

DESIGN WA STAGE ONE

City of Stirling Submission: 7 February 2017

1.0 Introduction

The City of Stirling is pleased to see the introduction of a state-wide planning policy which will ensure better design outcomes for apartments and mixed use developments. The City recognises that the suite of documents comprising stage one of Design WA aim to contribute to improving the built form of apartment and mixed use developments, and the increased emphasis on design considerations at the beginning of the development process.

While supportive of the introduction of a policy to improve apartment design, the City has concerns regarding the implementation, design interface issues and possible unintended consequences that may arise as a result of the proposed changes. For example, every local centre in the City could have a height increase from 2 to 6 stories and all of the corridor plans and activity centre plans which are substantially consistent with this policy need to be re-written. Surely this is not an outcome sought by these design guidelines. These points are discussed in detail further in this submission.

The City makes the following comments in relation to stage one of Design WA:

2.0 State Planning Policy 7: Design of The Built Environment

2.1 General comment

The City is supportive of the introduction of a design review process as this will improve the quality of design and the built environment.

2.2 Part 6: Measures

- Mandatory Requirement for Design Review Panels

Under the design the Design Review subheading of section 6 of State Planning Policy 7, it is stated that:

"State, local government and/or precinct authorities are required to establish and operate design review process to review applications of certain thresholds set out in the Western Australian Planning Commission Design Review Guide."

It is not clear whether it is a mandatory requirement for state/local authorities to establish a design review panel as the wording above states that such authorities are required to establish and operate a design review "process" but not a design review "panel". Also, the Design Review Guide does not specify if the establishment of such panels is a mandatory requirement for state and local authorities.

Should the establishment of a design review panel be a mandatory requirement for state and local authorities, it is suggested that a State Planning Policy is not the appropriate legislative document to impose such a requirement. For this to be a statutory requirement, it needs to be included in the Planning and Development (Local Planning Schemes) Regulations 2015.

2.3 Schedule 1: Design Principles

- Inclusion of a Transport and Design Principle

It is submitted that an additional design principle be included which focuses on the relationship between transport and design. This principle should stipulate that good

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design responds to transport demands, established development forms and layout, and promotes increased density around current and future public transport routes and nodes.

This principle should also make reference to the need for on street parking and for buildings to conceal parking from the street. Reference should be made to the need for apartment design to contribute to the creation of pedestrian friendly places that create environments where people will want to meet and walk through. This can be achieved through a combination of awnings, building frontages that allow surveillance to and from the street and places for people to meet.

This principle should recognise the need to encourage and accommodate cyclists in these pedestrian focussed places, and provide for the supply of end of trip facilities.

It is recommended that an additional design principle be included which focuses on the relationship between transport and design.

3.0 Apartment Design Policy

3.1 Implementation

The documents released for public comment provide a timeline for the implementation of stage 1 of the Design WA process, which indicates that following the public advertising period, the next stage of the process is the approval and gazettal of the documents. When this occurs, the Apartment Design Policy in particular will replace Part 6 of the R-Codes.

If this occurs there will be significant implementation problems and many unintended consequences will arise due to the development standards within the Policy overriding those of existing local planning instruments.

One example is that existing residential zones (R40 to R60) will default to the detached types (D1, D2 & D3) of the Primary Control Table. In the City of Stirling's R40 zoned areas, building height is currently controlled by the City's Local Planning Policy 2.6 - Residential Building Heights, which effectively permits a 2 storey dwellings. The Primary Control Table will increase this height to 3 storeys.

Furthermore, the building height provisions for the "A2 Streetscape Character Type" of the Apartment Design Policy will now apply to developments in all local centre zones within the City. This may result in mixed use developments potentially up to six (6) stories in height being located in low density residential areas.

While there may be valid reasons to support additional building height, for example to allow increased residential amenity through increased open space, increased building setbacks and the retention of trees (or the ability to provide sufficient space for the planting of trees), this change will come into effect with the public having little knowledge or understanding of this change. The implementation itself is at odds with the statement within the policy document which states that '*communities have a reasonable expectation for a degree of certainty regarding the future characteristics of their neighbourhoods*'.

This change may result in similar levels of community dissatisfaction to that which arose when the R-Codes were previously amended that resulted in a significant increases in multiple dwelling development in areas where this type of development had not

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previously occurred. Changes to building height and density need to be made through a process that involves the community, not imposed upon the community.

The City believes that transitional arrangements must be put in place to allow local government develop or modify its local planning frameworks to reflect the Apartment Codes. This will, of necessity, require comprehensive community consultation.

- **It is recommended that transitional arrangements be put in place that allow local government to review their local planning instruments as anticipated by the Apartment Design Policy, following community consultation (subject to the Western Australian Planning Commission's decision regarding the recommendation made in this submission under the "Amendments to the Apartment Design Policy Provisions by Means of Local Planning Instruments" subheading).**

3.2 Part 1 Introduction

- Legislative Status

Part 1 of the Apartment Design Policy requires clarity regarding the relationship between the Apartment Design Policy and the R-Codes. Specifically the document states that it is Volume 2 of State Planning Policy 7.3, yet the Design WA brochure indicates that the Apartment Design Policy is to replace part 6 of the R-Codes.

Greater clarity surrounding the relationship of the Apartment Design Policy with the current R-Codes needs to be included in part 1 of the Apartment Design Policy along with a diagram indicating the hierarchy of the documents.

The Apartment Design Policy also states that Volume 1 of State Planning Policy 7.3 will apply to Single Houses and Grouped Dwellings.

The City also recommends a timeframe for the preparation of Volume 1 of State Planning Policy 7.3 - Single Houses and Grouped Dwellings be provided.

