

11.1.2 REVIEW OF STATE PLANNING POLICY 3.1 – RESIDENTIAL DESIGN CODES

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PURPOSE

The purpose of this report is to provide Council with an overview of proposed changes to the Residential Design Codes (RDC) that have been initiated by the Western Australian Planning Commission (WAPC) and released for public consultation.

BACKGROUND

The RDC control all forms of residential development from single houses to multi-unit developments and are adopted, through reference, into local planning schemes across Western Australia.

The RDC have been periodically reviewed. The current proposed changes reflect issues raised and comments received through consultation with industry and local government since the previous review in 2008. Planning staff attended an RDC forum at the end of 2010 to provide initial technical input into the preparation of this review.

The Codes were last modified on 22 November 2010 to introduce the Multi-Unit Housing Codes for multiple dwellings in areas coded R30 or greater and for mixed use development, which was reported to Council at that time.

The revised Codes are divided into seven parts as discussed in this report.

SUMMARY OF PROPOSED CHANGES**Part 1 - General Objectives**

The general objectives of the Codes have been modified in Part 1. The proposed objectives are as follows:

Objectives for residential development

- a) *Housing development of an appropriate design to the intended residential purpose, and density, context of place and objectives as outlined in the local planning scheme;*
- b) *Design consideration of the social, environmental and economic opportunities possible from new housing and an appropriate response to local amenity and place; and*

- c) *Design which is sensitive to culture and respectful of heritage yet offers future residents the opportunities for better living choices and affordability in an intergenerational context.*

Objectives for the planning governance and development process

- a) *Encouragement towards design which is responsive to site, size and geometry of the development site;*
b) *Variety and diversity as appropriate where it can be demonstrated this better reflects context or local planning scheme objectives;*
c) *Clear scope for local planning objectives to influence the assessment of design solutions; and*
d) *Certainty in timely assessment and determination of proposals applied consistently across State and local government.*

Application of Objectives

This section of the Codes has been expanded to read as follows:

The objectives not only provide the reasoning behind the values and content of the Codes, but also guide the assessment of design solutions (ie: where a housing development offers improved site-specific and appropriate design which is an alternative to the deemed-to-comply provisions of the Codes).

In matters of determination of design the responsible authority shall have regard to the Objectives of the Codes and also consider any specific local housing development objectives identified in or through (eg via a local planning policy) the local planning scheme.

Terminology

A number of changes are proposed to the terminology in the Codes to improve and update their meaning and reflect recent changes to legislation.

The terms *acceptable development* and *performance criteria* in the existing Codes are proposed to be re-named *deemed-to-comply* and *design solutions* respectively, for a simpler understanding of how the various provisions of the Codes should be interpreted.

The term *Detailed Area Plan* (DAP) in the Codes is to be changed to *Area Specific Plan* (ASP), to avoid confusion with Development Assessment Panels which have the same abbreviation.

Local planning policies where adopted under a local planning scheme are proposed to be directly inserted into the Codes for easier reference.

Explanatory Guidelines – new format

The Explanatory Guidelines have been updated to reflect the proposed changes to the Codes. Also, provision is made for the Explanatory Guidelines (currently located separately in the Codes) to be inserted within the Codes for easier reference or still kept separate.

Part 2 – Codes Approval Process

This part of the Codes has been modified to exempt single houses on lots greater than 350m² that fully satisfy the deemed-to-comply provisions from requiring planning approval. However, where a local planning scheme specifically requires a planning application to be lodged for residential development, as applies in the Town of Cottesloe under current TPS2 and proposed LPS3, then this shall continue to be required.

Part 3 – Accompanying Information

This part has been reworded for greater clarity and to ensure that applications are adequately supported by extra technical information where necessary, which should assist the local governments in continuing to provide timely and accurate planning assessments.

Part 4 – Neighbour Consultation

This part proposes to limit neighbour notification to only situations where discretion under the Codes is sought and the assessing officer considers it appropriate to seek the comments of adjoining owners. However, where neighbour consultation is specifically addressed by a local planning scheme, as under TPS2 and LPS3, then those provisions will prevail over the Codes.

Parts 5 & 6 – Design Elements

Several of the Objectives in Parts 5 and 6 are proposed to be amended to expand on existing provisions and support the application of *design solutions*. The main changes are summarised below.

Removal of subdivision control

It is proposed that in the future, subdivision controls shall be removed from the Codes and instead be included in a separate WAPC subdivision policy, to avoid confusion between urban design issues associated with the subdivision of land, which are largely considered through operational policies such as Liveable Neighbourhoods and Development Control Policy - Residential Subdivision (DC Policy 2.2).

Subdivision controls shall remain in the Codes until such time as a separate policy has been developed by the WAPC.

Proposed minimum lot sizes

It is proposed to make the following changes to minimum lot sizes in Table 1 of the RDC:

	Existing minimum lot size	Proposed minimum lot size
R20	440sqm	350sqm
R25	320sqm	300sqm

R30	270sqm	260sqm
R35	235sqm	220sqm
R40	200sqm	180sqm

Average lot areas remain unchanged. These reductions in minimum lot areas will assist in increasing housing diversity but will not affect housing densities. As such, the changes are unlikely to have a significant impact on the Town as the majority of residential lots are zoned low to medium density for single houses or grouped dwellings with only limited capability for subdivision.

Streetscape

Various minor changes are proposed to better reflect the broader significance of the contribution that the design of residential development makes to the streetscape, how streetscape is used and appreciated by the community, and how it is the ensemble of dwellings which makes up the streetscape. Extra attention is given to crime prevention through improved design taking into account sightlines, safety and street presentation. While some of these changes may be applied where design solutions are sought, the setback and front fencing requirements of local government schemes and laws relevant to streetscape will still prevail.

Boundary setbacks

Some minor changes are proposed, which will have little effect on the Town's existing assessment process. However, it is proposed to change the permitted height and length of walls on boundaries in R20 and R25 areas from the average height of 2.7m to 3m, and maximum length of 9m to 12m. As the Town generally seeks the comments of adjoining owners prior to approving walls on boundaries, such variations can usually be approved by way of performance criteria (design solution) in any event.

Open space

Various minor changes are proposed to the landscaping requirements and clearer definitions are provided to determine open space on a lot.

Access and parking

Changes are proposed to deemed-to-comply provisions to reflect flexibility for on-site parking that relates to proximity to public transport. For example, a three-or-more bedroom dwelling proposed within 800m of a train station or within 250m of a high-frequency bus route will require only one car bay instead of two. This change is supported as it encourages better use of public transport, although in Cottesloe developers will most likely continue to exceed that minimum number given high car ownership and a trend for large undercroft garages.

Site works requirements

The objectives have been modified to reflect the interests of energy, habitat and conservation of the landform as part of the sense of space.

Building heights

Council's building height standards are controlled directly by TPS2 and proposed LPS 3 which have primacy over the RDC and therefore this section of the revised Codes will not affect the Town's residential building height controls.

Privacy

This element has been updated to reflect aspects of increased density. Areas coded R50 and below will retain existing standards, whereas areas coded R60 and above will have slightly reduced visual privacy controls. Design solutions also appear clearer than the existing performance criteria.

Design for climate

This has been updated and expanded to consider the amenity of affected adjoining properties under the deemed-to-comply requirements, with particular regard to overshadowing of outdoor living areas, habitable rooms, solar panels and balconies or verandahs. This could result in planning assessments being more complicated under the deemed-to-comply provisions, but should provide better protection for amenity of neighbours.

Incidental development (outbuildings, external fixtures)

This section expands on the existing wording in the Codes to provide further explanation of design solutions than that presently given under performance criteria.

Additional dwelling types

This section addresses Supplementary Accommodation (currently known as Ancillary Accommodation), Aged or Dependent Persons Dwellings and Single Bedroom Dwellings.

Supplementary Accommodation will allow people with *or without* a relationship with the residents of a primary dwelling to be accommodated on the same lot, thereby potentially supporting more affordable housing on larger lots and more flexibility for households (such as allowing non-related persons/carers to reside in independent granny-flat type accommodation on the same lot as a primary residence). The maximum permitted size of this type of accommodation is also proposed to be increased from 60m² to 70m² under the deemed-to-comply provisions.

Changes and updates have also been made in relation to Aged or Dependent Persons Accommodation, including removal of reference to maximum permitted plot ratios and the introduction of maximum floor areas under deemed-to-comply provisions. The criteria specific to Single Bedroom Dwelling has been expanded to provide additional guidance for this type of development.

Part 7 – Local Planning Policies

This part defines the primacy of the Codes and the extent to which they prevail over and are complemented by local planning policies. In relation to TPS2 and LPS3 the

Town's local planning policies are being reviewed and their ongoing relevance will be considered in light of the modified Codes.

CONCLUSION

The RDC are a technical instrument used in conjunction with local planning schemes and policies, Council policies and local laws for the assessment of residential planning applications on a daily basis. The Codes are a constantly evolving document that can be expected to be reviewed and updated from time-to-time.

This latest review is more comprehensive than previous enhancements and appears generally satisfactory. It should provide a clearer and more flexible basis for design by developers and assessment by officers. Local governments will retain the ability to formulate policies under planning schemes as permitted by the Codes. Officers will continue to report on the RDC controls and technicalities applicable to individual proposals as they are presented to Council.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee raised some queries relating to the technicalities of minimum lot sizes, neighbour consultation and parking requirements, which officers responded to. Mr Jackson explained that the Codes were universal standards for all local governments and situations

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Walsh, seconded Cr Downes

That Council notes this update report regarding the review of State Planning Policy 3.1 – Residential Design Codes.

Carried 8/0

1 Purpose

This planning bulletin provides a summary of the main outcomes of the review of State Planning Policy 3.1 Residential Design Codes ('R-Codes'). It details the major amendments to the R-Codes (including consequential changes to DC Policy 2.2) which have been approved and will be gazetted and become operational on **2 August 2013**.

2 Background

The R-Codes are premised upon a sliding scale of development standards correlated to residential density. They are a longstanding State Planning Policy ('SPP') of the WAPC that are automatically introduced by reference into local planning schemes by virtue of s 77 of the *Planning and Development Act 2005* ('P&D Act') via provisions in the Model Scheme Text ('MST'). The R-Codes provide a comprehensive basis for the control of residential development throughout Western Australia.

