



Australian
Institute of
Architects



Association of Consulting Architects
The Business of Architecture

State Planning Policy 7.3

Residential Design Codes

Volume 1 – Low and Medium Density

Submission to

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PURPOSE

This submission is made to the West Australian Planning Commission (WAPC) and Department of Planning, Lands and Heritage (DPLH) to provide comments on the *State Planning Policy 7.3 Residential Design Codes Volume 1 -Low and Medium Density: Draft for public comment November 2020*.

SUBMISSION BY

This submission is jointly made by the Australian Institute of Architects, WA Chapter, and the Association of Consulting Architects.

The Australian Institute of Architects (Institute) is the peak body for the architectural profession in Australia. It is an independent, national member organisation with around 11,500 members across Australia and overseas.

The Institute exists to advance the interests of members, their professional standards and contemporary practice, and expand and advocate the value of architects and architecture to the sustainable growth of our communities, economy and culture.

The Institute actively works to maintain and improve the quality of our built environment by promoting better, responsible and environmental design.

The Association of Consulting Architects (ACA) is the national peak body representing the interests of employers in industrial matters. It now addresses the “business of architecture” more broadly, with industrial relations as a vital core of ACA activity.

The ACA helps architectural firms navigate the changing world of practice by providing regular advice and information on business and employment matters, by promoting awareness of and discussion about business issues, and by advocating for better business practices and legislative frameworks.

Through this leadership, support and advocacy, the ACA helps to ensure the long-term health and viability of the profession, and thereby supports the important contribution that architecture makes to our cities, environments, communities and cultures.

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1. INTRODUCTION

We welcome the opportunity to provide comment on the consultation of *SPP7.3 Medium Density Policy*.

We believe that the Code will positively contribute to the *Design WA* suite with an aim to increase housing diversity and improve the built environment, allowing for the future growth of urbanities within Western Australia and in turn providing its constituents more housing choice, and preferably better energy efficiency. Urgent action is needed as we face the challenges presented by climate change. The built environment offers significant potential for achieving deep cuts in greenhouse emissions, which can be realized by reducing energy demand and increasing the energy efficiency of buildings. Planning policy needs to work together with the *National Construction Code* (NCC) to strive for greater energy and resource efficiency in the building sector. There are opportunities for further incentives in the Code that will facilitate innovation and encourage alteration, retrofitting and rebuilding of our current building stock to achieve more sustainable outcomes.

To facilitate better cross referencing between the various State Planning Policies (SPPs), further references back to the over-arching design principles outlines in *SPP7.0 Design of the Built Environment* should be made in this document to further articulate the aims of the Code.

The document's aims of achieving measurable 'good design' are admirable. There are opportunities for further incentives to promote innovation in good design, with an objective of a built environment that exceeds the minimum standards of good design outlined in the Code.

2. PART A: OPERATION OF THE CODE

3.0 LOCAL PLANNING FRAMEWORK

The scope of modifications by Local Planning Frameworks are legible and clearly summarised in Table 3.2a. There are some concerns that items like street setbacks and building heights become political within certain jurisdictions. We appreciate that there needs to be some consideration for specific localities, such as heritage streets or heritage precincts, to amend the Code, but we would recommend for the WAPC to clearly articulate the process for this, placing safeguards in place to prevent localities to create amendments that lead to outcomes that may be contradictory with the aims of the Code and the *Design WA* policy suite.

Clearer articulation of what projects triggers initiate Design Review Panel (DRP) processes also need to be articulated. Currently these vary across jurisdictions and we welcome a more consistent approach. For example, we would propose that projects following the Deemed-to-comply pathway and engage the services of an architect may not require a DRP process.

Further process articulation and guidance is required for projects seeking approval through the performance based on design principles pathway, as opposed to the Deemed-to-comply method. The Code needs to ensure that well-designed projects that may exceed the Deemed-to-comply criteria are not disadvantaged or pre-qualified as non-compliant.

