Whilst new development is encouraged to generally conform to the established pattern and be of consistent scale to that existing within existing streetscapes, the challenge is to enable increased density to occur without unreasonable restriction whilst safeguarding the common features of the streetscape that combine to make the residential areas of the City of Melville what they are.~~

Policy Objectives

The objectives of this policy are as follows:

- To enhance the character and amenity of existing residential areas;
- To promote a high standard of residential development;
- To ensure new residential development makes a positive contribution towards attractive streetscapes;
- To allow for innovative residential design providing the development is compatible with the streetscape.
- To accommodate increasing residential density without compromising streetscape character.
- To ensure that residential environments are safe and secure for owners, occupiers, and the wider community;
- To safeguard, protect and enhance the levels of residential amenity enjoyed by existing and future owners and occupiers of residential property; and
- To reduce the impact of vehicle access and on site car parking spaces on the streetscape.
- To ensure that the height of buildings is consistent with the desired character of the locality.

Policy Scope

Under Clause 25 of Local Planning Scheme No. 6 (LPS6) the R-Codes are to be read as a part of the Scheme.

Part ~~3.07~~ 'Local Planning Framework' of ~~State Planning Policy 7.3~~ Residential Design Codes Volume 1 (the R-Codes Volume 1) allows local planning policies to amend or replace various deemed-to-comply provisions This policy amends the Deemed to Comply provisions in Clauses ~~5.1.2, 5.1.3, 5.1.6-5.2.4~~, 5.2.2, 5.2.4, 5.2.5 and 5.4.3. If a proposal does not meet the amended deemed to comply provisions in this policy then it will require a performance assessment against the relevant Design Principle/s in the R-Codes ~~and Local Housing Objectives and objectives of this policy.~~

This local planning policy applies to all residential development ~~which has the ,covered by~~ R-Codes Volume 1 ~~applicable~~, within the City of ~~Melville unless~~ Melville unless another document such as LPS6, a ~~n activity centre precinct structure~~ plan and any other relevant local ~~or Council~~ planning policy specifies otherwise.

Terms, Definitions and/ Abbreviations Used In Policy

LPS6 _____ City of Melville Local Planning Scheme No. 6

~~Gatehouse — A gatehouse is a small arch or patio like structure used as an entrance feature to a property.~~

R-Codes _____ ~~State Planning Policy 7.3~~ Residential Design Codes Volume 1 and Volume 2

Deemed-to-comply _____ A proposal, or a component of a proposal, that complies with the deemed-to-comply provisions of the R-Codes, or an adopted local planning policy.

Design Principles _____ Specific design objectives for each elements of R-Codes Volume 1 are to be met by all residential development subject to Volume 1 and are to be used in the preparation, submission and assessment for proposals for the purpose of determining their compliance with R-Codes Volume 1. A proposal is required to demonstrate compliance with design principles where it does not satisfy corresponding deemed-to-comply provisions.

Local housing objectives _____ A local government may augment the design principles of the R-Codes Volume 1 by providing local housing objectives to guide judgements about the merits of proposals for any aspect of residential development covered by this volume that does not meet the requirements, or is not provided for, under the R-Codes Volume 1. Local housing objectives must be consistent with the general objectives of the R-Codes Volume 1.

Unless otherwise stated terms used in this policy have the same definition as in LPS6 or the R-Codes

Policy Requirements Statement

As permitted by clause 3.2.3a and b of the R-Codes - Volume 1, this policy replaces the following Deemed to Comply provisions of the R-Codes Volume 1:

<u>R-Codes – Volume 1 – Part B – Low Density</u>	
<u>R-Code Clause</u>	<u>Modified And Additional Deemed-to-Comply Provisions</u>
<p>Clause 5.1.3</p> <p><u>Lot Boundary Setbacks</u></p>	<p>C3.2 is replaced with the following:</p> <p>C3.2 <u>Boundary walls may be built within the following limits and subject to the overshadowing provisions of Clause 5.4.2 and Figure Series 11 - Overshadowing.</u></p> <ul style="list-style-type: none"> i <u>where the wall abuts an existing or simultaneously constructed wall of similar or greater dimension;</u> ii <u>in areas coded less than R20, walls not higher than 3m for a length of 9m behind the primary street setback line specified in Table 1 of the R-Codes, to side boundaries only (excludes the rear boundary of the parent lot);</u> iii <u>in areas coded R20 and R25, walls not higher than 3.5m up to a maximum length of the greater of 9m or one-third the length of the balance of each lot boundary behind the front setback.</u> iv <u>in areas coded R30 and higher, walls not higher than 3.5m for two-thirds the length of the balance of each lot boundary behind the front setback.</u> v <u>in areas coded R20 or more, boundary walls are permitted forward of the primary street setback specified in Table 1, subject to meeting the average front setback required by Clause 5.1.2.</u> vi <u>where both the subject site and the affected adjoining site are created in a plan of subdivision submitted concurrently for the proposed development and the boundary walls are interfacing and of equal dimension.</u>

	<p><u>Note: Boundary walls, retaining walls and vertical screening structures shall be finished to the satisfaction of the City.</u></p>
<p><u>Clause 5.1.6 Height of Buildings</u></p>	<p><u>C7 is included as an additional deemed-to-comply provision:</u></p> <p><u>C7</u> Where there is a variation in ground level over a development footprint greater than one metre, the specific height requirements contained in <u>Table 3 – Maximum building heights of the R-Codes (Part B)</u> are <u>modified to include the following:</u></p> <ul style="list-style-type: none"> <u>a) no portion of the external wall of the building exceeding the maximum external wall height requirement of Table 3 – Maximum building heights by greater than 1m tall; and</u> <u>b) the development is designed to address the topography of the lot with higher portions of building are located on the lower level of the lot so that the highest point of the building above Australian Height Datum meets the DTC building height requirement within Table 3 – Maximum building heights of the R-Codes (Part B).</u> <p><u>Note: the site survey plan provided is required to use levels in Australian Height Datum (AHD).</u></p>
<p><u>Clause 5.2.2 Garage Width</u></p>	<p><u>C2.2 is included as an additional deemed-to-comply provision:</u></p> <p><u>C2.2</u> For front loaded single storey dwellings on street frontages between 10.0m and 12.0m, a double garage and supporting structures (or a garage wall where the garage is aligned parallel to the street) is permitted to a maximum width of 6m as viewed from the street subject to:</p> <ul style="list-style-type: none"> <u>i The garage being setback a minimum of 1.0m behind a habitable room; and</u> <u>ii There being a minimum 2.0m² major opening to the habitable room directly facing the primary street; and</u> <u>iii A minimum of two wall materials (not including two render colours); and</u> <u>iv There being an entry feature consisting of a porch, portico or veranda with the following features:</u> <ul style="list-style-type: none"> <u>a. Minimum depth of 1.0m; and</u> <u>b. A feature roof form which incorporates an eave/gutter line higher than the garage or a gable end; and</u> <u>c. A pier or post positioned in front of one portion of the supporting garage wall.</u>