The R-Codes have been amended several times over the years by the WAPC and embody a performance standards approach to residential development regulation. The current review follows on from the previous amendment to the R-Codes to incorporate amended provisions for multiple dwellings, which was gazetted and became operational on the 22 November 2010.

The WAPC recognised the need to undertake a review of the R-Codes, to investigate a wide range of procedural and substantive issues. The primary objective of the review was to examine the effectiveness and continued relevance of various aspects of the R-Codes.

The WAPC considered the following major issues as part of the review of the R-Codes:

- Need for, and operation of, an independent adjudication body (for interpretation and dispute resolution);
- Review of subdivision controls dealt with in the R-Codes;
- Need to standardise the format of local planning policies which vary the R-Codes;
- Need to address new and emerging residential design trends;
- Need to incorporate design elements into the R-Codes which promote sustainability;
- Investigate the role of detailed area plans and the relationship with the R-Codes; and
- Potential to develop separate 'design for climate' provisions for each of the climatic zones across the state.

The review did not seek to review provisions relating to multiple dwellings as these were recently introduced in November 2010.

Consultants were appointed in September 2010 to assist the WAPC in undertaking the review. A Technical Advisory Group ('TAG') was established to provide professional, local government and development industry perspectives and advice.

The review consultation paper, draft amended R-Codes and explanatory guidelines were released in July 2011 for public comment for 3 months. Over 100 submissions were received from State and local government, development industry, architects, builders, community members and professional associations.

All submissions were thoroughly considered and, where possible and appropriate, addressed by further

changes and refinements being made to the R-Codes.

On 16 May 2013 the Governor granted final approval to the R-Codes.

In addition, the WAPC has published revised explanatory guidelines, a schedule of amendments, and R-Codes FAQ document.

These documents are available on the R-Codes web-page in the Planning WA web-site:

www.planning.wa.gov.au/637.asp

3 Summary of submissions to the advertised R-Codes

One hundred and eight (108) submissions were received on the proposed changes to the R-Codes from State and local government, development industry, architects, builders, professional associations and community members.

A detailed report on submissions has been prepared is also available on the R-Codes web-page in the Planning WA web-site:

www.planning.wa.gov.au/637.asp

Generally, the local government and community sought increased certainty, whilst the development industry sought increased flexibility. Often these fundamental differences in opposing views and positions resulted in conflicting objectives, issues and comments, which required careful consideration and analysis. Wherever possible, a considered and balanced outcome was found.

Submissions generally supported many of the proposed changes and textual improvements to the advertised R-Codes and explanatory guidelines. Many submissions included detailed advice and suggestions on a range of matters, including editorial and other corrections, to improve interpretation and operation of the R-Codes.

Some issues and comments raised in submissions were beyond the scope of the review.

The key issues canvassed during consultation included:

- Administration and interpretation;
- Objectives;
- Neighbour consultation;
- Relationship to subdivision control;
- Relationship to building control;
- Aged persons dwellings ('APDs');
- Ancillary accommodation ('granny flats');
- Content of 'Table 1';
- Open space;
- Overshadowing;
- Parking concessions; and
- Use and format of Detailed Area Plans (now termed Local Development Plans) and Local Planning Policies.

Majority of these key issues are dealt with under Section 4 - Review Outcomes where amendments are included, under respective headings.

4 Review Outcomes

The WAPC resolved to adopt a range of further changes and corrections to the advertised R-Codes and explanatory guidelines following careful consideration of all the issues and comments raised in submissions.

In addition, a detailed schedule of modifications to the R-Codes has been prepared to assist users to rapidly identify all changes, particularly former and new R-Code clause numbering.

Many of the changes are of an editorial nature and provide explanation for greater specificity and clarity of provisions, or are included to update definitions and references to legislation. However, there were a number of issues and changes arising from the submissions of a more substantive nature.

4.1 Administration and Interpretation

The review sought to address operational and procedural aspects in addition to substantive content of the R-Codes. Key amendments advertised to secure this intent included:

- Redrafting of objectives;
- Revising terminology to better convey in 'plain english' style the intent and structure of performance standards;
- Inserting a flowchart clearly illustrating decision-making pathways;
- Clarification that proposals that meet all deemed to comply provisions cannot be refused; and
- Clarification that advertising is only expected for proposals that require discretion and that affect amenity. No advertising is required for proposals/components of proposals that meet 'deemed-to-comply' provisions.

Submissions during public consultation were generally supportive of these changes. Separation of the explanatory guidelines from the R-Codes, which was undertaken in the 2008 R-Codes, remains relevant. The explanatory guidelines have been reformatted to align with the format of the R-Codes to provide users with a choice to either interleave the relevant Explanatory Guidelines text with the relevant R-Code text under each part, or to separate them. In addition, electronic links are provided between the explanatory guidelines and the related R-Codes provisions for rapid reference and improved useability.

Further changes based on submissions and subsequently incorporated in the R-Codes are as follows:

- Incorporation of an 'information requirements matrix';
- Moving the R-Codes approval application, determination and adjoining property owner comment forms from Appendix 2, 3 and 4 of the R-Codes to the explanatory guidelines (to provide local government discretion to use/not use them – no longer mandatory);

- Figures reviewed, amended and additional figures from the explanatory guidelines moved to R-Codes; and
- Amended and additional definitions.

It should be noted that most of the 'core' development control provisions contained within Parts 5 & 6 have not been significantly altered, including their measurement, for example height, setbacks and open space provisions. Rather, minor refinements to various provisions have been made to provide increased clarity, remove ambiguity and reduce duplication.

The R-Codes parts, sub-parts and format (including clause numbers) have been changed. The format of Parts 1 to 4 remain essentially unchanged, however Parts 5, 6 and 7 have been changed. Part 5 (formerly Part 6) and Part 6 (formerly Part 7 'Multi Unit Housing Code') of the R Codes contain development provisions that provide the basis for controlling the design, siting and development of residential development. Parts 5 and 6 of the R-Codes are arranged to ensure proposals acknowledge and respond to the surrounding development context. They are divided into four design elements, being: Context; Streetscape; Site planning and design and Building design. Part 5 includes an additional design element - Special purpose dwellings.

Part 7 has been amended from 'Local planning policies' to 'Local planning framework' and has been relocated to the last part of the document to allow decision makers and users to insert relevant local planning policies (LPPs) and local development plans (LDPs) (also known as detailed area plans (DAPs)).

The development industry raised concerns in respect of planning governance, particularly the availability, inconsistency and ongoing use of LPPs and LDPs, particularly their 'visibility' beyond the first iteration of development.

As a way to assist users of the R-Codes, all relevant LPPs and LDPs should be noted and filed for reference within the R-Codes under Part 7. This is considered desirable for those persons not familiar with the R-Codes and interrelated LPPs and LDPs, particularly those without

internet access who attend the local government office or library to view the R-Codes. This will help to improve user understanding, transparency and ensure all relevant information is able to be easily accessed within a single document.

It should be noted that clause renumbering may require LPPs that references previous R-Codes clauses to be amended. The R-Codes schedule of amendments document references the previous R-Codes clauses to the new R-Codes clauses that have been amended, so they can be easily cross referenced. The R-Codes schedule of amendments is available on the R-Codes web-page in the Planning WA web-site:
www.planning.wa.gov.au/637.asp

The term 'Council' has been removed from the R-Codes and replaced with the term 'decision-maker'. This is to acknowledge that while in most cases the determining authority is the local government, it could also be the WAPC or another decision maker, such as a Development Assessment Panel or the Metropolitan Redevelopment Authority. It also recognises that the R-Codes facilitate decisions being made under delegation by the decision-maker to suitably qualified officers, especially where proposals entirely satisfy relevant 'deemed-to-comply' requirements.

The terms 'acceptable development' and 'performance criteria' under the previous R-Codes had sometimes been misinterpreted as meaning 'acceptable' and 'unacceptable-except-where'. Some local governments adopted an approach that development which does not meet the acceptable development criteria is to be refused, notwithstanding that the proposal may be entirely appropriate for the site and the intended use under relevant performance criteria.

This misunderstanding has resulted in delays and refusals for non-compliance when in fact assessment should have been made on a performance criteria basis. The intention of the R-Codes has always been to encourage site specific design leading to innovation and the acceptable development requirements were identified as only one way in which to meet the 'performance criteria'.

The terminology has been amended to clarify and encourage developments that respond to individual site circumstances. The term 'acceptable development' has been re-named 'deemed-to-comply', which clearly acknowledges that these requirements meet the objectives and must be deemed acceptable and compliant.

'Performance criteria', which are generally criteria on which judgement of the decision-maker must be exercised, has been renamed 'design principles'. This reflects that there is always an opportunity to consider different ways to design for specific sites to achieve more appropriate outcomes than can be achieved under 'deemed-to-comply' requirements.

4.2 Objectives

The objectives of the R-Codes were reviewed to consider if they aligned with expectations and current interpretation of the purpose of the R-Codes. The review confirmed the appropriateness and continued relevance of a number of the objectives, while also confirming that several objectives were either superfluous or caused confusion.

The revised objectives provide for:

- Appropriate built form, diversity and amenity (including affordable housing outcomes). Amenity for those in situ, for the surrounding residents and for the streetscape and the broader community and stakeholders, using existing or creating a new cohesive character.
- Clarity and certainty of process, balanced with flexibility to address site specific challenges, so that stakeholders (assessors, designers, developers etc.) can adopt an appropriate design and planning response to deliver good residential design in a timely manner.
- Streamline processes; the R-Codes should be illustrative, simple to interpret and able to be understood by design specialists and infrequent users.
- A consistent approach to the assessment of applications across the State, based upon clear and robust certainty in decision making and dealing with issues of efficiency, clarity and certainty.

4.3 Neighbour Consultation

Referral of proposals for neighbour comment was raised as a concern during consultation because in some cases neighbours are offering objections to matters which are 'deemed-to-comply'. Determination may then be delayed because delegation by the decision maker to an officer to determine the proposal may not operate once an objection is received.

It is not the intent of the R-Codes that all proposals be referred to neighbours for comment, rather a proposal should only be referred to a neighbour if:-

- it is a scheme requirement or is required by the decision makers delegation instrument;
- the assessing officer is unable to make a judgement about off-site impacts and their impact on amenity for a proposal based on 'design principles'; or
- a proposal based on 'design principles' includes a measure which may require the consideration of a neighbouring property due to a potential adverse amenity impact.