3. PART C: MEDIUM DENSITY CODE

1.0 LAND

1.1 Site area

Further dispensation is required for the protection of heritage or natural features, including incentives to retain existing trees within project site boundaries. We would suggest sites with existing tree canopies to be able to access the bonuses outlined in Site Category 3 on Table A.

The definition of “Location A” needs to be expanded to include proximity to amenity, not just public transport, which may include proximity to education, retail, and healthcare facilities. For example, Transitional Housing located within proximity to rehabilitation services, should qualify for associated development bonuses associated with Site Category 3.

With regards to lot sizes, we would support the removal of minimum lot sizes. The shift of focus to average lot sizes is positive and provides opportunity for innovation in development and housing.

With regards to lots less than 100sqm (micro-lots), we understand that the limitation in areas coded R100 where an approved Local Development Plan (LDP) is in place is to prevent approval for titles that will result in impossible or poor design outcomes. However, we would advocate for a ‘built form first’ approach, where functional requirements for a potential subdivision be demonstrated, such as site planning, dwelling design, vehicle access, and orientation. Set as a primary assessment criterion for subdivision applications for micro-lots, there would be opportunity to open the limitation for when micro-lots can occur and, in turn, allow for more flexibility and future affordability of housing stock.

The Code has limited design criteria to improve the laneway (or rear laneway) design and practicality. We would recommend extending the Code to address laneways with an objective of activation, where they can become the primary street for residences, via a dedicated clause.

2.0 THE GARDEN

2.1 Primary garden area

The aims of improving both dwelling amenity through increased access to garden, light and natural ventilation are positive and supported. We note these are all passive sustainability principles, and there is opportunity to incentivise active sustainability within the Code, such as on-site wastewater treatment, on-site power generation or community-based garden initiatives. There should be sufficient flexibility within the Code to allow for these types of initiatives to occur, with certain incentives such as: reduced boundary setbacks or height compromises to allow reasonable application of active initiatives.

With regards to the proposed clauses, we make the following comments:

- The strict northern orientation of the garden may not always be best outcome for a site. For example, in instances where a neighbour has built on the northern boundary, where overshadowing may be prominent.
- There is no allowance for a “courtyard house” typology, where the garden is centrally located on the site.
- We would recommend for Table 2.1a to be expanded to include more minimum primary garden area typologies.
- With regards to the primary living area connection to the garden, the connection needs to be better articulated. For example, currently can achieve the Deemed-to-Comply criteria

with a single solid door, but this would be in contravention with the overall aims of the Code.

2.2 Private open space

We would recommend an alternative option for balconies whereby 100% screening, with a limited height of up to 1600mm being permissible, provided the balconies are an effective sky terrace (i.e., open to the sky above with no roofing / structure over). We would also recommend for the potential flexibility to minimize the width dimension, where the overall balcony size is increased.

2.3 Trees, Deep Soil and Landscaping

The significant tree retention concessions within the Code are insufficient. We would recommend these to be linked into subdivision applications, not just single developments. We would also recommend articulated incentivisation of existing tree retention in all Deemed-to-Comply clauses of the Code.

The inclusion of deep soil area requirement in the Code is a positive step to ensure that vegetation, trees, and storm water infiltration zones are accommodated and encouraged within our neighbourhoods. Within some sites and developments, the provision of a single deep soil zone may be restrictive. We would recommend for complex or larger sites to have allowances for breaking up the deep soil zones into separate garden spaces, particularly where the root growth spaces can be interconnected with built form in between (e.g., screens or fences).

Planting on structure has not been addressed and it is unclear if any dispensations in reduced deep soil zones will be allowed for with projects that have significant deep planters on structures, such as on top of basement car parks.

Verge planting should also be encouraged promoting deep soil, significant tree, and rain gardens on verges within the Code. The overall *Design WA* Policy should encourage local councils to form LDP's encouraging the utilisation of these spaces.