- Status of Local Planning Policies

In relation to Local Planning Policies, subheading *Variations to Volume Two of the Residential Design Codes* of Section 1.1 states:

"If a properly adopted local planning policy which came into effect prior to the gazettal of this policy is inconsistent with this policy, this policy prevails over the pre-existing local policy to the extent of the inconsistency."

The Policy also states:

"Local governments should review pre-existing local policies where inconsistent with this Apartment Design Policy."

It is unclear whether existing local planning policies which contain provisions inconsistent with the Apartment Design Codes will require review and subsequent approval from the Western Australian Planning Commission given that the Apartment Design Policy prevails. If this is in fact the case, the City has two major areas of concern.

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Firstly the City currently has a number of local planning policies and Local Development Plans which have been properly adopted and were developed with rigorous and thorough community consultation. These policy instruments are currently providing improved design outcomes which respond to specific local needs and are consistent with the principles of the proposed Apartment Design Policy. To have these local planning policies overridden by the Apartment Design Policy would not reflect the desires of the local community who have been involved in the formulation of these policies.

Secondly It would be highly onerous to be required to retrospectively reconsider, re-advertise and have these policies re-approved at State level given they are currently functioning as intended in a local context. This burden would fall to officers of the Department of Planning as well to local governments. Readopting these policies which are based upon design philosophy consistent with this proposed Apartment Design Policy and will result in further delays and expenses.

The Local Planning Policies that would need to be re-approved by the Western Australian Planning Commission include:

- Residential Building Heights
- Multiple Dwellings
- Single Houses and Grouped Dwellings
- Mixed Use & Commercial Centre Design Guidelines
- Mixed Business Design Guidelines
- Main Street Plaza Design Guidelines
- Karrinyup Regional Centre Guidelines

The City has also prepared Local Development Plans for the following areas:

- Stirling City Centre
- Beaufort Street Activity Corridor
- Scarborough Beach West Activity Corridor

These plans were prepared following extensive public consultation and are precinct specific documents that reflect the local context far more accurately than a policy document that applies to the entire metropolitan area could do. The Beaufort Street and Scarborough Beach West Activity Corridor Local development Plans are currently with the Department of Planning for comment.

Should the Apartment Design Policy be gazetted in its current form, these documents would require referral back to the Western Australian Planning Commission, which given the design process that was followed in their preparation and the likelihood that they will be endorsed by the Department of Planning makes their referral again a pointless exercise.

It is recommended that the Apartment Design Policy be implemented only after the City has undertaken the necessary work to review and obtain approval of relevant Local Planning Policies (subject to the Western Australian Planning Commission's decision regarding the recommendation made in this submission under the "Amendments to the Apartment Design Policy Provisions by Means of Local Planning Instruments" subheading).

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- Amendments to the Apartment Design Policy Provisions by Means of Local Planning Instruments

In relation to Local Planning Policies, Local Development Plans, Structure Plans and Activity Centre Plans, subheading *Variations to Volume Two of the Residential Design Codes* of Section 1.1 states that:

"...local planning policies, local development plans, structure plans and activity centre plan may contain provisions that with the approval of the Western Australian Planning Commission, amend or replace the primary controls and planning criteria contained in the following sections of this policy:

- *Streetscape character types*
- *Plot ratio*
- *Building height*
- *Building depth*
- *Building separation*
- *Street setbacks*
- *Side and rear setbacks*
- *Incentive based development standards**

The document also states that any other Design Criteria within this Apartment Design Policy can be amended by means of a local planning policy, local structure plan or local development plan provided that certain criteria are met to the satisfaction of the Western Australian Planning Commission.

Any modification to the Apartment Design Policy therefore requires consent of the Western Australian Planning Commission. It is submitted that local governments should retain the ability to amend the majority of provisions of the Apartment Design Policy without requiring the consent of the Western Australian Planning Commission. Part 7.3 of the R-Codes currently allows this to happen. Retaining this flexibility will allow local governments to efficiently prepare planning instruments which fit the local context and reflect local community desires.

The City has recently adopted a Local Planning Policy for Multiple dwellings that modified design elements under Part 7.3 of the R-Codes, and expects that this policy will deliver improved design outcomes.

It is recommended that the Apartment Design Policy be amended to allow the City to modify specified design elements of Local Planning Policies, or Local Development Plans without requiring the consent of the Western Australian Planning Commission.

- Approval Process

The City is supportive of the greater onus placed on proponents to demonstrate good design, and increased emphasis placed on an increased understanding of the context of a development site prior to the submission of an application. The City is also supportive of the inclusion of a 'Pre development application checklist' and 'Development application checklist'.

Despite the clear intent of these checklists requiring applicants to give greater consideration to design outcomes early in the design process, it is unclear whether 'Site

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design response checklist', 'Pre development application checklist' and concept designs and design statements are a mandatory requirement or a recommendation.

A proper understanding of statutory submission requirements is essential to enable local governments and applicants to correctly apply these provisions. Without clarifying which are the mandatory submission requirements, local governments may apply these provisions inconsistently. Also, an applicant who does not submit the checklists to demonstrate how the design development process has been followed could have their development application refused if a local government believes that the checklists are mandatory.

Any local government can amend its submission checklist to align with the checklists referred to, but clarity should be provided by the Western Australian Planning Commission by identifying mandatory pre-lodgement requirements.

It is recommended that the Apartment Design Policy specify which pre-lodgement items are mandatory development application submission requirements.

3.3 Part 2 Primary Controls

- Limit of Building Typologies

The Primary Control Table proposes 6 different streetscape character types, 3 detached types for residential development and 3 attached types for commercial development.

The building typologies contained in the Apartment Design Codes are limited. A greater variety of appropriate building typologies needs to be included.