In any circumstance where the assessment indicates that the 'deemed-to-comply' standards have not been met, then the assessment is deemed to be a 'design principle' proposal. In these cases the proponent must provide supporting information which demonstrates how the proposal meets the relevant 'design principles' and objectives.

The R-Codes have been amended to allow the applicant, instead of the decision maker, to undertake consultation with neighbours. This initiative was considered desirable to help reduce consultation and overall determination timeframes. However, the applicant is required to provide proof that they have provided notification of the proposal to neighbours in the form of a posting receipt via registered post.

4.4 Relationship to Building Control

The R-Codes do not require planning approval for single houses that comply with relevant 'deemed-to-comply' provisions under Part 5 of the R-Codes, and can be dealt with within the building permit system unless otherwise required by a local planning scheme.

The R-Codes do not require planning approval for single houses that fully comply with relevant deemed-to-comply provisions under Part 5 of the R-Codes, unless:

- (a) otherwise required by a scheme; or
- (b) the lot area is under 260m² and not subject to a local development plan or local structure plan.

However, when a proposal does not comply with 'deemed-to-comply' standards, consideration must be given under the relevant 'design principles', which requires planning assessment and determination. This is usually undertaken by requiring a planning application but in some cases a separate Codes Approval application.

During consultation, some submissions advocated removing the development application ('DA') requirement for all single houses. Against this, the trend to increasing floorspace of homes at the same time as decreasing average lot sizes make ready compliance with standards problematic and the potential for amenity impacts greater.

The amended R-Codes reduce the lot area for which a DA is required to 260m², which correlates with the minimum site area under the R30 code, and beyond which planning consideration of proposals is generally warranted. Also any single house lots created by an approved local structure plan or LDP would not require a DA.

Local planning schemes inconsistent with the 260m² lot size will require amendment, although existing scheme content would prevail to the extent of any inconsistency until amended.

4.5 Aged Persons Dwellings

The R-Codes permit a density bonus of up to one-third for provision of aged person's dwellings (APD's). Having regard to perceived amenity impacts, the draft amendments to the R-Codes proposed retaining the density bonus but reducing the floorspace control to 70m². It was expected that introducing this control would have a similar effect to the R-Codes amendment relating to multiple dwellings, which emphasises plot ratio built form over density control by lot size.

Industry and other APD providers were strongly opposed as they considered it would inhibit flexibility to respond to market demand. Having regard to the operation of other controls securing amenity considerations and standards of APDs, the R-Codes retain the current provisions.

4.6 Ancillary Accommodation

Previous R-Codes require ancillary accommodation be occupied only by members of the family residing in the main dwelling and floorspace be limited to 60m². The advertised R-Codes proposed deleting the family member occupancy restriction and increase floorspace to 70m².

The proposed amendments were generally supported during consultation, although some submissions raised concerns in respect to increased density by stealth, amenity impacts, traffic and parking, stormwater and loss of landscaping/open space.

The proposed terminology amendment from 'ancillary accommodation' to 'supplementary accommodation' was generally not supported, as it did not provide clarity in terms of the relationship of this dwelling type to the primary dwelling.

The amendments to 'ancillary accommodation' is consistent with finding 30 and recommendation 19 of the Community Development and Justice Standing Committee Report *'A Fading Dream – Affordable Housing in Western Australia'* (2011).

The amended R-Codes retain the publicly advertised amendments (except terminology), but with an additional amendment to reduce car-parking requirements where

the site is proximate to public transport. An amendment to the definition of ancillary accommodation was made to make clear that the accommodation is on a single lot (subdivision is not implied and would be subject to separate approval only if consistent with local planning scheme and any other operative standards).

Any existing provisions in a local planning scheme regarding ancillary accommodation will prevail over the R-Codes, until amended.

4.7 Content of Table 1

Table 1 of the R-Codes contains site area and other development standards expressed against a figure corresponding to an 'R' code number. Theoretically, the 'R' code number is derived by a calculation of dwelling units per hectare. The significance of the 'R' code number is that it is used on local planning scheme maps to denote planning intentions and development potential for residential development, using a readily understood and common expression. Minimum and average site areas for each 'R' code number are used to enhance flexibility and facilitate use of Table 1 by the WAPC for the purposes of subdivision control.

However, beyond the lower 'R' code numbers (R2 to R17.5) the 'R' code numbers do not correspond exactly to the theoretical measurement of density derived from the calculation referred to above. Rather, the relationship is approximate, to facilitate interpretation and administration. The advertised R-Codes did not propose changing the underlying calculations of the 'R' code numbers, but did propose changing the relationship between minimum and averages across the 'R' code numbers for R25 to R60, so that the minimum site area per dwelling for an 'R' code number reflected the average of the next highest 'R' code number.

The intention in adopting this approach was to reflect the 'sliding scale' rationale embodied by Table 1 and better outline the range of site areas within each 'R' code number. This was achieved by slightly reducing minimum site areas in the R20 to R60 codes.

The proposed amendments were generally supported during public

consultation. Comments received advocated further amendments to the minimum and average site area requirements in particular to:

- Restore the historical 450m² average site area for R20, which was previously adjusted upwards to 500m² in the 2002 R-Codes (although areas coded R20 prior to the 2002 gazettal date retained the lower average site area of 450m²);
- Introduce R80 minimum, average and battle axe site areas, open space and setback requirements to provide increased flexibility and address market trends for small, narrow frontage lots;
- Reduce open space for R50 and R60, from 45% to 40%; and
- Adjust 'battleaxe' site areas, which correspond to the proposed reduced minimum site areas.

Table 1 has been revised accordingly. No major amendments to Tables 2a & b, 3 and 4 have been made.

4.8 Overshadowing

In the context of increasing interest and concern for dwelling energy efficiency by stakeholders, overshadowing provisions of the R-Codes were the subject of attention during the review. The R-Codes contain 'design for climate' requirements, which includes provisions relating to 'solar access for adjoining sites'. The provisions require proponents to calculate the theoretical overshadowing that would be caused by the development at midday on the winter solstice (21 June). The provisions prescribe maximum overshadowing limits for various density codes expressed as a percentage of the adjoining site area.

While identifying the issue, the proposed amendments to the R-Codes did not propose any major amendments to provisions. However, submissions raised concerns about deficiencies in the operation of the overshadowing provisions resulting from definitional issues.

Taking into consideration comments, further amendments made include:

- Inserting a new clause ensuring proportionate percentage when a lot adjoins more than one lot; and,

- Promoting that no more than 50% of any adjoining roof mounted solar collectors and north facing major openings be overshadowed;

The definition of 'solar collectors' and figures have also been amended to reflect contemporary usage and interpretation.

4.9 Parking concessions

Previous versions of the R-Codes required two car parking spaces for each dwelling. However, for some areas with good access to public transport the proportion of car journeys is significantly reduced. Long term planning for Perth seeks to reduce the mode split to car to about 70%. This requires encouragement of public transport use.

The R-Codes include revised 'deemed-to-comply' provisions to reflect flexibility for on-site parking which relates to proximity to public transport, reciprocity, safety, convenient access and layout. This provision has also been amended to a table format to align with the previous changes for multiple dwellings in Part 6.

4.10 Use and Format of Local Planning Policies and Local Development Plans.

The R-Codes are read into local planning schemes and accordingly have force and effect as part of a local scheme. The intent is to provide a uniform basis for residential development throughout WA. However, it is also desirable that local governments retain some flexibility to vary provisions when appropriate to account for local circumstances and character.

The R-Codes hence include provisions enabling variation of some content, via the use of local planning policies ('LPPs'), local development plans (LDPs) (also known as detailed area plans), local structure plans and activity centre plans.

To avoid confusion with the recently initiated Development Assessment Panels, which has given rise to an identical acronym, it was proposed, as part of consultation, to adopt the term 'area specific plans (ASPs)' instead of detailed area plans. This proposal did not enjoy wide support, and

several alternatives were proposed. In order to align with contemporary terminology relating to 'local planning schemes', 'local structure plans' and 'local planning policies', the term 'local development plans'(LDPs) was determined to be the most suitable replacement. It should be noted that any existing provisions in a local planning scheme that refer to 'detailed area plans (DAPs)' will prevail over the R-Codes until they are amended to 'local development plans (LDPs)'.

LPPs often are used to provide for ongoing variation of R-Code provisions, usually for existing (brownfield) urban areas with unique character, while LDP's are used in particular for new (greenfield) urban areas to complement local structure plans and subdivisions containing small, uniquely configured, lots with special design characteristics.

The advertised version of the R-Codes proposed a 'model local planning policy' and 'model LDP pro-forma' to achieve greater consistency in terminology, format and interpretation for LPPs and LDPs. The consultation paper also recommended that all LPPs and LDPs be physically located within R-Codes ring binders, be located with schemes and provide links to local government and WAPC websites.

Whilst many of these proposals were generally well received, various local governments were concerned as to the status and operation of existing LPPs and LDPs, and potential confusion/inconsistency and conversion issues should LPP and LDP formats be mandatory in the R-Codes. Many local governments advised their LPP's align to a corporate style/format, which would result in inconsistency.

Should a local government wish to prepare a new or amend an existing LPP or LDP, the format provided in the explanatory guidelines can be used, however whilst desirable, it's not compulsory.

In addition, the R-Codes recognise that in many greenfield sites, Liveable Neighbourhoods may require the preparation of LDP (also known as detailed area plans) for small lots. Where this more detailed planning has been undertaken, issues associated with the smaller lot size are considered to have already

been dealt with. Therefore, planning approval under the R-Codes for single houses is not required on lots less than 260m² provided they comply with an approved LSP and/or LDP.

4.11 Appendix 1 - Definitions

The R-Codes include definitions and are contained in Appendix 1 towards the end of the document.

A number of the definitions contained in the previous R-Codes have been modified, many in response to submissions, to remove anomalies or correct errors. All definition amendments are outlined within the schedule of amendments document published on the Planning WA website.

Provisions of the R-Codes have also been amended to differentiate words which have a corresponding definition. **Bolded words** provisions have been applied to alert the reader that a definition of those words is provided.

4.12 Figures

The R-Codes as amended contain more figures than in earlier versions. Many submissions considered the figures helpful to understand and interpret R-Code provisions by depicting them diagrammatically. Many of the figures included in the R-Codes are taken directly from the explanatory guidelines, however have been modified and updated for clarity and accuracy.