	<p><u>v No vehicular crossover being wider than 4.5m where it meets the street; and</u></p> <p><u>vi A landscape plan</u></p>		
<p><u>Clause 5.2.4 Fences and Street Walls</u></p>	<p><u>C4.3 is included as an additional deemed-to-comply provision:</u></p> <p><u>C4.3 Fencing within the secondary street setback area may be solid to a height of 1.8 meters above the natural ground level as measured from the street side of the front fence only where it abuts the primary outdoor living area. The remaining secondary street fencing is to be visually permeable above 1.2m of natural ground level, measured from the street side of the fence. Fencing may contain solid pillars that are not more than 1.8m above natural ground level provided the horizontal dimension of the pillars is not greater than 400mm by 400mm and pillars are separated by visually permeable fencing.</u></p>		
<p><u>Clause 5.2.5 Sightlines</u></p>	<p><u>C5 is replaced with the following:</u></p> <p><u>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:</u></p> <p><u>i. A driveway that intersects a street, right-of-way or communal street;</u></p> <p><u>ii. A right of way or communal street that intersects a public street; and</u></p> <p><u>iii. Two streets that intersect (refer Figure 9a – Sight lines);</u></p> <p><u>However, one fencing pier to a maximum width of 0.35m may be located within 1.5m of the above sightline areas where it directly abuts the driveway and the lot boundary, with any other associated fencing in-fill panels above 0.75m to have surface area which is 80% open and free of obstruction to view.</u></p> <p><u>Note: The above applies to driveways serving a single house or three or less grouped dwellings. The sightline requirement for four or more grouped dwellings is as per LPP 1.6.</u></p>		
<p><u>Clause 5.4.3 Outbuildings</u></p>	<p><u>C3 is replaced with the following:</u></p> <p><u>C3 Outbuildings associated with a dwelling site address either:</u></p> <p><u>i. the standards for small outbuildings (A. Small outbuilding); or</u></p> <p><u>ii. the standards for large and multiple outbuildings (B. Large and multiple outbuildings).</u></p> <table border="1" data-bbox="375 1729 1059 1780"> <tr> <td><u>A. Small outbuildings</u></td> <td><u>(i) no more than one outbuilding per dwelling site</u></td> </tr> </table>	<u>A. Small outbuildings</u>	<u>(i) no more than one outbuilding per dwelling site</u>
<u>A. Small outbuildings</u>	<u>(i) no more than one outbuilding per dwelling site</u>		

(ii) has no more than two boundary walls;
(iii) does not exceed a wall and ridge height of 2.7m; (iv) not located within the primary or secondary street setback area; and
(vi) does not reduce open space and outdoor living area requirement in Table B – Primary Controls for all single house(s) in areas coded R40 and below, grouped dwellings in areas coded R25 and below; and multiple dwellings in areas coded R10 to R25.

OR

B. Large and multiple 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 Table 2a – Boundary setbacks – walls with no major openings, or comply with the boundary wall provisions of this policy;
(iii) does not exceed a wall height of 2.7m;
(iv) does not exceed a ridge height of 4.2m;
(v) not located within the primary or secondary street setback area; and
(vi) does not reduce the open space and outdoor living area requirements in Table B - Primary Controls for all single house(s) in areas coded R40 and below, grouped dwellings in areas coded R25 and below; and multiple dwellings in areas coded R10 to R25 .

Notes:

- i. An outbuilding wall that meets (ii) for small outbuildings does not contribute to the number or dimension of boundary walls under clause 5.1.3.
- ii. An existing outbuilding that meets the development standards for small outbuildings does not need to be setback in accordance with Table 2a - Boundary setbacks – walls with no major openings, for additional outbuildings that are proposed under B. Large and multiple outbuildings.
- iii. There are separate building code requirements that may also apply.

As permitted by clause 3.2.3c of the R-Codes - Volume 1, this policy augments the following Design Principles of the R-Codes Volume 1:

~~4 — Street Setback~~

~~The Deemed to Comply provisions of Clause 5.1.2 of the R-Codes are replaced with the following:~~

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Please refer to the City of Melville website (Public) or BMS (Internal) for the latest version.

~~C2.1 Buildings, excluding carports, unenclosed porches, balconies, verandahs, or equivalent, set back from the primary street boundary:~~

- ~~i in accordance with Table 1; or~~
- ~~ii corresponding to the average of the setback of existing dwellings on each adjacent property fronting the same street; or~~
- ~~iii reduced by up to 50 per cent provided that the area of any building, including a 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 and 2e);~~
- ~~iv in the case of grouped dwellings, where on-site car parking for the street facing dwelling is provided at the rear of the lot, the average front setback requirement in Table 1 and Clause 5.1.2 may be reduced by up to 1.0m;~~
- ~~v in the case of areas coded R15 or higher, the street setback may be reduced to 3m, or 2m to a porch, balcony, verandah or the equivalent (refer Figure 2e), where:
 - ~~• a grouped dwelling has its main frontage to a secondary street; or~~
 - ~~• a single house results from subdivision of an original corner lot; 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;~~~~
- ~~vi to provide for registered easements for essential services.~~
- ~~vii minor projections such as eaves and other architectural features may project up to 700mm forward of the minimum street setback.~~