Specific comments in response to the tables withing this clause:

- Table 2.3a: We would recommend that single houses and group dwellings have the same tree requirement as multiple dwellings.
- Table 2.3b: Large tree size needs definition.

2.4 Communal open space

It is a positive initiative to ensure quality communal open space within medium density developments. We note that as outlined on Table 2.4a, there is no requirement for minimum communal open space for developments less than 10 dwellings, some communal space consideration should be applied for these smaller developments.

We note that the communal open space requirements on sloping sites may be difficult to achieve. Articulated provision for application of the design principles within difficult sites would be beneficial within the Code.

2.5 Water management & conservation

We would recommend for the State to set uniform standard for stormwater collection and management strategies. Currently local authorities have different approaches to management.

3.0 THE BUILDING

Indoor Amenity

3.1 Primary living space

The aims of ensuring dwellings have a quality primary living space will significantly improve housing in Western Australia, and the optimisation of liveability of housing is commendable. We make the following specific comments in association to specific items:

- The definition of primary living space needs to be further articulated, for example: in open plan living areas, further articulation is required as to whether the kitchen bench is included in the calculation of the primary living space.
- Minimum room sizes need to consider the aperture to the outside. We would suggest that Figure 3.1a be adjusted to indicate a glazing component that is 20-30% of the room area.
- Minimum room sizes need to consider the volume / spatial considerations (i.e., ceiling height), so that the Code is more focused on quality of space rather than areas.
- The primary living space location and aspect needs to consider views specific to location. For example, there is currently limited consideration for beachside dwellings with views due west.
- The minimum internal dimension of the primary living space of 4m may be restrictive, we would suggest reducing this to 3.5m.
- In multiple dwelling developments, a requirement for all the grouped dwellings having primary living spaces oriented to the north will be highly site restrictive with no allowance for internal courtyards.

3.2 Solar access and natural ventilation

Access to natural light and ventilation benefits dwelling design, both through improving the amenity for the resident, but also through facilitating passive sustainability design principles.

Specific comments in response to the Deemed-to-comply requirements:

- The effect of the 2:1 height to width ratio of lightwells and courtyards in the *SPP 7.3 Apartment Codes*, has had an unintended consequence of apartment developments no longer using light wells. Further testing of this clause may be required to ensure that good quality spaces can still be achieved with less stringent requirements.
- The effect of C3.2.4 is positive in application to high-volume building developers. We understand that architects would pursue to demonstrate compliance based on performance criteria of the design principles for bespoke developments based on specific locations, sun angles, etc.
- The bathroom requirements outlined in C3.2.6 will be difficult to achieve universally. We would recommend an allowance for operable skylights, particularly where corner sites are built up to boundaries. We would also recommend removing the wording "external wall" from this clause.

3.3 Size and layout of dwellings

Consideration needs to be applied to allow flexibility and innovation within this clause to facilitate both functional and affordable housing options.

With reference to the minimum internal dwelling floor areas outlined in Table 3.3a, we note that the increase in floor area from one to two bed dwellings and two to three bed dwellings is excessive. When considering that a good bedroom can be achieved in 9 sqm (refer Table 3.3b), there is a result of an allowance of an additional 11 sqm for two-bedroom dwellings and 14 sqm for three-

bedroom dwellings. We would recommend in lieu of minimum dwelling sizes, to focus on minimum room sizes, which will in turn allow for further flexibility and innovation in design.

Function

3.4 Parking

In general, further incentives within the Code should be made to reduce hard surfaces and driveways, reduce visitor bays, and encourage innovative strata car-share models. Specific provisions for encouraging street visitor parking, except for on high-frequency routes, should be addressed within the Code. A reduction in car bay requirements will allow for more affordable housing typologies.