The City of Stirling has undertaken numerous design exercises to identify suitable building typologies that can be within the City. To date, the City has developed 12 differing building typologies for use in the Stirling City Centre alone, and recognises that differing typologies are appropriate in differing locations.

It is submitted that the 2 typologies proposed are limited as they will not require proponents to deliver variety in building typologies which may lead to a bland urban environment. Furthermore, as nil side setbacks are permitted on all levels in the attached streetscape typologies (see comments for Nil Setbacks for Streetscape Character Type A1, A2 and A3 below) circumstances may arise where there are insufficient breaks between towers. Breaks between towers are considered desirable in high density areas to allow for sufficient view corridors, to break up building bulk and to allow access to sunlight and can be achieved when requiring differing building typologies (e.g. podium buildings and component buildings.)

The images on pages 28 and 29 of the Apartment Design Policy indicate a variety of building typology examples (e.g. podium and tower apartments, courtyard apartments etc.) none of which are required under Table 1. These should be required typologies to encourage diversity and should be included in Table 1.

It is recommended that additional building typologies be developed and included as requirements within Table 1 of the Apartment Design Policy.

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- Application of Streetscape Character Types

The Apartment Design Policy recognises that a scheme review or amendment process will be required in order to give effect to the development standards for the different streetscape character types detailed in the Primary Control Table. Implementing this fundamental design element of the Apartment Design Policy will require a significant body of work to be undertaken across the metropolitan area, and the resource implications of this work for all local governments are unknown, but will be significant.

The blanket approach where Streetscape Character Types permit differing base building heights which can be increased to 6 storeys if height bonuses are applied does not provide the community with certainty. Changes in building height need to be made through a process that involves the community throughout rather than being imposed upon the community.

These provisions have the potential to create significant negative impacts in terms of amenity, bulk and scale for residents who for the most part be unaware that a new planning framework has been introduced without any effective or place based community consultation.

It is recommended that the Apartment Design Policy Streetscape Character Types be implemented only after local authorities have undertaken the necessary work to determine how Streetscape Character Types are applied, and the public has had the opportunity to comment on these changes through a Scheme Amendment, Structure Plan or Scheme Review process.

- Nil setbacks for the Detached Streetscape Character Types

The Primary Control Table indicates that a minimum side setback of 3m for the 3 detached streetscape character types D1, D2, and D3 can be reduced to nil at ground floor level. This is inconsistent with the intent of the detached development streetscape character type in section 2.3 which states that detached developments are:

"Designed to emphasise landscaping between buildings" and that "Side setbacks are consistently enforced to create frequent building breaks along the street".

This could potentially allow scenarios where buildings are developed to nil on one side boundary and have vehicle access located on the other, or nil setbacks to two side boundaries. This would greatly reduce the ability to have landscaped setback areas and for trees to be planted, facilitating a cooler and more attractive urban environment.

It is recommended that the provision allowing this setback to be reduced to nil be removed to allow for deep root zones to be provided for the planting of trees and soft landscaping.

- Nil Setbacks for Streetscape Character Type A1, A2 and A3

The Primary Control Table states that Streetscape character types A1, A2 and A3 permit varying boundary wall height limits but also minimum side setbacks of nil. It is unclear whether the nil minimum side setbacks (i.e. boundary walls) can be applied on storeys above the boundary wall height limit.

A four storey boundary wall is a considerable structure. The accompanying text for this streetscape character states that it *'can be appropriate in CBD or surrounding urban*

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blocks, and that it is applicable to *'Significant development scale relating to urban block. May be a mix of built form scales within a large development site. Contiguous street frontage often relates to lower 3-5 storeys with setbacks to higher levels'*. The diagrams associated with this character type do not reflect the form of development that occurs in a CBD area, reinforcing the need for separate building typologies for a CBD environment.

The Local Development Plans prepared by the City of Stirling for the Beaufort Street and Scarborough Beach West Activity Corridors demonstrate that boundary walls greater than 4 storeys can be appropriate, but only after a comprehensive planning framework has been developed. It is submitted that boundary walls greater than 4 storeys should not be permitted unless a defined context determines otherwise.

It is recommended that clarification whether the boundary wall height can be varied is provided through an additional note to accompany the Primary Control Table.

- Minimum Lot Sizes

No lot size requirements are stipulated in the Primary Control Table. This may result in an outcome where there is no separation between buildings if several residential lots are amalgamated. This outcome is inconsistent with the intent of the detached development streetscape pattern which applies to residential zones coded R40 to R160.

It is recommended that minimum and maximum lot areas are included in the Primary Control Table.

- Plot Ratio

The Primary Control Table specifies a plot ratio control for all streetscape character types. The City considers that street setbacks, side and rear setbacks, and communal open space are more appropriate mechanisms for controlling building bulk than plot ratio controls. This is supported by the Apartment Design Policy text which states that 'Building Envelope' and 'Building Massing' are the primary controls to be used in achieving good design.

Plot ratio controls can result in buildings requiring greater height to achieve a similar floor space or development yield, but which are narrower than what the setback requirements alone would permit. This can lead to apartments being unnecessarily small and less usable for residents and as such, the City's experience is that plot ratio standards are often varied when assessing multiple dwelling developments.

It is submitted that plot ratio controls can be appropriate when regulating the land use floorspace (e.g. commercial, industrial etc.) but are inappropriate for multiple dwelling developments when setback and open space provisions are already in place.

It is recommended that the plot ratio controls are removed from the Primary Control Table.

- Building Depth

The Building Depth Table specifies a maximum building depth of 18m however it is unclear as to how this is to be applied. It is unclear whether building depth is to be measured from the front lot boundary or whether it applies to the depth of the building

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itself. The inclusion of lot boundaries to figure 2.7b would clarify how this provision is to be applied.