~~C2.2 Development on corner lots is to be designed and setback in accordance with the following:~~

- ~~i New dwellings are to be designed to address both street frontages through the location of major openings and the articulation of the façade on all levels.~~
- ~~ii Buildings on properties with a density coding of less than R30, setback a minimum of 1.5m and an average of 3m from the secondary street and the corner truncation boundary;~~
- ~~iii Buildings on properties with a density coding of R30 and greater, setback a minimum of 1.0m and an average of 1.5m from the secondary street and the corner truncation boundary;~~

~~C2.3 An unenclosed porch, balcony, verandah or the equivalent may (subject to the Building Code of Australia) project into the primary or secondary street setback area by up to 50 per cent of the required setback without applying the compensating area of clause 5.2.1 C2.1 iii (Refer Figure 2e).~~

2 — Setback of Garages and Carports

The Deemed to Comply provisions in Clause 5.2.1 of the R Codes are replaced with the following:

~~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 dwelling alignment (excluding any porch, verandah or balcony); or~~
- ~~ii. — to 3m where the garage allows vehicles to be parked parallel to the street. The wall parallel to the street must include openings.~~

~~C1.2 — Carports set back in accordance with the primary street setback requirements of clause 5.1.2 C2.1i, except that the setback may be reduced by up to 50 per cent of the minimum setback stated in Table 4 where:~~

- ~~i. — the width of the carport does not exceed 60 per cent of the frontage;~~
- ~~ii. — the construction allows an unobstructed view between the dwelling and the street, right of way or equivalent; and~~
- ~~iii. — the carport roof pitch, colours and materials are compatible with the dwelling. (Refer to Figure 8a)~~

~~C1.3 — Garages and carports built up to the boundary abutting a 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 set back 3.0m from a secondary street.~~

~~C1.5 Carports set back 1.5m from a secondary street and designed to the standards contained in Clause C.1.2 above.~~

~~C1.6 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)~~

~~5.1.3 Clause 5.1.3 Lot Boundary Setbacks (Boundary Walls)~~

~~The Deemed to Comply provisions in Clauses 5.1.3 (C3.2) of the R Codes Volume 1 are replaced with the following, and an additional deemed to comply provision C.3.5 is introduced. All other deemed to comply provisions in clauses in 5.1.3 remain as per the R Codes. :~~

~~5.1.3 C3.2 — Boundary walls may be built within the following limits and subject to the overshadowing provisions of Clause 5.4.2 and Figure Series 11 — Overshadowing.~~

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

- ~~ii in areas coded less than R20, walls not higher than 3m for a length of 9m behind the primary street setback line specified in Table 1 of the R-Codes, to side boundaries only (excludes the rear boundary of the parent lot);~~
- ~~iii in areas coded R20 and R25, walls not higher than 3.5m up to a maximum length of the greater of 9m or one third the length of the balance of each lot boundary behind the front setback;~~
- ~~iv in areas coded R30 and higher, walls not higher than 3.5m for two thirds the length of the balance of each lot boundary behind the front setback;~~
- ~~v in areas coded R20 or more, boundary walls are permitted forward of the primary street setback specified in Table 1, subject to meeting the average front setback required by Clause 5.1.2;~~
- ~~vi where both the subject site and the affected adjoining site are created in a plan of subdivision submitted concurrently for the proposed development and the boundary walls are interfacing and of equal dimension;~~

R-Codes – Volume 1 – Part B – Low Density

R-Code Clause	Additional Local Housing Objectives (Design Principles)
<u>Clause 5.1.6 Height of Buildings</u>	<p>P6.1 and P6.2 are included as <u>Local Housing Objectives in addition to the design additional design-principle (P6)s:</u></p> <p>P6.1 Development which reflects the established built form context of the locality, with respect to bulk, scale, mass and form.</p> <p>P6.2 Development that provides site-responsive design which carefully considers and responds to the natural topography of the site to create no adverse impact on the amenity of adjoining lots.</p>
<u>Clause 5.2.4 Fences and Street Walls</u>	<p>P4.1 is included as <u>a an additional Local Housing Objective in addition to the design principle (P4):</u></p> <p>P4.1 Development which preserves and enhances the visual character of the existing streetscape by considering bulk, scale, setbacks, design, relationship between the private and public domain, and fencing styles.</p>