Specifically, with regards to Table 3.4a, we note as follows:

- Location A reduction of parking should also apply to visitor bays. Visitor bay calculations to be rounded down to the nearest number (not up). Encourage well treated visitor bays on verges, subject to council approval.
- Further allowances for market transitions need to be made. For example, in affluent locations, there is a high demand for the 2 bed by 2 car bay apartment model. If strict minimum and maximum parking standards do need to be applied, we would recommend revising the maximum parking permitted within Location A for 2-bedroom dwellings to 1.5.
- There is an opportunity to remove minimum car bay requirements all together, allowing for market driven response, and for innovation with regards to approach to car share systems. Within the current planning frameworks, it is frequent for apartment owners to have a vacant second car bay.

3.5 Storage

Storage should not be limited to external access, internal storage within dwellings should be encouraged, as is often safer and more accessible.

3.6 Waste management

We would also recommend for uniform strategies associated with waste collection and management, whereby verge bin collection for larger developments having detrimental aesthetic and community outcomes.

3.7 External fixtures

We have no comments in response to this clause.

3.8 Outbuildings

We have no comments in response to this clause.

Housing Diversity

3.9 Universal design

It is our recommendation to raise the minimum universal design requirement from LHA Silver to [LHA Gold](#), as defined in the Liveable Housing Design Guidelines. The LHA Gold standard will allow for greater adaptability and life spans for dwellings, which will allow for residents to remain independently living within for longer periods with changing needs. It will also prevent the construction of non-accessible dwellings on smaller (strata) developments, with minimal financial implications.

Specifically, in response to Table 3.9a:

- The LHA Gold standard should also be applied as a minimum requirement for 1-4 dwellings per lot developments.
- For development of 10 or more dwellings per lot, a minimum of 10% of all dwellings should achieve the [LHA Platinum](#) universal design requirement.

3.10 Ancillary dwellings

We would recommend for the provision for ancillary dwellings on all lots, not just green title lots. Provided that the minimum Deemed-to-comply requirements are met, there will be an opportunity to further diversify and achieve the strategic density direction, as set by the WAPC, within inner city survey strata lots.

3.11 Small dwellings

We agree that a provision for small dwellings within our planning framework is fundamental to ensuring future ongoing housing affordability.

3.12 Aged or dependant persons dwellings

We note the following in response to specific Deemed-to-comply clauses:

- C3.12.1 remove items (i) and (ii). The “maximum internal dwelling floor area” restriction limits aged or dependant persons into Studios or 1-bedroom dwellings. This creates no incentive to provide a diversity of housing choice for this demographic or the ability for live-in carers / onsite overnight assistance, as referred to by the National Disability Insurance Scheme (NDIS).
- C3.12.2 - C3.12.3 delete references to AS4299 and instead refer to the Liveable Housing Australia LHA Platinum Standard.

3.13 Housing lots on less than 100sqm

We would recommend the ability to access these provisions for developments with the retention of significant trees. This would provide a more affordable option to two-storey dwellings.

4.0 NEIGHBOURLINESS

Built Form

4.1 Site cover

We have no comments in response to this clause and agree with it in principle.

4.2 Building height

Building height is a frequently debated and challenged planning criteria in many developments. Whilst community concerns need to be addressed, sufficient allowances need to be made to ensure development feasibility and quality amenity in multi-storey developments.

We make the following notes and recommendations:

- Building height should be determined by the boundary ground level or natural ground level at the location of the boundary wall if that is higher.
- In reference to the storey heights summarised in Table 4.2a, we note that there is a building height allowance of 3.5m per floor for 1-2 storey developments, and a reduced 3m per floor allowance for 3-4 storey developments. We note that once ceilings, services and building structure is designed for, this would only allow for 2.4-2.5m ceiling heights for 3-4 storey developments, effectively a reduced amenity of space. We recommend for the

building height allowance for 3-4 storey developments to be increased to 3.5m to facilitate improved amenity within the habitable spaces of these developments.

- In lieu of maximum building heights, a focus on average building heights may be more effective in fostering innovation and dwelling diversity in future medium density developments. The current approach may limit some building methods, such as timber framing, particularly on sloped sites, where excavation is necessary. This refocus would need to come with more prioritisation on overshadowing than actual building height.

