

## City of Karratha Local Planning Policy DP07 - Residential Development Requirements – Schedule of Submissions

No	Submitter	Submission					Officer Comments	Proposed Modifications	WAPC Comments	
1	RFF Australia	We refer to the advertised amendments to Local Planning Policy DP07 - Residential Development Requirements. While it is acknowledged that the proposed modifications are intended to bring the policy in line with the contemporary provisions of the Residential Design Codes, we raise a number of concerns which must be addressed prior to the policy is formally adopted:					Noted.	No modification.	Noted	
2		<b>Lack of Clarity in Policy Changes</b> When the amendments were first considered by Council, the details and implications of these changes were not specifically highlighted in the Council report, particularly concerning how they might affect or limit the residential development opportunities for ratepayers. This lack of transparency is concerning and could impact the community's understanding of its development rights and flexibility.					Feedback of this nature was provided to the City on 19 September 2024. As a result, the City prepared a table comparing the existing provisions of the Residential Design Codes – Volume 1 (R Codes) and existing Local Planning Policy DP07 Residential Development Requirements (DP07) to the proposed DP07 Deemed-to-Comply Provisions. This table was included in the public notification for the proposed DP07 and distributed directly to all builders, planning consultants and architects who have lodged development applications in the past year and Community and Ratepayers Associations.	No modification.	Noted The City's approach is supported	
3		<b>Process Misrepresentation</b> The report provided to the Councillors and residents appears to have incorrectly outlined the procedural requirements for progressing the policy amendment. A clearer explanation of the policy's progression and its impacts should have been prioritised to avoid confusion or misinterpretation by the community.					The Council report insinuated that DP07 is to be approved by the Western Australian Planning Commission (WAPC) prior to being advertised. This process was incorrectly described. Instead, the WAPC is required to be notified of the proposed DP07 prior to advertising to the wider community, in accordance with Clause 4, Part 2 of the Deemed Provision of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> (the Regulations). The City notified the WAPC on 23 September 2024 and community consultation commenced on 25 September 2024, as described in more detail below.	No modification.	Noted	
4		<b>Inadequate Community Engagement</b> The City committed to broadly promoting and advertising the proposed changes to DP07 through its social media channels, and consultation with community representative bodies (i.e., ratepayer associations). However, to date, there has been no visible social media outreach, which raises questions about the level of engagement with other community bodies. Ensuring that ratepayers are well-informed about such significant changes should be a priority and a requirement for transparent and well-informed decision making by Council.					<p>The Regulations prescribe the advertising requirements for local planning policies. These requirements are:</p> <ul style="list-style-type: none"><li>• Publish the document on the local government webpage; and</li><li>• Make a copy of the document available for public inspection at the City's facilities.</li></ul> <p>The advertising of DP07 is required to be open for community consultation for a period of 21 days. The City, based on feedback from the community, extended the advertising period for an additional 21 days. This ultimately doubled the length of time provided to the community to review the proposed DP07.</p> <p>In addition to the requirements under the Regulations, the City:</p> <ul style="list-style-type: none"><li>• Posted the amendments to DP07, including a direct link to the table of modifications, on the City's Facebook page on 17 October 2024;</li><li>• Published a Public Notice of the proposed DP07 in the Pilbara News on 25 September; and</li><li>• Directly emailed all builders, planning consultants and architects who have lodged development applications in the past year, on 25 September 2024; and</li><li>• To Community and Ratepayers Associations, on 7 October 2024.</li></ul> <p>The City is committed to ensuring adequate community engagement where appropriate. In this instance, the City considers that the additional consultation appropriate for DP07.</p>	No modification.	Noted The City advertised the proposal in line with the requirements of the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i>	
5		<b>Restrictions on Development Flexibility</b> We understand that the policy amendments are proposed to rectify certain issues arising from a review of the R-Codes. While some modifications are warranted, several changes to the policy significantly reduce the flexibility and choice with respect to residential design now available to residents and ratepayers. Regardless of how significant the administration considers these changes; it is essential to ensure that the community fully understands and supports any limitations or loss of property rights.  Below, we have outlined key areas where residents may experience a loss of development rights. We would usually expect a similar display of information be made available as part of either the report to Council or advertising material for such a policy change.					Noted.	No modification.	Noted	
6		Section	Adopted DP04 Policy	Proposed Amended DP07 Policy	Summary of Change	Limitation or Removal of		Noted.	No modification	Noted