It is recommended that a definition or a supporting diagram be provided to clarify how this provision is to be applied.

- Modification of Primary Controls

The final paragraph on page 24 of the Apartment Design Policy relating to the Modification of Primary Controls states that local governments may adjust the controls of the Apartment Design Policy via Local Planning Schemes or on a precinct-specific basis.

It is recommended that this paragraph be amended to specify which planning instruments (e.g. Structure Plans, Local Development Plans or Local Planning Policies) can be used by local governments to adjust these controls.

- Detached Streetscape Character Diagram

Page 28 shows a number of building typology examples under the detached streetscape character type. Some of these examples indicate a nil setback at ground floor level. These diagrams are inconsistent with the intent of the detached development streetscape character type in section 2.3 which states that detached developments are:

"Designed to emphasise landscaping between buildings" and that "Side setbacks are consistently enforced to create frequent building breaks along the street".

It is recommended that these examples be amended by removing any images of nil setbacks or buildings with adjoining walls at ground floor level.

- Building Height

Section 2.6 - Building Height does not contain a building height provision for tower and podium heights. The lack of such a provision could result in buildings up to 9 storeys being constructed up to the street, which results in a loss of human scale to the development. This is not considered a desirable outcome.

The omission of controls for podiums reflects the limited building typologies referred to earlier in this report.

It is recommended that requirements for buildings to be setback behind podiums be included as a design criterion in the Apartment Design Policy, or included as an additional building typology.

- Building Depth

Planning guidance provided under section 2.7 indicates that buildings along a north south orientation should be narrower than buildings facing east west to avoid the number of apartments south facing. This guiding principle is supported but quantifiable design criteria should be introduced which indicates how much narrower north south buildings should be.

It is recommended that design criteria be introduced which prescribes how much narrower north south buildings should be.

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- Street Setbacks

The utility of the diagrams provided on page 40 relating to street setbacks are questioned as the principles displayed in the diagrams are considered to be clearly understood by those in the development industry. The setback requirements of the Apartment Design Policy are contained in the Primary Control Table and this is considered sufficient.

It is recommended that the diagrams provided under section 2.9 are amended to relate specifically to each of the streetscape character types and that more annotation is provided.

- "Front Build-to Line" Definition

The planning guidance under section 2.9 states that local governments may:

"Consider nominating a maximum percentage of development that may be built to the front build-to line"

No definition or explanation is provided for a "front build-to line". It is assumed that this refers the minimum street or the "Building Line" as defined in the definitions list toward the end of the document.

It is recommended that "front build-to line" be either defined or an explanatory guideline provided.

- Incentive Based Development Standards

Part 2.11 of the Apartment Design Policy provides guidance on how incentives can be used when varying development standards, and plot ratio is one of the incentives mentioned.

In implementing many of its precinct plans such as the Scarborough Beach Road Activity Corridor, the City of Stirling has introduced height and plot ratio incentives through various planning instruments in exchange for the ceding of land for road widening purposes.

In the City's experience, road widening has been a pre-requisite for quality urban infill that requires improved public transport corridors and improvements to the public realm. This has resulted in the ability to provide or widen footpaths, provide embayed parking and provide room for the planting of street trees.

In light of the City's significant experience in utilising incentives to obtain road widening free of cost, the City recommends that planning criteria be introduced in section 2.11 which incentivises development through increased height and plot ratio in exchange for the ceding of land for road widening purposes.

The incentive provisions listed under the Planning Guidance are not quantifiable and do not directly relate to the development bonus provisions indicated in the Primary Control Table. For example, reference to providing affordable housing as an incentive to obtain additional building height, though laudable, does not quantify the number of affordable dwellings that should be provided in order to achieve a development bonus.

The list of potential incentive based development standards contained in Appendix 2 does little to assist local government. Furthermore, the Planning Guidance states that:

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"Some or all of the following factors may be considered for incorporation into the incentive based development standards in a Local Planning Scheme, Local Development Plan or Local Planning Policy."

The City is also concerned that developing appropriate incentives to achieve desired built form outcomes, which require the approval of the Western Australian Planning Commission and which will withstand scrutiny at the State Administrative Tribunal will be resource intensive, both for the City and the Western Australian Planning Commission.

The incorporation of these requirements into Local Planning Schemes, Local Planning Policies, or Local Development Plans will ensure that the planning instruments are robust, however will be time consuming to implement, and are unlikely to be in place for several years.

The existing planning framework, specifically through the R-Codes and the City's Mixed Use and Commercial Centres Design Guidelines, provides a mechanism for incentives, (such as building height) to be given.

It is recommended that the City retain the ability to use these planning instruments as the primary development incentive based control tools until such time as incentive based development standards can be properly developed and approved.

It is recommended that quantifiable design criteria be introduced into section 2.11 which stipulates how the various incentive provisions can be met to achieve the development bonuses available under the Primary Control Table.

3.4 Part 3 Siting the Development.

Siting the Development

Several elements of Part 3 do not contain specific design criteria. Without the inclusion of prescriptive design criteria, assessment of development proposals will become more difficult due to the subjective nature of performance based assessments, which may result in a lack of consistency in decision making. A lack of quantifiable design criteria will lead to uncertainty in the development industry as to what is considered compliant.

The following design elements do not contain specific design criteria:

- Orientation
- Public domain interface
- Pedestrian access and entries
- Vehicle access

It is recommended that specific design criteria are provided in each section of Part 3.

- Orientation

The Design Guidance of this section of the Apartment Design Codes states that:

"a minimum of 4 hours of solar access for neighbouring solar collectors should be retained"

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It is unclear how this would be assessed.