4.3 Lot boundary setbacks

The lot boundary setback provisions are insufficient and more onerous than the R-Codes, which if endorsed into the final version of the Code, have the potential to lead to reduced housing diversity and increased streetscape homogeneity.

Specifically, we note the following issues:

- Proposed setback provisions do not encourage the articulation of facades, which lead to increased diversity of aesthetic and identity of streetscapes.
- The provisions challenge the ability to accommodate all the required primary garden spaces along the (preferably) northern aspect of the site. We would consider more focus on overshadowing in lieu of setbacks.
- Further review needs to be undertaken of the proposed provisions on sloping sites; there is a high probability that the proposed provisions will inadvertently lead to stepped spaces inside dwellings.
- The Code needs to address the scenario of two storey walls close to boundaries and address this in line with the aims of the Code.
- The lot boundary setbacks are more onerous for 2 storey developments than the current R-Codes.
- Testing done by architects during the policy development would now likely fail to comply with the proposed increased lot boundary and side setback provisions.
- We would suggest tweaking the lot boundary setback provisions within the old R-Codes.

4.4 Site works and retaining walls

We identify the following issues with the proposed provisions:

- Disincentivises undercroft parking, which would make it difficult to achieve development outcomes on sloping sites.
- Setback of retaining walls will result in dead space (non-habitable) along boundaries.

Character

4.5 Streetscape

We would recommend the inclusion of a guiding principle to enhance the local vernacular / character for precincts. This may be achieved in conjunction with Local Planning Schemes (LPS).

4.6 Street setbacks

The proposed provisions for street setback are more onerous than the current R-Codes, which would put spatial pressure on achieving the extra space required in primary garden spaces on developments.

The Code does not recognise that setback regularity and depth is a fundamental component of streetscape aesthetic and, in Perth, is often particular to a period of contiguous development of the locality, leading to distinct local character within a precinct.

Setting garages back from the line of the building has the potential of having a detrimental outcome for design and affordability. For example, a 5.5m street setback will provide another tandem parking space at the front, but this car bay will be at the sacrifice of the garden. This effect would be in contradiction with the aims of the Code, to reduce focus on car parking and increase deep soil areas.

4.7 Vehicle and pedestrian access

The proposed provisions outlining requirement for additional pedestrian access ways contradicts the deep soil area provisions. This requirement is likely to result in more fencing and pressure on primary garden areas. This result is in contradiction to the aims of the Code. We suggest that the provision of one clear pedestrian access at a comfortable width, flanked by landscaping, that is well lit is a more positive outcome.

The proposed provision of requirement for sightline to the street down pedestrian access ways will be difficult to achieve in all scenarios, and we question the enforceability of this provision.

4.8 Communal streets

We have no comments in response to this clause.

4.9 Street fences

The requirement for visually permeable fencing requires further review and testing. We note that under this proposed provision compliance is possible at two-thirds of the fence being impermeable, and one-third being permeable. It appears that the Code assumes that passive surveillance occurs at standing adult height. The Code needs to further consider the needs of young people, the elderly and the disabled, whose visual access is likely to occur from lower heights.

4.10 Retaining existing dwellings

The retention and upgrade of existing building stock has considerably lower carbon footprint, than the act of demolition and new build. The Deemed-to-comply provisions may be restrictive and disincentivise the retention of existing dwellings on development sites. There needs to be the incentivisation of retention of dwellings to both, positively impact on the environmental impacts of building development and to encourage character retention of streetscapes, particularly in lower densities (e.g., R30).

Community

4.11 Solar access for adjoining sites

In development areas where micro-lots are present, the maximum overshadowing for adjoining properties will be challenging to achieve. We would recommend further testing for this scenario.

4.12 Visual privacy

We question the increase of the cone of vision radius outlined in Table 4.12a and whether it is necessary to provide acceptable visual privacy in neighbourhoods.