

12.7 Draft Local Planning Policy - Vehicular Access for Residential Development

Location	Town-wide
Reporting officer	Amie Groom
Responsible officer	Robert Cruickshank
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none">Attachment 1 - Draft Local Planning Policy - Vehicular Access for Residential Development [12.7.1 - 9 pages]Attachment 2 - Residential Design Codes Clause 5.3.4 and 5.3.5 [12.7.2 - 2 pages]

Recommendation

That Council consent to advertising of the draft Local Planning Policy 'Vehicular Access for Residential Development', as contained at Attachment 1 to this report, for public comment for a minimum period of 42 days in accordance with deemed clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Purpose

For Council to:

1. Consider the draft Local Planning Policy 'Vehicular Access for Residential Development'
2. Consent to public advertising of the draft Local Planning Policy for a period of 42 days.

In brief

- Clause 7.3.1 of the Residential Design Codes (the R-Codes) allows the local government to prepare local planning policies that amend or replace certain deemed-to-comply standards of the R-Codes. Clause 5.3.4 *Design of car parking spaces* and 5.3.5 *Vehicular access* are not permitted to be amended or replaced by a local planning policy.
- The draft local planning policy addresses matters either not covered by the R-Codes, or clarifies the Town's interpretation of certain deemed-to-comply standards, or provides guidance on alternatives that Council will consider to meet the relevant design principle of the R-Codes.
- Most notably, the draft policy contains provisions that restrict the number of vehicle crossovers to a development site to maximise opportunities for on-street parking and to protect existing street trees.
- It is recommended that the draft Local Planning Policy 'Vehicular Access for Residential Development', as contained at Attachment 1, be advertised for public comment for a minimum of 42 days.
- If Council resolves to proceed with advertising the draft local planning policy, following community consultation, a further report with a recommendation on whether or not to adopt the draft local planning policy as advertised, or in a further, modified form, along with the public comments received, will be prepared and referred to Council for a decision.

Background

1. Elected members have previously raised concerns that the extent and dominance of multiple crossovers and hardstand areas is having a progressively negative visual impact on residential streetscapes. There is also concern about the impact of multiple crossovers on street trees, the removal of on-street car parking

and lost opportunities for 'green' vegetated areas due to unnecessary crossover construction and retention of redundant crossovers.

2. In December 2018, the Manager Development Services presented to the Town's previous Future Planning Committee on an alternative approach. The presentation included the current approach of other local governments and what information a local planning policy could include to address vehicle access and crossovers.
3. Of the six local governments that were reviewed, five rely on a local planning policy to define vehicle access arrangements and one included a clause in the Town Planning Scheme which allowed the Council to refuse to permit more than one vehicle entrance/exit from any lot.
4. The intention of the draft local planning policy is to address matters not covered in the State Planning Policy 7.3 Residential Design Codes Volume 1 and Volume 2 (R-Codes).
5. The State Planning Policy 7.3 Residential Design Codes Volume 1 and Volume 2 (R-Codes) apply deemed-to-comply standards to single houses, grouped dwellings and multiple dwellings with regards to design of car parking spaces and vehicular access. The draft local planning policy does not amend these standards.
6. The draft local planning policy addresses matters not covered by the R-Codes and provides guidance as to those matters the Town will consider under the design principles. The draft policy aims to:
 - a. limit the number of crossovers
 - b. guide crossover and driveway design and materials
 - c. require removal of redundant crossovers.

Strategic alignment

Environment	
Strategic outcome	Intended public value outcome or impact
EN02 - A safe, interconnected and well-maintained transport network that makes it easy for everyone to get around.	Development of a local planning policy that facilitates adequate and safe vehicular access for all road users and pedestrians.
EN07 - Increased vegetation and tree canopy.	The draft policy is intended to limit the amount of hardstand within the verge and lot boundaries, reducing street tree removals and providing opportunities for additional street tree planting.

Engagement

Internal engagement	
Stakeholder	Comments
Engineering	Support given for the proposed local planning policy and have contributed to the drafting and refinement of its provisions.
Parks	Support given for the proposed local planning policy with regards to street trees and verge treatments.
Place Planning	Support with suggested minor amendments.

14. The Town's Local Planning Policy 37 'Community Consultation on Planning Proposals' outlines the required consultation methods and duration for proposed Local Planning Policies.
15. In relation to the draft Local Planning Policy 'Vehicular Access for Residential Development', notification of the consultation period is to be published in the local newspaper and online on the Town's Your Thoughts consultation page. The public comment period is to be a minimum of 42 days in duration, commencing on the day of publication within the local newspaper. Additionally, it is proposed to invite comments from relevant development/building industry bodies.