It is recommended that this design guidance be presented as a specific design criterion and accompanied with explanatory diagram indicating how this is assessed.

It is recommended that section 3.2 include a design criterion requiring developments for buildings greater than 3 stories be accompanied by an overshadowing diagram demonstrating the impact of any overshadowing, and showing the location of any existing neighbouring solar collectors.

- Existing tree retention

Provisions requiring the retention of existing trees on private development sites are supported as this improves streetscapes and amenity whilst benefiting the natural environment and reducing urban heat.

The City of Stirling is currently developing a comprehensive tree retention rule which will aim to retain tree canopy cover on development sites where it is reasonable to do so. This is being prepared to combat declining canopy cover throughout the City and will be introduced into the City's Local Planning Scheme to provide sufficient legislative weight.

It is recommended that tree retention requirements or objectives also be included within a State Planning Document with greater legislative weight e.g. State Planning Policy 7: Design of the Built Environment.

A Design Criterion under section 3.3.1 – Existing Tree Retention specifies that a tree with a diameter of 100mm or more at a height of 1m above the ground is to be considered appropriate for retention.

Following recent research of existing tree retention policies both within Western Australia and interstate, the City considers that this dimension is onerous and ought to be modified. The City's research has found that a diameter of 160mm equates approximately to a circumference of 500mm which is a commonly applied standard applied in local government areas in the eastern states, where tree retention measures are widely applied and which result in increased tree canopy cover. Additionally, the City has determined that the diameter of a tree should be determined at breast height (DBH). This equates to a height of 1.4m, and officers believe that this figure should be used.

The City recommends that this design criterion be amended to replace the requirement to retain trees with a minimum diameter of 100mm with a minimum diameter of 160mm, and to be measured at 1.4m above ground level.

In order to further discourage the removal of trees on private development sites it is recommended that if trees deemed to be worthy of retention are removed, that proponents be required to replace those removed with equivalent trees as part of the deep soil area requirements (second requirement of DC1 under Objective 3.3.2), and pay the offset cost (third requirement of DC1 under Objective 3.3.2). This will aid in facilitating retention of canopy cover on private development sites.

The City recommends modifying this clause to aid in retaining tree canopy cover by replacing the word 'OR', currently between the second and third requirements of DC1 under Objective 3.3.2, with the word 'AND'.

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The City is highly supportive of the introduction of provisions for deep soil zones in section 3.4 which will ensure that trees that planted are given the opportunity to flourish, which in turn will improve the urban environment.

- Deep Soil Areas

Figure 3.4c of the Deep Soil Areas provision provides criteria for determining the size of a tree – i.e. large trees are greater than 12m, medium trees are 8-12m and small trees are 6-8m. The diagram does not define how this measurement is to be assessed – whether the measurement relates to height or canopy diameter. Also the diagram contains the number zero (0) before each of the measurement figures, which confuses the diagram. It is recommended that each of these zeros are removed to avoid confusion.

It is recommended that the figure be modified to provide clarity how tree measurements are undertaken and to remove the number 0.

In order to increase the chances of tree survival when planted, standards for deep soil areas should be included, as no depth is currently stipulated. There is no industry standard in Western Australia relating to minimum depths of deep soil area. However, the City of Stirling's Parks and Reserves Business Unit advise that given that sandy and non - compact soils are predominant in Perth, a minimum deep soil depth of 4m is required for deep soil areas to allow trees to successfully grow. This minimum depth requirement should be included in the in either figure 3.4a or 3.4b.

It is recommended that the Apartment Design Codes be amended to contain a minimum depth requirement of a 4m for deep soil areas.

Table 3.4.1 does not specify a minimum dimension for deep soil areas on sites which are less than 650m². This could result in an outcome where the width of the deep soil area provided is too narrow for support healthy tree growth.

It is recommended that a minimum dimension of 3.5m be included in table 3.4.1 for site areas less than 650m² in accordance with figure 3.4c.

Table 3.4.1 also specifies a minimum dimension of 3m for deep soil areas on sites which are between 650m² and 1,500m².

It is recommended that this minimum dimension be amended to 3.5m in accordance with figure 3.4c.

Table DC1 states that 12% of a site should provide deep soil areas. A note accompanying the table states that this can be reduced to 8% where existing trees are being retained.

The City's Parks and Reserves Business Unit have advised that this blanket approach can only be supported if the 8% deep soil area is in addition to the deep soil areas of the existing trees.

It is recommended that the note below table 3.4.1 be amended to specify that the 8% deep soil area requirement be in addition to the deep soil area of any retained trees.

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- Communal and public open space

Although the design guidance under section 3.5 specifies a minimum dimension of 3m for communal open space, it is not enforceable as it is not a design criterion and furthermore, it only states that communal open space "should" meet this minimum dimension. This could result in an outcome where the width of the communal open space area provided is too narrow for a functional communal open space.

It is recommended that a minimum dimension for communal open space be included as a design criterion.

Design guidance under section 3.5 makes reference to communal open space facilities such as pools, barbecues etc.

It is recommended that provision of these facilities is mandated as a design criterion to ensure that they are provided.

To ensure that access to natural sunlight is provided in communal open space areas it is also recommended that a maximum roof coverage area design criterion be included.

- Visual Privacy

In relation to Visual Privacy, it is submitted that there are adequate setback requirements specified in the Primary Control Table (provided that the nil setback provisions are removed as previously recommended) to afford residents adequate privacy.

For example, a wall with a window to a habitable room or balcony is required to be setback 3 metres from a boundary. Where two buildings are developed adjacent to one another, the combined 6 metre setback between buildings will achieve the 6 metre view cone requirements of the Apartment Policy.