5 Use of the R-Codes, explanatory guidelines, R-Codes FAQ & R-Codes 'share forum'

The R-Codes and explanatory guidelines are used when designing and assessing residential development in Western Australia.

The R-Codes FAQ provides answers to many frequently asked questions and should be reviewed prior to enquiries being made to the relevant decision-maker. The R-Codes share forum, accessed via the Planning WA website, allows users to discuss R-Codes issues and interpretation. The forum will be monitored to identify issues raised which may require formal response/position to be

provided by the WAPC. The WAPC's response on identified issues will be provided via updates to the R-Codes FAQ.

Local governments are requested to post on their websites the R-Codes, explanatory guidelines, R-Codes FAQ and this Planning Bulletin, together with all existing and relevant LPP's, LDP's and local structure plans, for central 'portal' ease of access and reference.

Alternatively, local governments may post a link to the Planning WA R-Codes webpage: www.planning.wa.gov.au/637.asp which contains all the above documents, together with all existing and relevant LPP's, DAP/ LDP's and local structure plans.

Enquiries relating to site/ development specific proposals, including decision-maker interpretation and assessment, must be directed to the relevant decision-maker, which in most cases is the local government.

It is strongly recommended that persons seeking to undertake development upon their land consult with the relevant decision-maker and/or suitably qualified person(s).

6 Changes to DC 2.2 Residential Subdivision

The R-Codes are used for the assessment of small scale and infill residential subdivision proposals by the WAPC although they are not intended to prescribe subdivision design. The WAPC's operational policy DC 2.2, cross-referenced to Table 1 of the R-Codes, provides the basis of this approach. The consultation paper canvassed the possibility of severing this link. For example, assessment of development on individual lots might be generally based on the lot size rather than the R-Code so that development of lots is related specifically to the lot itself.

As a result of amendments to the R-Codes, consequential changes to operational policy DC 2.2 Residential Subdivision are required. The changes to DC 2.2 include the following:

- Update background notes, legislative and WAPC references for consistency;

- Remove of the 'R20 transitional provisions' under section 3.2.3 given Table 1 of the R-Codes has reduced the R20 average lot size from 500m² to 450m².
- Amend sections 3.4 (Single Residential Lots) and 3.5 (Small Residential Lots) from 500m² and 350m² respectively to 260m², as per clause 2.3 of the R-Codes.

The changes to DC 2.2 take effect on **2 August 2013**.

7 Further information

Enquires or correspondence on this planning bulletin should be sent to rcodesreview@planning.wa.gov.au or directed to:

Planning Manager, Strategic Policy Department for Planning
Gordon Stephenson House
140 William Street
Perth WA 6000

Quoting reference: DP/10/00574

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State Planning Policy 3.1 Residential Design Codes Summary Schedule of Amendments

(Version 1, May 2013)

R-Codes		R-Codes Amendments	
Part/ Clause	Provision	Part/ Clause	Provision
-	Contents	-	Contents
1	Preliminary	1	Preliminary. The intent of this Part remains unchanged. Objectives proposed and summarised into four (4) main objectives.
2	Codes approval process	2	Amended heading " R-Codes approval process ".
2.1/2.2	Planning approval/ single house approvals	2.2.	The intent of provisions remains unchanged. A flowchart included to clarify R-Codes approval process. Provision for Single house approvals includes a new sub clause 2.2.1 which reads as follows: <i>"A proposal for a single house that meets the deemed-to-comply provisions of the R-Codes does not require planning approval, unless otherwise required by the scheme or clause. 2.3."</i>
2.3	Planning approval for single houses on small lots	2.3	Planning approval for single houses on small lots. The provision has been amended to read: <i>"Planning approval is required for the erection of a single house on any lot smaller than 260 m², except where the single house complies with a local structure or local development plan."</i>
2.4/2.5	Discretionary decisions	2.4/2.5	Amended headings "Judging merit of proposals" and "exercise of judgement"; respectively. The intent of the provision remains unchanged, however, minor rewording for consistency.
3	Accompanying information	3	Accompanying information. The intent of the Part remains unchanged, however reworded for consistency. Clause 3.1 Application for planning approval retained. Clause 3.2 "Applications for codes approval" and corresponding references to Forms (existing Appendices 2 and 3) have been deleted. Existing Appendices 2 and 3 included in Explanatory Guidelines.
3.2/3.5	General information requirements	3.2.	Amended heading – Existing information requirements set out in clauses 3.2-3.5 have been incorporated into an application information matrix. The application information matrix indicates which information is required for certain types of applications.
3.6	Special information requirements	3.3	Amended heading "Supporting information requirements". Existing provisions/requirements incorporated into application information matrix.
4	Neighbour Consultation	4	Amended heading " Consultation ". This Part has been reformatted and reworded for consistency; however the intent remains essentially unchanged.
4.1/4.2	Consultation Requirements/ Procedure		Clause 4.2 Consultation procedure has been retained with minor rewording for consistency and deletion of Appendix 4 – Adjoining property owner comment form.
4.3	Opportunity to respond	4.3	Clause 4.3 "Opportunity to respond" has been clarified as follows: <i>"the decision-maker shall consider the comments made and the proponent's response to the comments made on the proposal."</i>
5 5.1/5.2	Local planning policies	7 7.1/7.2	Amended heading " Local planning framework ". Part 5 re-numbered to Part 7 and re-titled "Local Planning Framework" with accompanying clauses 7.1 and 7.2 reworded accordingly, to reflect a more generic term encompassing a suite of planning documents.
5.3	Scope of local planning policies	7.3	Scope expanded to include local development plans, local structure plans and activity centre plans. Provisions have been re-worded to refer to the "Local Planning Framework" and clause references amended for consistency.

R-Codes		R-Codes Amendments	
Part/ Clause	Provision	Part/ Clause	Provision
6	Design elements for all single house(s) and grouped dwellings and multiple dwellings in areas coded less than R30	5	Amended Heading " Design elements for all single house(s) and grouped dwellings and multiple dwellings in areas coded less than R30 ". Part 6 re-numbered to Part 5 and re-formatted (re-ordered) for consistency with the format and sub-headings of former Part 7 ("Multi Unit Housing Code" subject of the 2010 amendment to the R-Codes). Re-formatted Part 5 introduces five sub-headings comprising 'Context', 'Streetscape', 'Site planning and design', 'Building design' and 'Special purpose dwellings' with corresponding objective(s). In accordance with the revised assessment approach for each corresponding provision/design principle, 'Performance criteria' has been re-worded to refer to "Design Principles"(P) and 'Acceptable development' has been re-worded to referred to 'Deemed-to-Comply' requirements (C).
6.1	Housing density requirements	5.1	Heading deleted. New section heading "Context". New objectives are included consistent with the general objectives set out in Part 1.
6.1.1/6.1.3	Site area req'ments	5.1.1	Amended heading "Site area". This provision has been amended and re-formatted to incorporate existing subclauses 6.1.1 and 6.1.2. Although the intent of the provision remains unchanged some of the accompanying standards have been amended. Refer to summary table on Page 7 of this Schedule.
6.2	Streetscape requirements	5.2	Amended heading "Streetscape" for consistency with new Part 6. New objective is included under the 'Streetscape' subheading consistent with the general objectives set out in Part 1.
6.2.1/6.2.2	Setback of buildings generally/ Minor incursion into street setback area	5.1.2	Amended heading "Street setback" for consistency with new Part 6. An addition of following subclause: " <i>C2.3 Buildings setback from the corner truncation boundary in accordance with the secondary street setback in Table 1</i> " and incorporation of existing clause 6.2.2 'Minor incursions into the street setback' (cl 6.2.2 A2 ii deleted).
6.2.3	Setback of garages and carports	5.2.1	Setback of garages and carports. No major amendments to existing 'Performance criteria (P3)' (now referred to as "Design Principle") subject to rewording for consistency. (Figure 8a).
6.2.4	Surveillance of the street	5.2.3	Amended heading "Street surveillance". This provision has been modified for clarity for implementation and consistency and reference to relevant figures.
6.2.5	Street walls and fences	5.2.4	Street walls and fences. No change to intent however minor rewording for clarity.
6.2.6	Sight lines at vehicle access pts and street corners	5.2.5	Amended heading "Sight lines". No change to intent and minor rewording for clarity.
6.2.7	Building design	-	Deleted. Existing performance criteria (now referred to as "Design Principle") incorporated into subclause 5.1.2 (P3).
6.2.8	Garage doors	5.2.2	Amended heading "Garage width". No change to intent, however minor rewording for clarity and consistency.
6.2.9	Appearance of retained dwelling	5.2.6	Appearance of retained dwelling. No change to the intent, however minor rewording for clarity.
6.3	Boundary setbacks requirements	-	Clause deleted – subclauses incorporated into new sections.
6.3.1	Buildings setback from the boundary	5.1.3	Amended heading "Lot boundary setback". 6.3.1 A1 included unamended except of additional term 'up to a lot boundary' which means " <i>a wall, on or less than 600mm, from any lot boundary, other than a street boundary.</i> "
6.3.2	Buildings on boundary	-	Section deleted and clause incorporated into subclause 5.1.3.