					Development Right				
	Open Space	Allows a 10% reduction if roofed areas are unenclosed on two sides	Allows an additional 10% reduction for open spaces if roofed areas are unenclosed on two sides (excluding carports or vehicle storage areas)	Refinement to specify that carports and vehicle storage areas are excluded from the allowance.					
	Building Height	Carports and garages have a 3m wall height limit	Adds height criteria: carports can have 3.5m wall height, overall 4.5m; garages 3.0m wall height	Adds height flexibility for carports			Noted.	No modification.	Noted
	Setback of Garages and Carports	Carports set back 1.5m from primary street	Carports set back 1.5m from street; garage materials must match or complement existing dwelling	Includes matching garage materials as a compliance standard.	Removes flexibility in carport designs and mandates material harmony with existing structures.		Carports are not subject to the provision relating to garage materials complementing the existing dwelling.  The introduction of this provision ensures that any extensions to the dwelling (i.e. garages) are consistent with the existing dwelling to be sympathetic to the streetscape. This appropriately reflects the Design Principles and Objectives of the R Codes as it ensures any development contributes positively towards the character of the street. It is noted that Karratha's residential areas are predominantly brick and mortar and colorbond, meaning that there are a range of materials that can be used whilst still achieving this standard.	No modification.	Noted The City's approach is supported
	Street Walls and Fences	No provision for swimming pool fencing in primary street setbacks	Adds requirement for permeable fencing for pools in primary setbacks and restrictions on outward swinging gates	Specifies swimming pool fencing guidelines and gate restrictions.	Limits residents' options for front fencing and gate design, focusing on safety and permeability.		<p>The R Codes prescribe that any front fence over 1.2 metres must be visually permeable (for at least two thirds). The City receives a number of development applications from residents who have a swimming pool located in the front setback. These fences are required to comply with the <i>Building Regulations 2012</i> and <i>Australian Standard – AS1926.1-2021</i> which differs from the R Codes.</p> <p>Proposed DP07 includes a provision for front fences where there is a swimming pool, so that where the proposed fence complies with the abovementioned legislation, they are exempt from requiring development approval. Based on the number of development applications for front fences only since between January 2023 and October 2024, it is expected to reduce the number of applications required to be submitted by approximately 85%, allowing greater flexible where there are pools in the front setback area.</p> <p>The <i>Local Government Act 1995</i> does not permit encroachment in public thoroughfares (including gates that open onto verges). The provision was introduced into DP07 to ensure landowners/occupiers are aware of their obligations under this legislation.</p>	No modification.	Noted The City's approach is supported
	Sight Lines	Provides criteria for wall heights and permeable fencing within sight lines	Removes the deemed-to-comply standard	Eliminates detailed fencing requirements for increased pedestrian safety.			Noted.	No modification.	Noted
	Stormwater Management	Requires drainage to	Requires drainage to	Focuses on public	Limits flexibility on		The intent of stormwater draining to the constructed street is to ensure that stormwater is managed appropriately, given our soil types don't allow for effective on-site drainage. This reflects preferred stormwater management method in the City of directing	No modification.	Noted The City's approach is supported