It is recognised that if building setbacks are reduced, this may affect meeting the view cone requirements. Should this be proposed, the Visual Privacy requirements will need to be assessed against Objective 3.6.1 of the Visual Privacy requirements.

The City understands that the Western Australian Planning Commission has endorsed the Canning Bridge Structure Plan. Clause 5.7 of this plan states that privacy provisions do not apply within the structure plan area. The principle of removing visual privacy controls has been accepted by the Western Australian Planning Commission.

It is recommended that section 3.6 of the Apartment Design Policy is removed.

If the Western Australian Planning Commission is of the mind to retain section 3.6, it is recommended that the provisions be modified. It has been the City of Stirling's experience in developing Local Development Plans for the Stirling City Centre that calculating building and visual privacy setbacks can be problematic where an adjoining lot is vacant. In order to provide clarity for developers and assessors, the City's Local Development Plans requires that if an adjoining lot is vacant, building and visual privacy setbacks should be assessed as though the adjoining site had been developed.

This effectively enforces the need for building separation, which ensures that visual privacy requirements are met.

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No explanation or definition is provided of the view cone referred to in Table 3.6.1. It is also not clear under Objective 3.6.1 which areas of dwellings are being protected from overlooking (i.e. which areas are considered most sensitive)

It is recommended that a definition or explanatory note/diagram is provided to identify sensitive areas.

The Intent subheading under section 3.6 acknowledges that privacy should be carefully balanced with the need for outlook.

It is recommended that, to ensure that outlook is given sufficient consideration and that it is not compromised by privacy screens and highlight windows (which often lead to a poor built form outcome), outlook should have its own design guidance element.

Design Criteria DC2 requires balconies to be unscreened for at least 25% of their perimeter. It is submitted that balcony screening requirements are onerous and may compromise outlook and lead to a poor built form outcome.

Overlooking from balconies can be sufficiently addressed by prohibiting them from facing side and rear boundaries and rather be required to face the street and internal open areas.

The City recommends that DC2 of Objective 3.6.1 be deleted from the Apartment Design Policy.

- Public domain interface

The design element contains no development standards to ensure an appropriate interface between the private and public domain, which may result in a failure to enhance the streetscape and improve interaction between the public and private realms.

It is recommended an additional design criterion be included to require, within mixed use developments, active commercial uses along 70% of the frontage at ground floor level, with a minimum area specified for clear glazing.

It is also recommended that an additional design criterion be included requiring residential dwellings (not car parking) to address the street for 70% of the frontage at ground floor level. Furthermore, 70% of the length of each residential dwelling frontage must include major openings or outdoor living areas to allow greater interaction with the public realm.

- Vehicular access

The design element contains no development standards relating to vehicular access, and does not consider the need to vary driveway widths where a site is constrained, for example by a narrow frontage.

It is recommended that a design criteria be introduced (and an accompanying figure) allowing driveway widths to be reduced to 3m for sites with less than 15 dwellings and which are constrained.

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- Car and bicycle parking

The design element contains no development standards to ensure that car and bicycle parking can be accommodated appropriately and screened from view. Failure to do so could result in a negative impact on streetscape, particularly where car parking may be proposed in the front setback area, to the detriment of the development overall.

It is recommended that a design criteria be included which prohibits visitor bays being located in the front setback area.

It is also recommended that a design criteria be included requiring car parking both at ground level and above ground be sleeved behind the building facade, as demonstrated in figure 3.9a, to minimise the impact of vehicular parking upon the street.

Part 4 Designing the Building.

- Solar and daylight access

The need to adequately protect solar and daylight access is fundamental to providing good quality living spaces for people. Though design criteria have been provided in an attempt to achieve this, explanatory notes or diagrams are required to demonstrate how these criteria are to be assessed.

It is recommended that explanatory notes or diagrams are provided to assist in implementing these design criteria.

As currently drafted, Design Criteria DC1 does not require all apartments in a development to have access to 2 hours of direct sunlight between 9am and 3pm. This means that 30% of apartments may not receive any direct sunlight, which is considered to be to the detriment of the occupiers of those dwellings and a poor design outcome.

It is recommended that this clause is amended to specify that 70% of the floorspace in living rooms and private open spaces of all dwellings is to receive a minimum of 2 hours of direct sunlight between 9.00am and 3.00pm at mid-winter.

- Natural Ventilation

It is unclear how the design criteria for Natural Ventilation would be assessed.

The City recommends that explanatory notes are provided in this section to clarify how the relevant design criteria for Natural Ventilation are to be assessed.

- Private open space and balconies

Table 4.5.1 indicates that a minimum balcony depth of 2.0m is required for studio apartments where 1, 2 and 3 bedroom apartments require a minimum balcony depth of 2.4. It is submitted that the usability of a balcony with a minimum depth of 2.0m is limited.

It is recommended the minimum depth of 2.0m proposed for studio apartments in table 4.5.1 be increased to 2.4m in accordance the other apartment types.

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- Storage

The storage area provisions of the Apartment Design Policy do not contain minimum dimensions for storage areas. In the City of Stirling's experience storage areas less than 1.5m wide do not function adequately.

It is recommended that a minimum dimension of 1.5m for storage areas be specified in table 4.7.1.

- Noise and pollution

The design element contains no development standards that will adequately mitigate noise concerns for apartments on major roads. Although reference in a note is made to the need to comply with State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning, the provisions of this policy could be amended or deleted altogether; resulting in inadequate protection from noise along busy roads.

It is recommended that a design criterion be introduced requiring a minimum glass thickness or double glazing for windows fronting primary and other regional roads.