R-Codes		R-Codes Amendments	
Part/ Clause	Provision	Part/ Clause	Provision
6.3.3	Setback of retaining walls	5.3.8	Amended heading "Retaining walls". This provision retained with addition of following: <i>"C8.2 Where a retaining wall less than 0.5 m high is required on a lot boundary, it may be located up to the lot boundary or within 1 m of the lot boundary to allow for an area assigned to landscaping, subject to the provisions of clauses 5.3.7 and 5.4.1."</i>
6.4	Open space requirements		Subclauses incorporated into new sections.
6.4.1	Open space provision	5.1.4	Amended heading "Open space" for consistency with new Part 6. No change to the intent, however reference to Figure series 6 included and rewording for consistency.
6.4.2	Outdoor living areas	5.3.1	Outdoor living areas. No change to the intent, however minor rewording for consistency. Design Principle expanded.
6.4.3	Balconies for multiple dwellings	5.3.1	Heading deleted and clause incorporated into subclause 5.3.1 above.
6.4.4	Communal open space	5.1.5	Communal open space. No change to the intent, however rewording for consistency.
		5.3	New section heading "Site Planning Design". New objectives are included consistent with the general objectives set out in clause 3.1.
6.4.5	Landscaping requirements	5.3.2	Amended heading "Landscaping" for consistency with new Part 6. No change to the intent, however minor rewording for consistency.
6.5	Access/parking requirements		Section deleted – subclauses incorporated into new section 5.3 "Site Planning and Design".
6.5.1	On-site parking provision	5.3.3	Amended heading "Car parking". This provision has been amended to reduce parking requirement based on proximity to public transport /dwelling size. Existing performance criteria 6.5.1 P1 retained as P3.1 (now referred to as "Design Principle"). The existing clause 6.5.2 is incorporated as subclause 5.3.3 P3.3.
6.5.2	Off-site parking		Heading deleted and subclause incorporated into subclause 5.3.3 above as design principle P3.3.
6.5.3	Design of parking spaces	5.3.4	Design of car parking spaces. No change to the intent, however minor rewording for consistency.
6.5.4	Vehicular access	5.3.5	Vehicular access. No change to the intent, however Performance criteria (P4) (now referred to as "Design Principle") reworded for consistency.
6.5.5	Pedestrian access	5.3.6	Pedestrian access. No change to the intent, however rewording Performance criteria (P5) (now referred to as "Design Principle") reworded for consistency.
6.6	Site works requirements		Section deleted – subclauses incorporated into new section 5.3 "Site Planning and Design".
6.6.1	Excavation or fill	5.3.7	Amended heading "Site works" for consistency with new Part 6. No major amendments to 'Deemed to comply' provision subject to deletion of "A1.3 Excavation within the site and behind the street setback line shall have no limit".
6.7	Building height requirements		Section deleted – subclauses incorporated into new section 5.1 "Context".
6.7.1	Building height	5.1.6	Building height. The provision re-ordered under sub-heading "Context". No amendment to 'Deemed to comply' requirement (formerly "acceptable development") subject to minor rewording of Performance criteria (P1) (now referred to as "Design Principle") for consistency.
6.8	Privacy requirements		Section deleted – subclauses incorporated into section 5.4 "Building design".

R-Codes		R-Codes Amendments	
Part/ Clause	Provision	Part/ Clause	Provision
6.8.1	Visual privacy	5.4.1	Amended heading "Visual privacy" requirements for consistency with new Part 6. This provision has been amended and expanded and reference to figures (refer Fig Series 10) for clarity for implementation and consistency.
6.9	Design for climate requirements		Section deleted – subclauses incorporated into new sections 5.3 "Site Planning and Design" and 5.4 "Building Design".
6.9.1	Solar access for adjoining sites	5.4.2	Solar access for adjoining sites. Existing acceptable development provision (C1) retained and expanded (now re-worded to 'Deemed-to-Comply' requirement). The existing Performance criteria (P8) (now referred to as "Design Principle") reworded to add reference to north facing openings to habitable rooms; north and west facing roof areas; and existing solar collectors.
6.9.2	Stormwater disposal	5.3.9	Amended heading "Stormwater management". This provision has been amended and expanded for clarity for implementation and consistency.
6.10	Incidental development requirements	5.4	Section deleted and subclauses incorporated into new section 5.4 "Building design". New objectives are included consistent with the general objectives set out in clause 1.3.
6.10.1	Outbuildings	5.4.3	Outbuildings. No amendment subject to minor rewording for consistency.
6.10.2	External fixtures	5.4.4	External fixtures. The provision expanded but intent retained.
6.10.3	Essential facilities	5.4.5	Amended heading "Utilities and facilities". No amendment subject to minor rewording to make consistent.
6.11	Special purpose dwelling requirements	5.5	Amended Heading "Special purpose dwellings". New objectives are included consistent with the general objectives set out in clause 1.3.
6.11.1	Ancillary accommodation	5.5.1.	Amended Heading "Ancillary dwellings". The provision is amended to remove the family member occupancy restriction and to increase the maximum plot ratio area from 60m ² to 70m ² . The minimum parent lot area requirement of 450m ² is retained. Also parking requirements reduced in accordance with sub clause 5.3.3.
6.11.2	Aged and dependent persons' dwellings	5.5.2	Aged and dependent persons' dwellings. No amendment, however minor rewording for consistency and re-ordering for clarity.
6.11.3	Single bedroom dwellings	5.5.3	Single bedroom dwellings. This provision is amended and expanded to increase the maximum plot ratio area from 60m ² to 70 m ² and include reference to applicable provisions.
7	Design elements for multiple dwellings in areas with a coding of R30 or greater and within mixed use development and activity centres	6	Design Elements for multiple dwellings in areas coded R30 or greater, within mixed use development and /or activity centres. Part 7 re-numbered to Part 6 and re-formatted (re-ordered). No substantial amendments are proposed, however minor amendments proposed to make Part 5 and 6 consistent. In accordance with the revised assessment approach for each corresponding provision/design principle, 'Performance criteria' has been re-worded to refer to "Design Principles" and 'Acceptable development' has been re-worded to refer to "Deemed-to-Comply" requirements.
7.1	Context	6.1	Context. Minor amendments to terminology in objective for consistency with new Part 5.
7.1.1	Building size	6.1.1	Building size. Minor amendments to terminology in design principle for consistency with new Part 5.
7.1.2	Building height	6.1.2	Building height. No change to intent with amended referencing to new figures and rewording "Deemed-to-Comply" requirement C3.
7.1.3	Street setback	6.1.3	Street setback. No change to intent. Note deleted because included in definition of "street".
7.1.4	Side and rear boundary setback	6.1.4	Amended heading "Lot boundary setbacks".

R-Codes		R-Codes Amendments	
Part/ Clause	Provision	Part/ Clause	Provision
7.1.5.	Open space	6.1.5	Open space. No change in intent except for addition of reference to new figures.
7.2	Streetscape		Streetscape. No amendment.
7.2.1	Surveillance of the street	6.2.1	Amended heading "Street surveillance".
7.2.2.	Street walls and fences	6.2.2	Street walls and fences. No amendment.
7.3.6	Sightlines at vehicle access points and street corners	6.2.3	Sight lines. Relocated from sub clause 7.3.6 into Streetscape section for consistency between Parts 5 and 6.
7.2.3	Building appearance	6.2.4	Building appearance. No amendment.
7.3	Site planning and design	6.3	Site planning and design. Objective amended by the addition of reference to site planning.
7.3.1	Outdoor living areas	6.3.1	Outdoor living areas. No amendment.
7.3.2	Landscaping	6.3.2	Landscaping. No amendment.
7.3.3.	On-site parking provision	6.3.3	Amended heading "Parking" for consistency between Parts 5 and 6. Amendments include: Legend to table in C3.1 expanded for clarity consistent with new Part 5. Relevant clauses from Part 5 added for clarity for implementation and consistency.
7.3.4	Design of parking spaces	6.3.4	Design of parking spaces. Minor modification for consistency between Parts 5 and 6 with "Deemed-to-Comply" requirement C4.3 reworded.
7.3.5	Vehicular access	6.3.5	Vehicular access. Minor modification for consistency between Parts 5 and 6.
7.3.6	Sightlines at vehicle access points and street corners	6.2.3	Sightlines. Section relocated to section 7.2 for consistency between Parts 5 and 6.
7.3.7	Site works	6.3.6	Site works. Minor modification for consistency between Parts 5 and 6.
		6.3.7	New heading "Retaining walls". Existing sub clause 7.3.7 A7.5 included in a separate clause and heading consistent with new Part 5. Design Principle expanded.
		6.3.8	Amended heading "Stormwater management". Relocated from existing sub clause 7.4.6 into "Site planning and design" section for consistency between Parts 5 and 6.
7.4	Building design	6.4	Building design. No amendment to objective.
7.4.1	Visual privacy	6.4.1	Visual privacy. Requirements made consistent with new Part 5.
7.4.2	Solar access for adjoining sites	6.4.2	Solar access for adjoining sites. Requirements made consistent with new Part 5.
7.4.3	Dwelling size	6.4.3	Dwelling size. No amendment.
7.4.4	Outbuildings	6.4.4	Outbuildings. No amendment.
7.4.5	External fixtures	6.4.5	External fixtures. Minor amendment.
7.4.6	Stormwater disposal	6.3.8	Amended heading "Stormwater management". Relocated to Site planning and design section.
7.4.7	Essential facilities	6.4.6	Amended heading "Utilities and facilities", consistent with new Part 5. Minor modification consistent with new Part 5.