~~C3.5 Vertical screening structures constructed within 0.6m of the boundary which project more than 1.8m above the natural ground level are assessed as boundary walls pursuant to Clause 5.1.3 (C3.2 and C3.3) above.~~

~~Note: Boundary walls, retaining walls and vertical screening structures shall be finished to the satisfaction of the City.~~

~~Clause 5.1.6~~ ~~Height of Buildings~~

~~A Local Housing Objective is applicable in addition to the Design Principle P6 of Clause 5.1.6 of the R-Codes Volume 1 as follows:~~

~~5.1.6 P6.1 — Development which reflects the established built form context of the locality, with respect to bulk, scale, mass and form.~~

~~5.1.6 P6.2 — Development that provides site responsive design which carefully considers and responds to the natural topography of the site to create no adverse impact on the amenity of adjoining lots.~~

~~The Deemed to Comply provisions in Clause 5.12.62 of the R-Codes Volume 1 are to be replaced include with the following additional criteriaa. All other deemed to comply provisions in clauses in 5.1.63 remain as per the R-Codes.: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).~~

~~5.1.6 C7 — Where there is a variation in ground level over a development footprint greater than one metre, the specific height requirements contained in Table 3 of the R-Codes (Part B) are modified to include the following:~~

~~the site survey plan provided is to use levels in Australian Hight Datum (AHD); and
no portion of the external wall of the building exceeding the maximum external wall height requirement of Table 3 by greater than 1m tall; and
the development is designed to address the topography of the lot with higher portions of building are located on the lower level of the lot so that the maximum height highest point of the building above Australian Height Datum above AHD meets the DTC buiding height requirement within Table 3 of the R-Codes (Part B).~~

~~Note: the site survey plan provided is required to use levels in Australian Hight Datum (AHD).~~

Clause 5.2.2 – Garage Width

The Deemed to Comply provisions in Clause 5.2.2 of the R Codes Volume 1 include the following additional criteria. All other deemed to comply provisions in clauses in 5.2.2 remain as per the R Codes:

5.2.2 C2.2 – For front loaded single storey dwellings on street frontages between 10.0m and 12.0m, a double garage and supporting structures (or a garage wall where the garage is aligned parallel to the street) is permitted to a maximum width of 6m as viewed from the street subject to:

The garage being setback a minimum of 1.0m behind a habitable room; and

There being a minimum 2.0m² major opening to the habitable room directly facing the primary street; and

A minimum of two wall materials (not including two render colours); and

There being an entry feature consisting of a porch, portico or veranda with the following features:

- a. Minimum depth of 1.0m; and
- b. A feature roof form which incorporates an eave/gutter line higher than the garage or a gable end; and
- c. A pier or post positioned in front of one portion of the supporting garage wall.

No vehicular crossover being wider than 4.5m where it meets the street; and

A landscape plan

1. Clause 5.2.4.3 Fences and Street Walls

A Local Housing Objective is applicable in addition to the Design Principle P4 of Clause 5.2.4.4.2 of the R-Codes Volume 1 as follows:

5.2.4 P4.2 — Development which preserves and enhances the visual character of the existing streetscape by considering bulk, scale, setbacks, design, relationship between the private and public domain, and fencing styles.

The Deemed-to-Comply provisions in Clause 5.2.4 of the R-Codes Volume 1 are replaced with include the following additional criteria. All other deemed-to-comply provisions in clauses in 5.2.4 remain as per the R-Codes.:

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 12).

C4.2 — Solid pillars that form part of front fences not more than 1.8m above natural ground level provided the horizontal dimension of the pillars is not greater than 400mm by 400mm and pillars are separated by visually permeable fencing in line with C4.1 (refer Figure 12). 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 12).

5.2.4 C4.3 — Fencing within the secondary street setback area may be solid to a height of 1.8 meters above the natural ground level as measured from the street side of the front fence only where it abuts the primary outdoor living area. The remaining secondary street fencing is to be visually permeable above 1.2m of natural ground level, measured from the street side of the fence. Fencing may contain solid pillars that are not more than 1.8m above natural ground level provided the horizontal dimension of the pillars is not greater than 400mm by 400mm and pillars are separated by visually permeable fencing.