- Design Criteria for Apartment Mix

The design guidance provided in this section is not considered sufficient to ensure an adequate variety of apartments is provided. As drafted, the provision will fail to meet the variety of housing demands from the community and to tackle the challenge of housing affordability. The list of potential incentive based development standards contained in Appendix 2 of the Apartment Design Codes does not assist local government.

It is recommended that a design criterion be included which requires a specific dwelling mix in each development, as is currently the case in Part 6 of the R-Codes.

- Ground Floor Apartments

The design element contains no development standards that will ensure that development enhances the streetscape and improves interaction between the public and private realms.

It is recommended that a design criterion be included to require that residential dwellings (i.e. not carparking) should amount for 70% of the building width at ground floor level.

- Roof Design

The design element contains no development standards relating to roof design, despite the accompanying text recognising the importance that roof design has on City skylines. The inclusion of a design criterion will aid in improving the built form outcome.

It is recommended that a design criterion be introduced to require that roofs are designed so as to conceal external features such as lift shafts, air conditioners etc.

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- Landscape design

The design element contains no development standards relating to landscape design, but rather provides guidance under three separate objectives for landscape design.

It is recommended that a design criterion be introduced to require a minimum area of soft landscaping be provided, and an additional separate design criterion to ensure the provision of street trees relative to the verge length.

It is recommended that all applications require a landscaping plan to demonstrate adequate provision of street trees and on site planting.

- Planting on Structures

The design element contains no development standards relating to planting on structures. In the City of Stirling's experience, applicants seldom utilise this approach to soften the impact of development, and the City's officers understand that anecdotally, planting on structures is difficult to achieve and maintain. It is unlikely that proponents will voluntarily plant on proposed structures.

It is recommended that a design criterion be introduced which stipulates when planting on structures is required, and standards relating to this planting.

- Universal Design

The design criterion under objective 4.16.1 requires that 20% of the total apartments meet the essential design features checklist. The design criterion does not specify how this is to be distributed throughout a development across dwelling types (i.e. 1 bedroom, 2 bedroom and 3 bedroom apartments). This may result in a scenario where an applicant could apply all 20% of the universally designed apartments to one dwelling type. Such a scenario is inadequate in terms of meeting the broader needs of the community.

It is recommended that this design criterion be modified to specify 20% of the number of each apartment type is required to meet the "Essential" design features checklist.

- Mixed Use

The design guidance under objective 4.18.1 states that mixed use development should be concentrated around public transport and centres. While this principle is supported, it is questioned whether the Apartment Design Policy is the appropriate mechanism for this guidance.

It is submitted that such guidance is more appropriately located in a State Planning Policy or Development Control Policy (e.g. DC Policy 1.6 Planning to Support Transit Use and Transit Oriented Development) Furthermore the location of Mixed Use developments, although guided by the appropriate state planning policies, should be governed by zoning within local planning schemes.

As drafted, the design guidance does not stipulate the setback requirements for commercial uses on the ground floor.

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It is recommended that an additional design criterion be introduced which specifies that non-residential uses at ground floor level are required to have nil front setbacks.

- Awnings and signage

The design element contains no development standards for awnings to ensure that awnings are fit for purpose. In order to ensure adequate weather protection for pedestrians and to facilitate activation of mixed use areas, controls are required to ensure that developments contribute to a sense of place and promote pedestrian movement.

It is recommended that a design criterion be introduced requiring a minimum awning width, and that awnings cannot be permeable and must not be transparent.

- Water conservation and management

The Design Guidance provided under objective 4.21.3 which recommends that stormwater is managed on-site wherever practical either by retainment or detention is supported. However it is submitted that this could be reinforced by stating that private connections to local government drainage systems are not permitted as of right unless the written consent of the local government is given, and that discharge of stormwater into the road reserves is not permitted.

- Building Maintenance

The design element contains no development standards to ensure that design elements associated with building maintenance can be controlled. The City of Stirling has previously recognised the need to integrate services associated with building maintenance into the fabric of developments through Local Planning Policies, to reduce the impact of external fixtures upon the streetscape.

It is recommended that a design criterion is included requiring external features associated with building maintenance be screened from public view.

3.5 Additional Comment.

- On page 22 under the subheading "How the primary control tables apply". The third dot point makes reference to section 2.13 *Incentive Based Development Standards*. *Incentive Based Development Standards* is section 2.11. Section 2.13 does not exist.
- The Design Criteria DC1 Under section 3.1 incorrectly refers to Appendix A4 "Site analysis checklist". The "Site analysis checklist is within Appendix A3.
- **It is recommended that a standard set of "reasons for refusal" and "conditions of approval" supplement the Apartment Design Policy. This will provide consistency in decision making across the State and also provide guidance to assessors and decision makers on the wording of conditions.**
- **It is recommended that the words "enclosed patio" be removed from the definition of a habitable room as the R-Codes define a patio as an unenclosed structure. The two definitions are inconsistent.**

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- It is recommended that a definition for a patio be included as there are often circumstances where such structures are proposed as part of multiple dwelling developments.
- It is recommended that the "sightline" definition should include a quantifiable percentage to allow for clarity as it is considered that the definition is open ended allowing for differing interpretations. E.g. *"At least 80% of Clear Lines of Physically uninterrupted sight within truncated areas"*
- The City recommends that the definition of 'screening' provided in the definitions should be quantifiable by providing a minimum height. The 1.6 metre height that is currently required as a height for screen would appear to be a reasonable height to include in the definition.
- It is recommended that an example assessment sheet be provided as an appendix to the Apartment Design Policy to ensure consistency in assessment and to guide proponents.
- It is recommended that the words *"it must promote gathering and social interaction"* be removed from the definition of Communal Open Space as it is considered subjective whether space alone would promote gathering and social interaction.