**Note: Accompanying figures have been reviewed and amended consistent with R-Code amended provisions*

R-Codes Appendix 1	R-Codes Amendments Appendix 1																																																												
Appendix 1- Definitions	<p>Appendix 1 retained - Definitions. References to figures and subclauses updated. References to "Council" amended to "decision-maker". The following definitions amended for consistency.</p> <table border="0"> <tr> <td>Active habitable space</td> <td>Garage</td> <td>Open space</td> <td>Pergola</td> </tr> <tr> <td>Activity centre</td> <td>Height, building</td> <td>Outdoor Living Area</td> <td>Plot ratio</td> </tr> <tr> <td>Ancillary dwelling</td> <td>Local planning policy</td> <td>Parent lot</td> <td>Plot ratio area</td> </tr> <tr> <td>Battle-axe lot</td> <td>Lot</td> <td>Patio</td> <td>Visually permeable</td> </tr> <tr> <td>Cone of vision</td> <td></td> <td></td> <td></td> </tr> </table> <p>The following definitions are deleted:</p> <table border="0"> <tr> <td>Acceptable Development</td> <td>Effective lot area</td> <td>Performance criteria</td> <td>Storey</td> </tr> <tr> <td>Council</td> <td>Formed Driveway</td> <td>Serviced Apartment</td> <td>Street alignment</td> </tr> <tr> <td>Detailed Area Plan</td> <td>Ground floor area</td> <td>Special Control Area</td> <td>Tandem parking</td> </tr> <tr> <td>Dwelling Size</td> <td>Model Scheme Text</td> <td></td> <td></td> </tr> </table> <p>The following new definitions are included:</p> <table border="0"> <tr> <td>Activity centre plan</td> <td>External fixtures</td> <td>Local Planning framework</td> <td>Residential development</td> </tr> <tr> <td>Decision-maker</td> <td>Heritage Place</td> <td>Lot boundary</td> <td>Solar Collectors</td> </tr> <tr> <td>Deemed-to-Comply</td> <td>High frequency bus</td> <td>Porch</td> <td>Special Purpose Dwelling</td> </tr> <tr> <td>Design Principles</td> <td>High frequency rail route</td> <td>Local planning strategy</td> <td>Street boundary</td> </tr> <tr> <td>Development</td> <td>Internal Walls</td> <td>Local structure plan</td> <td>Unenclosed</td> </tr> <tr> <td>Enclosed</td> <td>Local Development Plan</td> <td></td> <td></td> </tr> </table> <p>Appendices 2, 3 and 4 deleted.</p> <p>Existing Appendices 2 and 3 included in Explanatory Guidelines</p>	Active habitable space	Garage	Open space	Pergola	Activity centre	Height, building	Outdoor Living Area	Plot ratio	Ancillary dwelling	Local planning policy	Parent lot	Plot ratio area	Battle-axe lot	Lot	Patio	Visually permeable	Cone of vision				Acceptable Development	Effective lot area	Performance criteria	Storey	Council	Formed Driveway	Serviced Apartment	Street alignment	Detailed Area Plan	Ground floor area	Special Control Area	Tandem parking	Dwelling Size	Model Scheme Text			Activity centre plan	External fixtures	Local Planning framework	Residential development	Decision-maker	Heritage Place	Lot boundary	Solar Collectors	Deemed-to-Comply	High frequency bus	Porch	Special Purpose Dwelling	Design Principles	High frequency rail route	Local planning strategy	Street boundary	Development	Internal Walls	Local structure plan	Unenclosed	Enclosed	Local Development Plan		
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R-Codes		R-Codes Amendments	
Table	Provision	Table	Provision
Table 1	General site requirements for all single house(s), all grouped dwellings, or multiple dwellings in areas with a coding of less than R30.	Table 1	Amended heading "General site requirements for .all single(s) and grouped dwellings and multiple dwellings in areas coded less than R30".
Tables 2 to 5		Tables 2 to 5	<p>Refer Summary Table of Amendments below: with changes shown as strike through (deleted) and shaded (amended). Note – R80 row is a new addition - not currently shown as a row in Table 1 with low and medium density sub-header rows deleted.</p> <p>Tables retained. Some amendments for clarity of implementation and consistency.</p>

Summary Table of Amendments to Table 1: General site requirements for all single house(s); and grouped dwellings; and multiple dwellings in areas with a coding of less than R30.

1 R-code	2 Dwelling Type	3 Min. site area per dwelling (m ²) % ◆	4 Min. lot area/rear battle axe (m ²) ▼	5 Min. frontage (m) ▼	6 Open Space		7 Min. setbacks (m)		
					Min. total (% of site)	Min. o/door living (m ²)	Primary street	Secondary street ●	Other/rear
R20	Single house or grouped dwelling	Min 440 350 Av 500 450	540 450	10	50	30	6	1.5	*
	Multiple Dwelling	500 450	-	20	-	-	6	1.5	*
R25	Single house or grouped dwelling	Min 320 300 Av 350	445 425	8	50	30	6	1.5	*
	Multiple Dwelling	400 350	-	20	-	-	6	1.5	*
R30	Single house or grouped dwelling	Min 270 260 Av 300	420 410	-	45	24	4	1.5	*
R35	Single house or grouped dwelling	Min 235 220 Av 260	410 395	-	45	24	4	1.5	*
R40	Single house or grouped dwelling	Min 200 180 Av 220	400 380	-	45	20	4	1	*
R50	Single house or grouped dwelling	Min 160 Av 180	400 380	-	45 40	16	4 2	1	*
R60	Single house or grouped dwelling	Min 160 120 Av 180 150	400 380	-	45 40	16	4 2	1	*
R80	Single house or grouped dwelling	Min 160 100 Av 180 120	400 380	-	45 30	16	4 1	1	*

All standards for single house or grouped dwellings within R100, R160 and R-AC areas are as for the R80 Code

R-Codes

State Planning Policy 3.1 Residential Design Codes



Department of
Planning



Western
Australian
Planning
Commission

Review Process

Residential Design Codes ('R-Codes') is a State Planning Policy ('SPP') of the Western Australian Planning Commission ('WAPC').

R-Codes read into local planning schemes by virtue of s. 77 of the *Planning and Development Act 2005* ('PD Act') and complementary provisions contained in clause 5.2 of the Model Scheme Text ('MST').

In 2008, WAPC recognised the need to undertake a major review of the R-Codes.

Current review follows on from amendment to incorporate additional provisions for multiple dwelling developments ('MUHC'), gazetted on 22/11/2010.

Consultants engaged in September 2010 to assist the WAPC in undertaking the review & Technical Advisory Group ('TAG') was established.

Consultation

In November 2010 nine initial workshops were held with key stakeholders.

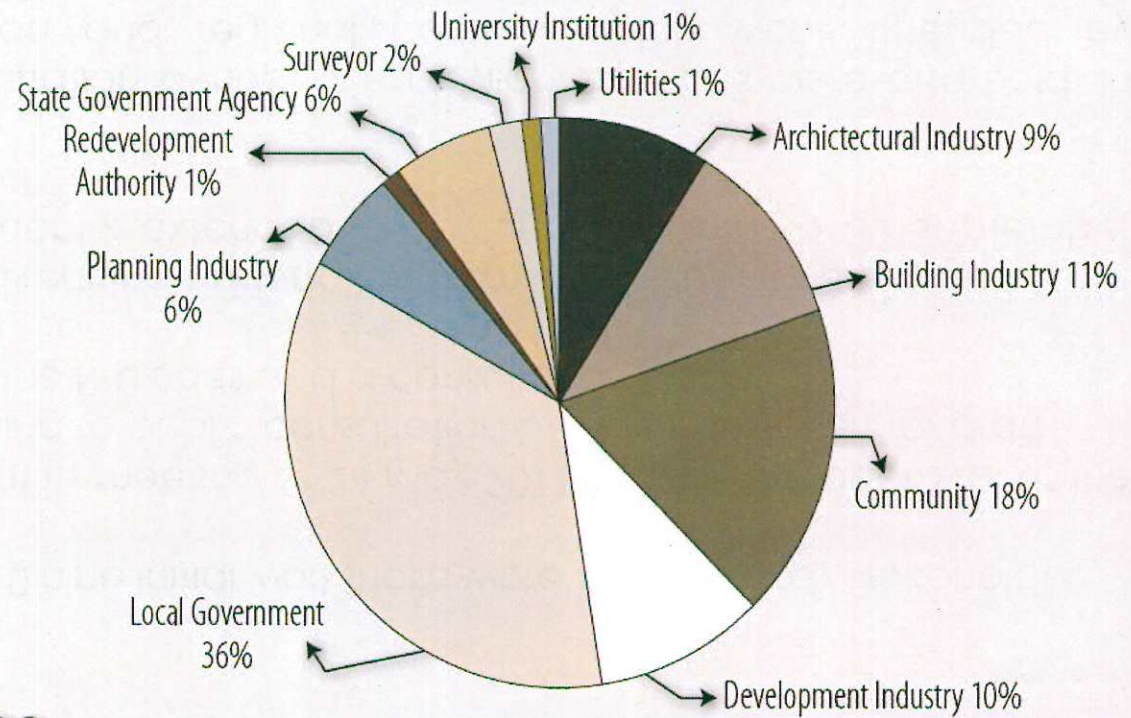
WAPC resolved at its meeting of 24 May 2011 to seek the approval of the Minister for Planning to public consultation being undertaken for draft amendments to the R-Codes and a consultation paper.

Formal public advertising undertaken from 1 July 2011 to 31 August 2011. This was subsequently extended by a further month to 30 September 2011.

During the consultation period, five public workshops were also held, in both metropolitan and regional centres, which were attended by approximately 250 persons.

Total of 108 written submissions received.

Review consultation continued...



Submissions

Key Issues

- Relationship to subdivision control;
- Relationship to building control;
- Aged persons housing;
- Ancillary dwellings;
- Private open space;
- Admin & interpretation;
- Table 1.

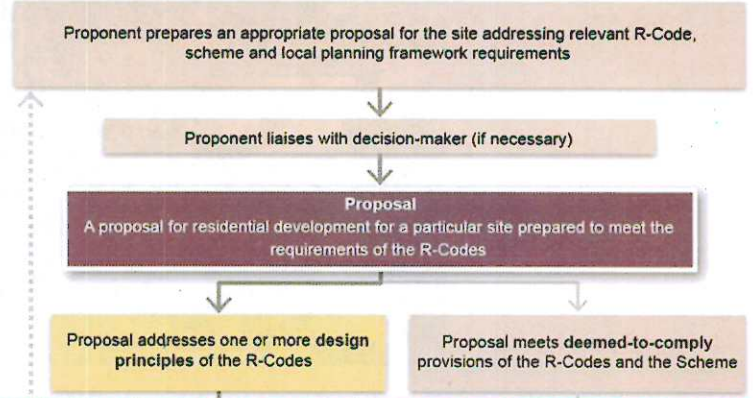


R-Codes

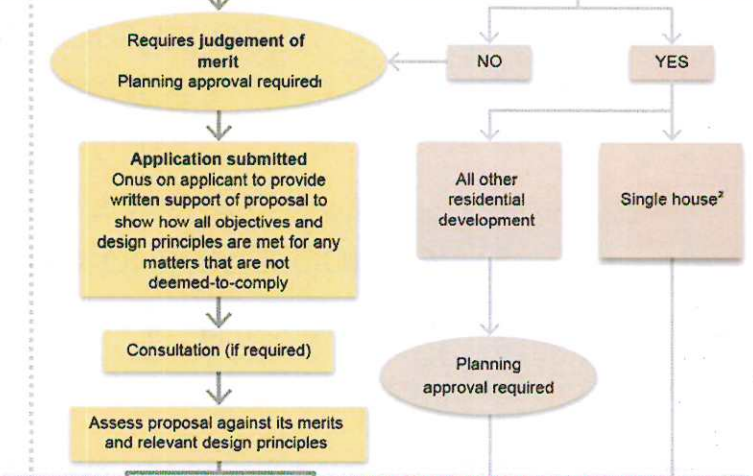
State Planning Policy 3.1 Residential Design Codes



DESIGN PHASE
An appropriate proposal for the site is prepared



APPLICATION PHASE
Decision-maker considers application



DECISION PHASE



Local Planning Framework

Moved from Part 5 to Part 7 towards the end of document - allows LG & users to insert relevant Local Planning Policies which amend R-Codes provisions (all in 1 document for ease of reference).