C4.2 — Fencing within the secondary street setback area may be solid only where it abuts the primary outdoor living area. The remaining fencing is to be visually permeable above 1.2m of natural ground level, measured from the street side of the fence.

C4.3 — Maximum fence height is 2.0m to the top of piers and 1.8m to the top of panels.

C4.4 — A solid portion of wall 1.8 m in height and 1.0m wide is permitted to accommodate a metre box and other similar services subject to this being located outside of the sightlines truncation area.

C4.5 — Where a retaining wall is visible above the road reserve level, the visible height of the retaining wall is to be taken into account in the assessment of fence height.

~~C4.6—A gatehouse located within the primary or secondary street setback area is to satisfy all of the following:~~

- ~~i—The gate or entry way is to be visually permeable;~~
- ~~ii—The maximum width and length of the gatehouse is to be 2.0m or 20% of the lot frontage, whichever is the lesser;~~
- ~~iii—2.4m wall height, 3m overall height;~~
- ~~iv—Constructed of materials which are compatible with the dwelling or front fence;
and~~
- ~~v—Encouraged to have individual style and interest.~~

~~4—Garage Width~~

~~The Deemed to Comply provisions in Clause 5.2.2 of the R-Codes are replaced with the following:~~

~~C2.1—A garage door and supporting structures (or a garage wall where the garage is aligned parallel to the street) shall not occupy more than 50% of the lot frontage; or:~~

~~C2.2—For front loaded single storey dwellings on street frontages between 10.0m and 12.0m, a double garage and supporting structures (or a garage wall where the garage is aligned parallel to the street) is permitted to a maximum width of 6m as viewed from the street subject to:~~

~~The garage being setback a minimum of 1.0m behind a habitable room; and~~

~~There being a minimum 2.0m² major opening to the habitable room directly facing the primary street;
and~~

~~A minimum of two wall materials (not including two render colours); and~~

~~There being an entry feature consisting of a porch, portico or veranda with the following features;~~

- ~~a.—Minimum depth of 1.0m; and~~
- ~~b.—A feature roof form which incorporates an eave/gutter line higher than the garage or a gable end; and~~
- ~~c.—A pier or post positioned in front of one portion of the supporting garage wall.~~

~~No vehicular crossover being wider than 4.5m where it meets the street; and~~

~~A landscape plan~~

~~C2.3—For front loaded dwellings of two storeys or more, a garage door and supporting structures (or a garage wall where the garage is aligned parallel to the street) may occupy up to 60% of the frontage at the setback line as viewed from the street, where the upper floor; extends for the full width of the garage and its supporting structures; and is located in front of or in line with the garage; and the entrance to the dwelling is clearly visible from the primary street.~~

~~2. Clause 5.2.55 Sight lines~~

~~The Deemed to Comply provisions in Clause 5.2.5 of the R-Codes Volume 1 of the R-Codes are replaced with the following:~~

~~5.2.5 C5.1/C3.1 — 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:
A driveway that intersects a street, right-of-way or communal street;
A right-of-way or communal street that intersects a public street; and
Two streets that intersect (refer Figure 9a — Sight lines);~~

~~However, ~~no~~One fencing pier to a maximum width of 0.3535m may be located within 1.5m of the above sightline areas where it directly abuts the driveway and the lot boundary the truncation area. In order to minimise the obstruction caused by development in the truncation area, the wall height in the truncation area shall be a maximum of 0.75m measured from the verge height and and with any other associated fencing in fill panels above 0.75m to have surface area which is 80% open and free of obstruction to view. fencing above shall be 80% visually permeable.~~

~~Note: The above applies to developments of four dwellings or less. The sightline requirement for five or more grouped dwellings is as per LPP 1.6.~~

~~6 — Boundary Walls~~

~~The Deemed to Comply provisions in Clauses 5.1.3 (C3.2) of the R-Codes are replaced with the following, and an additional deemed to comply provision C.3.5 is introduced. All other deemed to comply provisions in clauses in 5.1.3 remain as per the R-Codes. :~~