4.0 Design Review Guide

4.1 General Comments

- Support for the Introduction of a Design Review Process

The introduction of a design review process is supported as this will improve the quality of design and the built environment.

4.2 Design Review Modes and Thresholds

- Requirements for a Design Review Process

It is not clear if the establishment of a Design Review Panel or carrying out a Design Review Process is a mandatory requirement for Local Governments although it is understood that this is the intention.

Furthermore, it is unclear when a local authority is required to carry out a full design review process as the Design Review Threshold Table on page 27 provides guidance for a *"recommended design review processes"*, *"discretionary design review processes"*, and *"interim design review processes"*.

It is recommended that clarification be provided to specify when a design review process is a mandatory requirement. If design reviews are a requirement, the term *"Recommended design review process"* within the Design Threshold Table should be changed to read *"Mandatory design review process."*

- Requirements for full Design Review Panels

The first paragraph under part 7 Design Review Modes and Thresholds states that *"for the design review of larger projects, the multi-disciplined expertise and independent*

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advice of a full design review panel is recommended." This statement is ambiguous and lacks certainty.

It is recommended that further clarification be provided stating what is a 'larger project' requiring 'the multi-disciplined expertise and independent advice of a full design review panel'.

- Requirements for Interim Design Review Processes

Under the subheading "*Interim procedures until a full design review panel is appointed*" the first paragraph states that "*the design review thresholds table also contains recommendations for interim review mechanisms that could be utilised prior to the appointment of a local government design review panel.*" The City believes that this statement is ambiguous and lacks certainty.

It is recommended further clarification be provided regarding the operation of the interim design process.

4.3 How to establish design review processes

- Role of the Design Review Panel

Under the "*Role description*" subheading it is stated that "*the role of a design review panel is to provide independent expert design advice where sought on strategic policy, master plans, precinct plans, Local Development Plans, Structure Plans, Activity Centre Plans and Local Scheme Amendments.*"

The need for a Design Review Panel during the preparation of each of these documents is uncertain. The advertised wording states that "*the role of a design review panel is to provide independent expert design advice where sought.*" This does not provide certainty for the panel when it may be required to provide comment. The need for the panel to provide advice where "required" may provide clarity.

It is recommended that clarification is provided whether a Design Review Panel is required during the preparation of each strategic policy, master plan, precinct plan, Local Development Plan, Structure Plan, Activity Centre Plan and Local Scheme amendment.

It is also recommended that clarification be provided whether a Design Review Panel is required in circumstances when the local government itself is the proponent of these planning instruments.

Furthermore, not all of the planning instruments listed above are noted in the Design Review Threshold Table, specifically Local Development Plans and Local Planning Scheme amendments.

The Design Review Guide does not clarify whether an applicant is able to be present during a panel discussion of a proposal. In the interests of transparency, the City of Stirling supports allowing an applicant to be present during deliberation.

It is recommended that Local Development Plans and Local Planning Scheme amendments are included in the Design Review Threshold Table.

- Resourcing for Design Review Panels

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Many local authorities are currently operating at or close to full capacity in their processing of development applications. The introduction of a design review panel process will place increased pressure upon local governments which will require careful resource management.

Although local government will need to organise the convening of a panel, the cost of doing so will be borne by the applicant, as the costs can be recovered by local government.

However, convening and attending these panel meetings will have resource implications for the City in terms of attendance and administration. It is unclear how this may impact on statutory timeframes, as these timeframes are beyond the City's control once a development application has been lodged.

It is recommended that only one design review be mandated prior to the submission of a development application, with further reviews being at the discretion of the local government.

4.4 Running a successful design review panel

- Recommended Format of Design Review Meetings

The recommended length of time that a design review meeting should be held for (i.e. 45 minutes) is supported. The document however states that only 10 minutes should be allocated for panel members to provide individual comment on the particular proposal. The City understands that comments from panel members will be a crucial element of design review meetings and as such, a longer time allotment should be permitted at the discretion of the Panel Chairperson.

It is recommended that the panel members be allocated an increased amount of time at the discretion of the Panel Chairperson to discuss development proposals.

5.0 Design Skills Discussion Paper

5.1 General Comments

- Support for the Introduction of Regulated Accreditation

The introduction of a regulated approach to the accreditation of architects and building designers for multiple dwelling and mixed use development is supported. The introduction of standards which recognises required levels of expertise and knowledge in relation to apartment design will improve the quality of design and the built form outcome.

5.2 Options for Consideration

The discussion paper proposes the following three approaches for design skills:

- Option 1: Threshold Based Regulation;
- Option 2: Competency Standards;
- Option 3: No Additional Regulation;

It is recognised that good design requires the input of a variety of professionals with complimentary design skills working collaboratively to achieve good design outcomes.

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This is not always the case with development applications submitted to the City, resulting in increased processing times. As such, some form of design skills regulation is supported and option 3, which is a business as usual model, is not supported.

Option 1 proposes a threshold based regulation, and Option 2 a competency standard approach. A threshold based regulation could be based on scale of development or monetary value, with larger, complex proposal requiring the input of an architect, whereas a simpler application may be developed by a building designer.

Option 2 would require significant development to ascertain standards, processes and accountability, and is considered likely to be time consuming to implement, and requiring on-going monitoring and review by an external body.

Option 1 is supported as it can be implemented more quickly as recognition of architects is already regulated under the Architects Act. The provision of a certain threshold (based on scale of development or monetary value) is a simple, clear and effective method of determining which developments will require an increased level of design skills to be applied.

In relation to the options proposed in the Design Skills Discussion Paper, it is recommended that Option 1: Threshold Based Regulation be adopted.