

<b>Presented to</b>	May 2022 Ordinary Council Meeting
<b>Related to Item</b>	Amendment - Cr Mair
<b>Submitted by</b>	Director Urban Planning, Steve Cope
<b>Attachments</b>	N/A

The following further amendment has been provided by Cr Mair in relation to item P22/3981 – Review of Local Planning Policy 3.1 Residential Development

3. C4.7 In accordance with the R-Codes Volume 1 approval process, the design principles deemed-to-comply provisions may be varied to allow solid walls for front fencing on road boundaries at T-Junctions or roundabouts based on the merits of the proposal, including traffic attenuation, privacy, topography or other relevant assessment.

#### **Officer Comment**

The revised wording in the amendment is not appropriate for inclusion in LPP3.1 Residential Development:

- Under Clause 7.3.1 of the R-Codes local planning policies may amend or replace a Deemed to Comply provision they cannot introduce a new design principle.
- A deemed to comply provision is one that is clear and easy to apply. Where a proposal meets a deemed to comply provision it can proceed directly to the building permit stage.
- The proposed provision is ambiguous, it does not provide measurable standards which can be applied to the assessment of a wall and as such it is not an appropriate deemed to comply provision.

Any proposed deemed to comply provision which allows solid front fences above 1.2 metres in height on lower order roads will be inconsistent with the Design Principle contained in Clause 5.2.4 and therefore would be invalid.

It is recommended that the Council do not pursue this matter any further.