~~C3.2 Boundary walls may be built within the following limits and subject to the overshadowing provisions of Clause 5.4.2 and Figure Series 11.~~

- ~~i — where the wall abuts an existing or simultaneously constructed wall of similar or greater dimension;~~
- ~~ii — in areas coded less than R20, walls not higher than 3m for a length of 9m behind the primary street setback line specified in Table 1 of the R-Codes, to side boundaries only (excludes the rear boundary of the parent lot);~~
- ~~iii — in areas coded R20 and R25, walls not higher than 3.5m up to a maximum length of the greater of 9m or one third the length of the balance of each lot boundary behind the front setback.~~
- ~~iv — in areas coded R30 and higher, walls not higher than 3.5m for two thirds the length of the balance of each lot boundary behind the front setback.~~
- ~~v — in areas coded R20 or more, boundary walls are permitted forward of the primary street setback specified in Table 1, subject to meeting the average front setback required by Clause 5.1.2.~~



~~vi. where both the subject site and the affected adjoining site are created in a plan of subdivision submitted concurrently for the proposed development and the boundary walls are interfacing and of equal dimension.~~

~~C3.5 Vertical screening structures constructed within 0.6m of the boundary which project more than 1.8m above the natural ground level are accessed as boundary walls pursuant to Clause 5.1.3 (C3.2 and C3.3) above.~~

~~Note: Boundary walls, retaining walls and vertical screening structures shall be finished to the satisfaction of the City.~~

3. Clause 5.4.37 Outbuildings

The Deemed to Comply provisions in Clauses 5.4.3 of the R Codes Volume 1 are replaced with the following:-

5.4.3.C3 _____ Outbuildings associated with a dwelling site address either:
the standards for small outbuildings (A. Small outbuilding); or
the standards for large and multiple outbuildings (B. Large and multiple outbuildings):

A. Small outbuildings	<ul style="list-style-type: none"> (i) no more than one outbuilding per dwelling site (ii) has no more than two boundary walls; (iii) does not exceed a wall and ridge height of 2.7m; (iv) not located within the primary or secondary street setback area; and (v) does not reduce open space and outdoor living area requirement in Table B.
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OR

B. Large and multiple outbuildings	<ul style="list-style-type: none"> (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 Table 2a or comply with the boundary wall provisions of this policy; (iii) does not exceed a wall height of 2.7m; (iv) does not exceed a ridge height of 4.2m; (v) not located within the primary or secondary street setback area; and (vi) does not reduce the open space and outdoor living area requirements in Table 1.
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Notes:

An outbuilding wall that meets (ii) for small outbuildings does not contribute to the number or dimension of boundary walls under clause 5.1.3.

An existing outbuilding that meets the development standards for small outbuildings does not need to be setback in accordance with Table 2a for additional outbuildings that are proposed under B. Large and multiple outbuildings.

There are separate building code requirements that may also apply

References that may be applicable to this Policy

Legislative Requirements:	Planning and Development Act 2005 Planning and Development (Local Planning Schemes) Regulations 2015
Procedure, Process Maps, Work Instructions:	Planning Application Procedure
Other Plans, Frameworks, Documents Applicable to Policy:	State Planning Policy 7.3: Residential Design Codes Volume 1 State Planning Policy 7.3: Residential Design Codes Volume 2 - Apartments CP-029: Tree Policy LPP1.1 Planning Process and Decision Making LPP1.8 Crime Prevention through Environmental Design of Buildings LPP1.1 Amenity LPP1.2 Design Review Panel LPP1.5 Energy Efficiency in Building Design CP-029: Tree Policy
Delegated Authority	DA – 020: Planning and Related Matters

ORIGIN/AUTHORITY		Item No.
Ordinary Meeting of Council	20/11/2011	P11/3248
REVIEWS		
Ordinary Meeting of Council	19/11/2013	P13/3438
Ordinary Meeting of Council	15/11/2016	P16/3728
Administrative Review	(Council Resolution 18/6/2019)	M19/5691
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