Legal compliance

Planning and Development (Local Planning Schemes) Regulations 2015

As per Schedule 2, Part 2, Division 2, clause 4(1)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, if a local government resolves to prepare a local planning policy the local government, as a minimum, must:

- Publish a notice of the proposed policy in a newspaper circulating in the Scheme area, giving details of -
 - The subject and nature of the proposed policy; and
 - The objectives of the proposed policy; and
 - Where the proposed policy may be inspected; and
 - To whom, in what form and during what period submissions in relation to the proposed policy may be made.

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Reputational If Council opts to not consent to the new draft local planning policy proceeding to community consultation, this may result in negative public perception towards the Town, due to the loss of further verge areas, loss of street trees and loss of on-street parking.	Moderate	Likely	High	Council to: <ol style="list-style-type: none"> a. Consent to advertise the attached draft Local Planning Policy 'Vehicular Access for Residential Development', or b. Provide detailed reasons if does not consent to advertise the attached draft Local Planning Policy 'Vehicular Access for Residential Development'.

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
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Future budget impact	Not applicable.

Analysis

16. Vehicle crossovers and vehicle access can have a significant impact on streetscapes. The function of a crossover is primarily to provide vehicular access within the verge, between the kerb line and the property boundary (excluding the footpath). The proliferation of crossovers can have a detrimental impact on the safety and convenience of pedestrians and cyclists and can have an impact on the streetscape through the replacement of landscaped verge areas with hardstand. The R-Codes do not include provisions relating to crossovers.
17. The R-Codes Clause 5.3.4 *Design of car parking spaces* and Clause 5.3.5 *Vehicular access* applies deemed-to-comply standards to:
- car parking areas and manouvering
 - visitor car parking spaces
 - landscaping
 - access to on-site parking via right-of-way, secondary street and primary street
 - driveway widths and separation from infrastructure
- The full deemed-to-comply provisions of Clause 5.3.4 and Clause 5.3.5 can be found in Attachment 2.
18. The primary issues to be addressed by the draft local planning policy are the impact of excess hardstand generated by new crossovers on the streetscape and the loss of verge areas and street trees. These issues are commonly caused by:
- additional new crossovers to accommodate infill lots at subdivision
 - additional crossovers to accommodate secondary access points to lots (i.e. lots seeking two access points to accommodate additional parking, boat/caravan etc.)
 - wider crossovers to accommodate changing parking and access arrangements on lots (e.g. double carports and garages), or multiple crossovers directly adjacent to one another which creates the impression of a single very wide crossover
19. Additionally, these issues can be compounded by:
- crossovers being constructed without approval
 - redundant crossovers not being removed
20. The main contents of the draft local planning policy include:
- restrictions on the number of crossovers permitted for single houses, grouped dwellings in different configurations and multiple dwellings
 - the design of crossovers including limitations on crossover widths and setbacks to street trees and obstructions
 - the removal of redundant crossovers that are no longer connected with internal driveways
 - the design of driveways including minimum widths and requirements for vehicles to enter the street in a forward gear
 - on-site manoeuvring
 - driveway construction materials
 - driveway gradients

21. The draft local planning policy has placed an emphasis on grouped dwellings taking access off a common property driveway. Development applications for grouped dwellings typically apply for more than one crossover (i.e. one for the dwelling fronting the street and a second crossover for the rear dwelling(s)). Under the current planning framework, it is difficult to require applicants to use common property for access for all dwellings.
22. Different development configurations have been identified in the draft policy. The expected vehicle access arrangement for each has been listed, including when the Town will consider an alternative option to those requirements.
23. The draft policy is aligned with strategic outcome 1 of the Town's Urban Forest Strategy in that the proposed requirements will contribute to the planting and protection of sufficient trees to achieve the Town's 20% tree canopy target.
24. The draft local planning policy will apply to applications for single, grouped and multiple dwellings where new access arrangements are being proposed or the existing access arrangement is being modified. Grouped dwellings and multiple dwellings are required to obtain development approval.
25. It is recommended that the draft local planning policy proceed to public advertising. A further report will be presented to Council in the future following the conclusion of the advertising period, reporting on any submissions received and seeking a final decision from Council as to whether or not to adopt the draft policy, with or without modifications.
26. It should be noted that the item was presented to the Agenda Briefing Forum on 7 April 2020, however the item was withdrawn from the agenda for the Ordinary Council Meeting on 21 April 2020 in order for further modifications to be made to the policy. This has now occurred and the draft policy contained at Attachment 1 has been amended.

Relevant documents

[State Planning Policy 7.3 Residential Design Codes \(Volume 1\)](#)

[State Planning Policy 7.3 Residential Design Codes \(Volume 2\)](#)

Cr Luana Lisandro left the meeting at 9pm.

COUNCIL RESOLUTION (401/2020):

Moved: Cr Vicki Potter

Seconded: Cr Claire Anderson

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CARRIED (8 - 0)

For: Mayor Karen Vernon, Cr Claire Anderson, Cr Vicki Potter, Cr Ronhhda Potter, Cr Brian Oliver, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

Against: nil

Cr Luana Lisandro returned to the meeting at 9.02pm.