Heading change from 'local planning policies' to 'local planning frameworks' – acknowledge LPP's are not the only mechanism to amend R-Codes provisions.

Local planning framework includes: Local Planning Scheme, Local planning policies, agreed local structure plans, local development plans (formerly detailed area plans) & adopted local planning/housing strategy.

If existing LPP is inconsistent with R-Codes, R-Codes prevail unless LPP:

1. Amends or replaces deemed-to-comply provisions set out in 7.3.1; or
2. For all other matters not listed in 7.3.1, WAPC approval obtained.

Local Planning Framework (ctd.)

7.3 Scope of local planning policies, local development plans, local structure plans and activity centre plans

7.3.1

Local planning policies, local development plans, local structure plans and activity centre plans may contain provisions that:

(a) amend or replace the following **deemed-to-comply** provisions set out in Part 5 and/or Part 6 of the R-Codes:

Context ...

Streetscape ...

Site planning and design ...

Building design ...

Special purpose dwellings ...

...

Amendments or replacements to deemed-to comply provisions are to be consistent with the relevant design principle.

Local Planning Framework (ctd.)

7.3.2

Notwithstanding Clause 7.3.1, the local government may, with the approval of the WAPC, amend any other deemed-to-comply provision within the R-Codes by means of a local planning policy, local structure plan or local development plan where it can be demonstrated to the satisfaction of the WAPC that the proposed amendment:

- is warranted due to a specific need related to that **particular locality or region;**
- is consistent with the objectives and design principles of the R-Codes; and
- can be properly implemented and audited by the decision-maker as part of the ongoing building approval process.



Applications

'Application information matrix' inserted to provide additional guidance on the type of information required for major application types.

Heading change from 'Neighbour consultation' to 'consultation'

Acknowledges consultation may extend beyond immediate adjoining 'neighbours'.

Introduces new provision allowing proponent to consult direct with neighbours & provide results to decision maker.

Introduces new provision to provide opportunity for applicant to review and provide response to comments received – to facilitate balanced consideration of views.

Decision-making

`Performance criteria' re-worded to "Design Principles" and `Acceptable development' re-worded to `Deemed-to-Comply'.

Part 5 - Design elements for all single house(s) and grouped dwellings and multiple dwellings in areas coded less than R30

5.1 Context

Objectives

- a To ensure that residential development meets community expectations in regard to appearance, use and density.
- b To ensure that designs respond to the key natural and built features of the area and respond to the local context in terms of bulk and scale, or in the case of precincts undergoing a transition, will respond to the desired future character as stated in the local planning framework.
- c To ensure adequate provision of direct sun and ventilation for buildings and to ameliorate the impacts of building bulk, privacy and overshadowing on adjoining properties.
- d To ensure that open space (private and communal) is provided on site and:
 - landscaped to establish streetscapes
 - provide a balanced setting and relationship to buildings; and
 - provide privacy, direct sun and recreational opportunities.
- e To ensure that development and design is appropriate in respect to bulk and height, and is sympathetic to surrounding buildings, or in precincts undergoing a transition, achieves the desired future character of the area as stated in the local planning framework.

Design Principles

Development demonstrates compliance with the following design principles (P)

Deemed-to-Comply

Development satisfies the following deemed-to-comply requirements (C)

5.1.1

Site area

- P1.1 Development of the type and density indicated by the density code designated in the scheme.
- P1.2 The WAPC may approve the creation of a lot, survey strata lot or strata lot of a lesser minimum and/or average site area than that specified in Table 1 and the WAPC in consultation with the local government may
- C1.1 Development which complies with the dwelling type and site area requirements set out in Table 1 and the following provisions.
- C1.2 The minimum site area set out in Table 1 is calculated as follows:
 - i in the case of a single house, the area of a green title lot or survey-strata lot;
 - ii in the case of a grouped dwelling, the area of land occupied by the dwelling;

Administration and interpretation

Design Principles	Deemed-to-Comply
Development demonstrates compliance with the following design principles (P)	Development satisfies the following deemed-to-comply requirements (C)
Note: The minimum and average site areas stipulated in Table 1 are not subject to variation except as set out in clause 5.1.1 below.	

Major changes - single houses

Minimum lot size for single house DA reduced from 350m² to 260m².

A single house that meets the deemed-to-comply provisions of the R-Codes does not require planning approval, unless:

- a local planning scheme expressly requires it; or
- the single house is on a lot smaller than 260m², except where it complies with an endorsed local structure plan and/or local development plan.

If a single house does not comply with deemed-to-comply requirement/s, the decision-maker may require an application for planning approval or alternative R-Codes approval application.



Major changes continued...

Ancillary dwellings ('granny flats') provisions modified:

- Family member occupancy restriction removed.
- Maximum 70m² 'plot ratio' area, previously 60m² 'floor area'.
- Minimum lot area requirement of 450m² retained.



Definitions, Figures & Tables

A number of definitions have been modified to remove anomalies or correct errors. Some definitions have been removed and new definitions provided

R-Codes provisions have been reformatted to differentiate words which have a corresponding definition. **Bolded words** have been applied to alert the reader that a corresponding definition exists.

The R-Codes contain more figures than previous versions - taken directly from the explanatory guidelines, however modified and updated for clarity and accuracy.

No change to Tables 2a, 2b, 3, 4 & 5.

Significant Changes to Table 1

R-Codes

State Planning Policy 3.1 Residential Design Codes



R Codes

R Coding from 17.5 – theoretical

Lot size (m²)



Legend

Theoretical average lot size

R-Codes

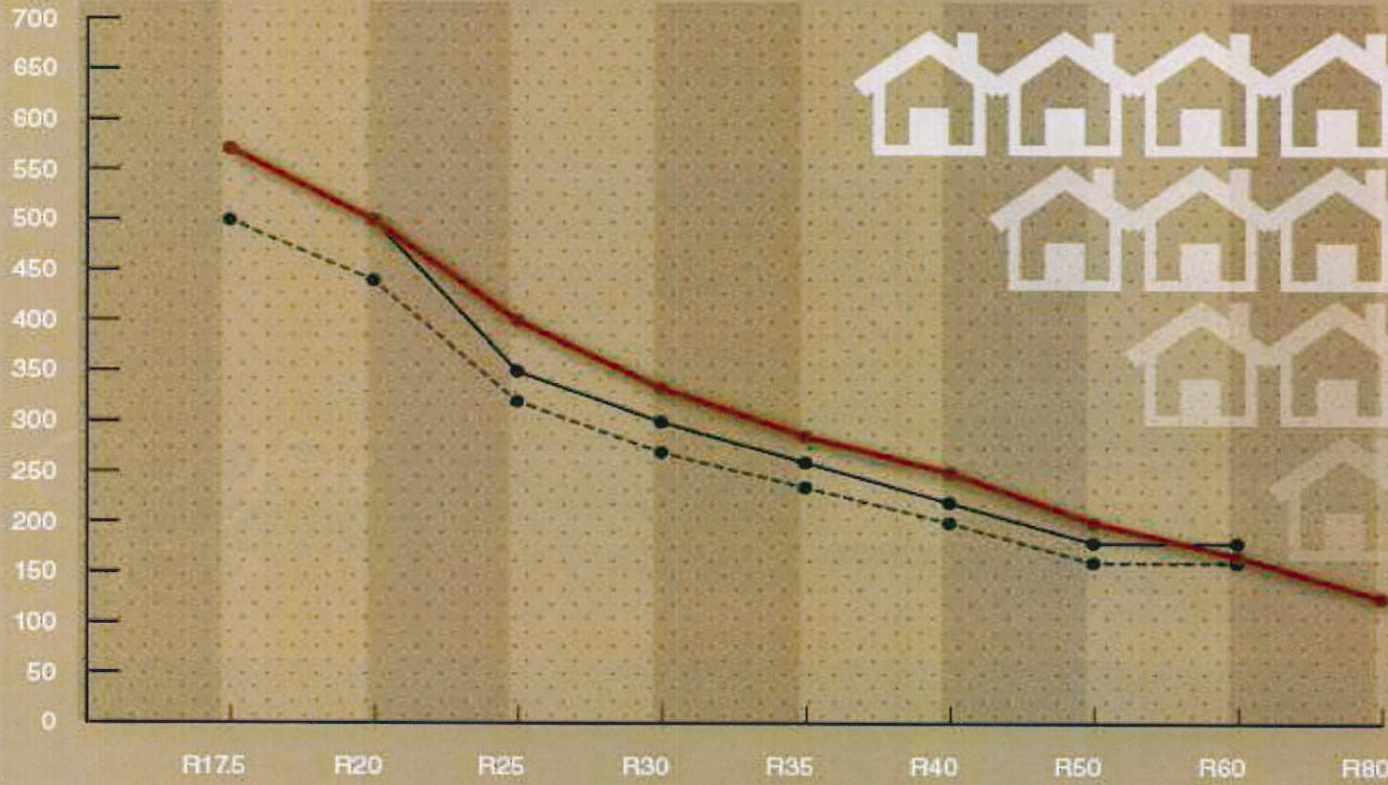
State Planning Policy 3.1 Residential Design Codes



R Codes

R Coding from 17.5 – theoretical and existing

Lot size (m²)



Legend

- Theoretical average lot size
- Existing Table 1 (average lot size)
- Existing Table 1 (minimum lot size)