		garden areas, sumps, or rainwater tanks	public roads or reserves; mandates stormwater management plan for grouped dwellings	drainage and stormwater planning for grouped dwellings.	stormwater disposal and introduces additional planning responsibilities for grouped dwellings.		stormwater from properties into the central drainage system rather than seeking to contain stormwater on site following large rainfall events. This provision reduces the risk of flooding and the risk of stagnant water for more than 72 hours (which can attract mosquito breeding), noting the increase in Murray Valley encephalitis in the Pilbara region.  Where there are larger scale developments, such as grouped dwellings, it is considered reasonable to request a stormwater management plan in our climate. This is to ensure that stormwater can appropriately be catered for by our stormwater drainage network due to the increase in hardstand as a result of grouped dwellings. These are already requested by the City during the development assessment stage. The provision is to ensure developers are aware of the development application requirements for greater transparency during this process.		
	Outbuildings	Sets criteria based on outbuilding size and setbacks, forbids large or multiple outbuildings exceeding 60m <sup>2</sup>	Allows single shipping container per site; increases outbuilding allowance up to 90m <sup>2</sup>	Expands the outbuilding size limits, includes specific criteria for shipping containers.	Residents cannot have multiple shipping containers, and none on vacant lots. Maximum dimensions have been tightened.		<p>The current DP07 requires all shipping containers to lodged as a development application, regardless of whether they meet the design principles. The City acknowledges that shipping containers provide an affordable solution for storage. As such, proposed DP07 exempts the requirement for a development application where there is one sea container on-site and it meets the design principles (minimum development requirements). This will reduce the number of shipping container development applications required to be submitted.</p> <p>The R Codes prescribe that outbuildings must be associated with a “dwelling site” meaning it must be located on the same lot as a single house or grouped dwelling. The provision does not change the current requirements, rather provides clarity on development standards.</p> <p>The R Codes and DP07 currently prescribe the following outbuilding dimensions:</p> <ul style="list-style-type: none"> <li>Maximum floor area of 60m<sup>2</sup></li> <li>Wall height not more than 2.4m</li> <li>Ridge height not more than 4.2m</li> </ul> <p>The proposed DP07 prescribes the following outbuilding dimensions:</p> <ul style="list-style-type: none"> <li>Maximum floor area to be 10% of the site area, to a maximum of 90m<sup>2</sup></li> <li>Wall height not more than 3.5m</li> <li>Ridge height not more than 4.5m</li> </ul> <p>It is noted that the setback requirements remain the same. As identified above, the maximum dimensions for outbuildings have increased in size to more appropriately reflect our community needs.</p>	No modification.	Noted The City's approach is supported
	Ancillary Dwellings	No explicit provision for second hand or repurposed dwellings	Prohibits second hand or repurposed dwellings unless compliant with minimum standards	Introduces compliance standards for second hand dwellings as ancillary accommodation.	Limits residents' ability to use repurposed or second hand dwellings as ancillary accommodation.		The current DP07 and DP11 requires all second hand and repurposed buildings to obtain development approval, regardless of whether they meet the design principles (minimum development requirements). The introduction of these provisions exempts the need for second hand and repurposed dwellings, for the purpose of ancillary accommodation, to be subject to a development application where it meets the minimum development requirements. This will reduce the number of second hand and repurposed dwellings required to be subject to a development application.	No modification.	Noted The City's approach is supported
	Single Bedroom Dwellings	No provision for second hand or repurposed dwellings	Prohibits second hand or repurposed dwellings unless compliant with minimum standards	Includes new compliance criteria for single bedroom dwellings in repurposed structures.	Reduces flexibility in using repurposed materials for smaller dwellings.		The current DP07 and DP11 requires all second hand and repurposed buildings to obtain development approval, regardless of whether they meet the design principles (minimum development requirements). The introduction of these provisions exempts the need for second hand and repurposed dwellings, for the purpose of single bedroom dwellings, to be subject to a development application where it meets the minimum development requirements. This will reduce the number of second hand and repurposed dwellings required to be subject to a development application.	No modification.	Noted The City's approach is supported
	Shipping Containers and Repurposed Dwellings	Emphasises screening and aesthetic alignment of shipping containers	Specifies location, height, aesthetic features, and screening	Defines comprehensive standards for appearance, location, and	Stronger limits on visual impact, disallows stacked containers,		The current DP07 and DP11 requires all shipping containers and repurposed buildings to obtain development approval, regardless of whether they meet the design principles (minimum development requirements). By introducing minimum development requirements, shipping containers and repurposed dwellings become exempt from development approval where they meet these standards. This will reduce the number of development applications required for shipping containers and repurposed dwellings. The proposed DP07 is reflective of the existing DP07 design principles.	No modification.	Noted The City's approach is supported

				for repurposed or second-hand dwellings	design consideration-ns.	and requires a higher level of aesthetic conformity.				
7		<b>Removal of Rear Access Approach in Dampier</b> The existing approach to rear access in Dampier had been thoughtfully developed and integrated into the City's crossover policy after extensive community consultation at the time. Its integration into the residential development policy provided a clear pathway for residents in designing their houses and obtaining development approvals. The complete removal of this approach, without a replacement provision, creates a 'policy vacuum' and leaves residents with no clear direction for obtaining project approvals that rely on rear access.						Crossovers and Rear Access is legislated by the <i>Local Government Act 1995</i> and the City's Crossover Policy.	No modification.	Noted The City confirms that the current approach in Dampier is to continue
8		<b>Shifting Position on Rear Access</b> The removal of the rear access approach suggests a change in the City's position regarding rear access in Dampier. Given the reduction in policy clarity, the City must clearly articulate how it plans to manage rear access issues going forward, including addressing compliance actions for properties with unapproved accessways.						Crossovers and Rear Access is legislated by the <i>Local Government Act 1995</i> and the City's Crossover Policy.	No modification.	Noted