R-Codes

State Planning Policy 3.1 Residential Design Codes



Department of Planning

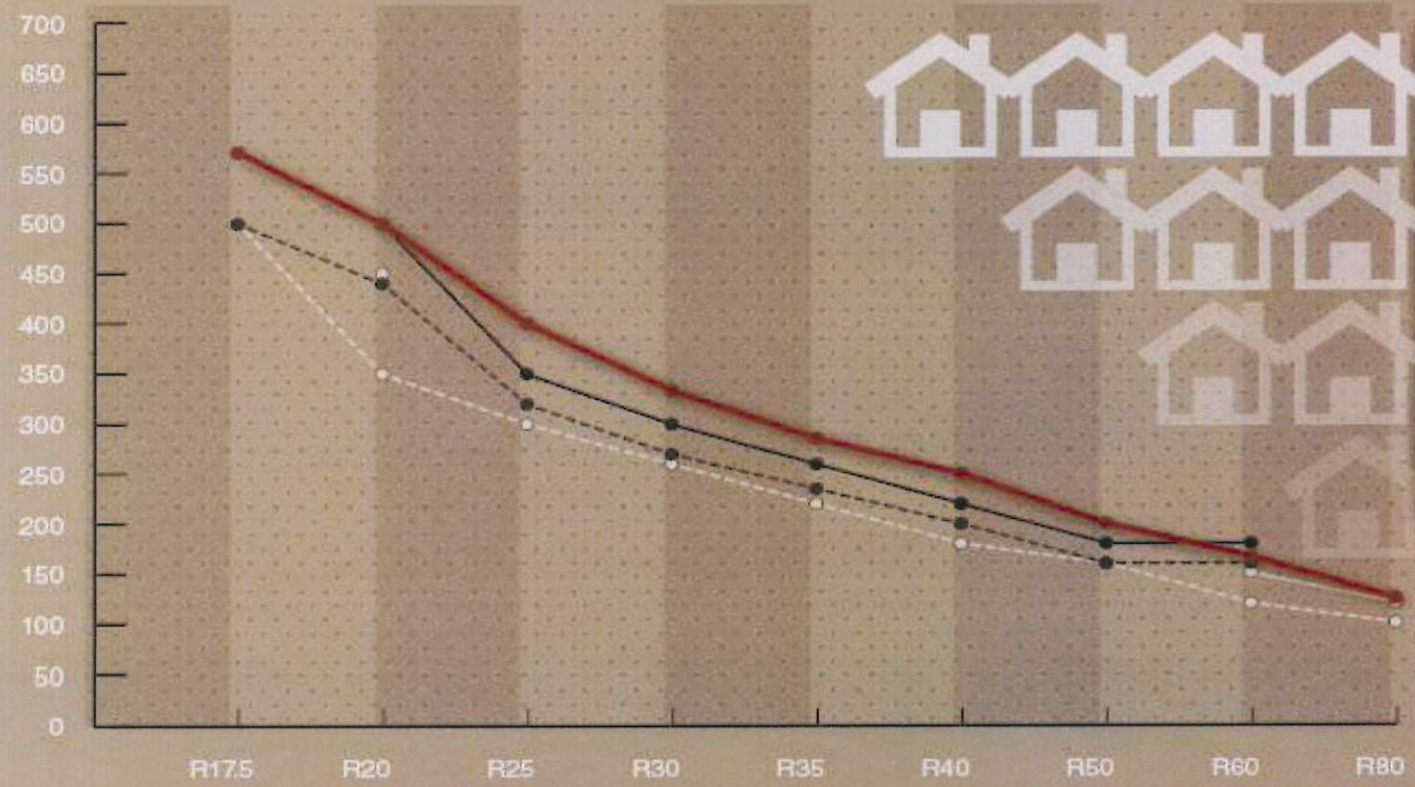


Western Australian Planning Commission

R Codes

R Coding from 17.5 – theoretical, existing and proposed

Lot size (m²)



Legend

- Theoretical average lot size
- Existing Table 1 (average lot size)
- -●- - Existing Table 1 (minimum lot size)
- Amended Table 1 (average lot size)
- -○- - Amended Table 1 (minimum lot size)

R Coding

R-Codes Table 1 changes

R20 average lot size reduced to 450m².

Reduced minimum lot sizes for R20 to R40 & R60 – new minimum lot sizes reflect the average lot size of the next higher code.

New R80 density code – increased flexibility/small lot housing.

Following slides illustrate Table 1 changes

R-Codes

State Planning Policy 3.1 Residential Design Codes



Department of Planning



Amendments to Table 1

1 R-code	2 Dwelling Type	3 Min. site area per dwelling (m ²) % ♦	4 Min. lot area/rear battle axe (m ²) ▼	5 Min. frontage (m) ▼	6 Open Space		7 Min. setbacks (m)		
					Min. total (% of site)	Min. o/door living (m ²)	Primary street	Secondary street ●	Other/rear
R20	Single house or grouped dwelling	Min 440 350 Av 500 450	540 450	10	50	30	6	1.5	*
	Multiple Dwelling	500- 450	-	20	-	-	6	1.5	*
R25	Single house or grouped dwelling	Min 320 300 Av 350	445 425	8	50	30	6	1.5	*
	Multiple Dwelling	400 350	-	20	-	-	6	1.5	*
R30	Single house or grouped dwelling	Min 270 260 Av 300	420 410	-	45	24	4	1.5	*
R35	Single house or grouped dwelling	Min 235 220 Av 260	410 395	-	45	24	4	1.5	*
R40	Single house or grouped dwelling	Min 200 180 Av 220	400 380	-	45	20	4	1	*
R50	Single house or grouped dwelling	Min 160 Av 180	400 380	-	45 40	16	4 2	1	*
R60	Single house or grouped dwelling	Min 160 120 Av 180 150	400 380	-	45 40	16	4 2	1	*
R80	Single house or grouped dwelling	Min 160 100 Av 180 120	400 380	-	45 30	16	4 1	1	*

R-Codes Table 1 changes: R 20

1 R-code	2 Dwelling Type	3 Min. site area per dwelling (m ²) % ◆	4 Min. lot area/ rear battle axe (m ²) ▼
R20	Single house or grouped dwelling	Min 440 350 Av 500 450	540 450
	Multiple Dwelling	500 450	-

R-Codes Table 1 changes: R 50 – R 60 & R 80

1 R-code	2 Dwelling Type	3 Min. site area per dwelling (m ²) % ♦	4 Min. lot area/ rear battle axe (m ²) ▼	5 Min. frontage (m) ▼	6 Open Space		7 Min. setbacks (m)			
					Min. total (% of site)	Min. o/door living (m ²)	Primary street	Secondary street ●	Other/ rear	
R50	Single house or grouped dwelling	Min 160	400	-	45	16	4	1	*	
		Av 180	380		40		2			
R60	Single house or grouped dwelling	Min 160	400	-	45	16	4	1	*	
		120	380		40		2			
		Av 180								
		150								
R80	Single house or grouped dwelling	Min 160	400	-	45	16	4	1	*	
		100	380		30	1				
		Av 180								
		120								

Other R-Codes text changes

Part 6 re-numbered to Part 5 and re-ordered for consistency with format and sub-headings in former Part 7 "Multi Unit Housing Code".

Re-formatted Part 5 introduces five sub-headings comprising 'Context', 'Streetscape', 'Site planning and design', 'Building design' and 'Special purpose dwellings' with corresponding objective(s).

Reduced parking requirement based on proximity to public transport relative to number of bedrooms & placed in table format:

Type of dwelling	Car parking spaces	
	Location A	Location B
1 bedroom dwelling	1	1
2 + bedroom dwelling	1	2
Aged persons' dwelling	1	1
Ancillary dwelling	nil	1

Other R-Codes text changes (ctd)

Solar access provisions amended with reference to:

- (a) any existing roof mounted solar collector; and
- (b) north facing major openings to habitable rooms.



Supporting Documents

Planning Bulletin 109/2013 – summary of review outcomes & details major amendments (including consequential changes to DC Policy 2.2)

DC 2.2 Residential Subdivision – consequential changes include:

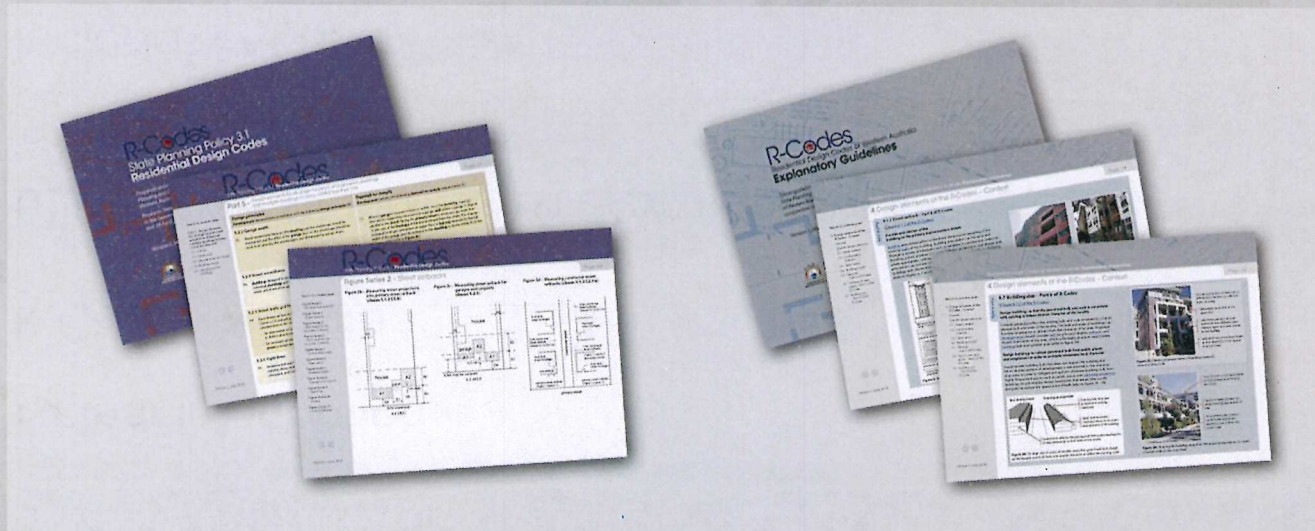
- Update background notes, legislative and WAPC references for consistency;
- Removal of 'R20 transitional provisions' under section 3.2.3 as a result of 450m² R20 average lot size;
- Amend 3.4 and 3.5 from 500m² and 350m² respectively to 260m², as per clause 2.3 of the R-Codes.

R-Codes FAQ's – provides answers to questions to assist understanding and implementation.

Commencement

R-Codes become operational @ **3pm on Friday 2 August 2013.**

All building permit, planning and subdivision applications lodged with a decision-maker **prior to** R-Codes gazettal, **but not determined by gazettal**, should be determined under the amended R-Codes.



Further information

R-Codes website:

<http://www.planning.wa.gov.au/rcodes>

Includes FAQs!

R-Codes email address:

rcodesreview@planning.wa.gov.au

R-Codes Share Forum - Persons encouraged to register to discuss issues arising from practical implementation.