



PLANNING BULLETIN • WESTERN AUSTRALIA

Number **77**



Western  
Australian  
Planning  
Commission

50 years  
spatial planning

ISSN 1324-9142  
March 2006

## Review of the operation of the R-Codes

### 1 Purpose

This planning bulletin provides a summary of the proposed changes to Statement of Planning Policy No. 3.1 Residential Design Codes (R-Codes) and the accompanying explanatory guidelines following the recent review of the operation of the R-Codes.

The bulletin also highlights a number of important design issues and trends not recognised by the R-Codes that are beyond the scope of this initial review, but which will need to be addressed in a future substantial review of the R-Codes.

### 2 Background

The current R-Codes were prepared by the Western Australian Planning Commission (WAPC) following a comprehensive review of the 1991 Residential Planning Codes of Western Australia (1991 Codes), and provide a comprehensive basis for the control, through local government, of residential development throughout Western Australia. The codes are intended to cover all requirements for planning control purposes and minimise the need for local governments to introduce separate planning policies or variations to address these matters. The codes, together with other state planning policy, also guide the assessment of residential subdivisions by the WAPC.

The R-Codes are set out in a statement of planning policy under section 5AA of the *Town Planning and Development Act 1928*, and were gazetted on 4 October 2002, taking effect from that time on. Upon their publication the codes were automatically introduced

by reference into all local government town planning schemes that formerly included reference to the 1991 Codes as an amended statement of planning policy under section 5AA.

The public perception of the R-Codes as a useful planning tool is widely recognised. Indeed, the perceived usefulness of the R-Codes has rated consistently high since being added as an item in the WAPC's annual customer survey research report in 2001. In 2005, for example, 79 per cent of survey respondents rated the R-Codes as 'useful', 17 per cent as 'neutral', with only 4 per cent rating them as 'not useful'.

### 3 Implementation initiatives following the introduction of the R-Codes

In November 2002, to assist the introduction of the R-Codes, the WAPC approved an ongoing implementation program.

- The establishment of an electronic R-Codes share forum to provide a cost-effective, accessible and efficient means for industry groups, local government and the community to work together to find common solutions to some of the issues raised during implementation.
- The establishment of the Residential Design Codes Technical Advisory Group (RDCTAG) to consider issues arising during implementation of the R-Codes, advise the WAPC on the need to clarify matters requiring interpretation and advise the WAPC whether there is a need for any amendments to the R-Codes.
- The preparation of a series of R-Codes advice notes to address implementation and interpretation issues.

- The convening of an R-Codes development industry workshop on 14 March 2003 to promote better understanding of the R-Codes and provide the WAPC with direct feedback from stakeholders on implementation.

Implementation of the R-Codes has also been assisted by other stakeholder initiatives.

- A series of training workshops conducted across the State by the Housing Industry Association.
- A workshop on 7 February 2003 convened by the Planning Institute Australia and the Local Government Planners Association to discuss implementation issues.
- In-house training workshops and forums convened by a number of local governments.

### 4 The need for a review of the operation of the R-Codes

The WAPC recognised at the time the R-Codes were released that there would be a need to conduct a minor review of their operation within 12 to 18 months to address any problems that may have arisen during their initial implementation. However, a fundamental review of the provisions of the codes was not envisaged.

Two planning consultants were initially engaged to provide written critiques of the R-Codes in May and June 2003. This involved the preparation of advice on specific shortcomings or anomalies of the R-Codes provisions and explanatory text, and recommendations as to how these should be addressed.

The WAPC invited similar critiques from the stakeholder groups represented on the RDCTAG and received written critiques from the Department for Planning and Infrastructure, Housing Industry Association and the Royal Australian Institute of Architects.

Additional informal critiques of the R-Codes have been received through the other forums associated with the implementation program, such as the R-Codes share forum.

## 5 The review process

The review of the operation of the R-Codes formally commenced in early 2004 under the guidance of an R-Codes Review Committee that is chaired by the Chairman of the WAPC and comprised of representatives of the following stakeholder organisations:

- Department for Planning and Infrastructure
- Housing Industry Association
- Royal Australian Institute of Architects
- Planning Institute of Australia
- Local Government Planners Association
- Australian Association of Planning Consultants
- Western Australian Local Government Association
- Urban Development Institute of Australia
- Australian Institute of Building Surveyors
- Institution of Surveyors.

The review is being conducted in two phases.

Phase one, completed in May 2005, involved:

- an analysis of the effectiveness of the R-Codes in achieving their stated objectives;
- an analysis of the effectiveness of the R-Codes in responding to new and emerging issues;
- an analysis of any specific problems, shortcomings or anomalies;
- the preparation of recommended solutions in the form of a revised R-Codes document and explanatory text.

Phase two commences with the release of the following documents for public comment:

- this planning bulletin;

- Statement of Planning Policy 3.1 Residential Design Codes (Draft variation no 1);
- Residential Design Codes Explanatory Guidelines.

The outcome of phase two will be gazettal of an amended version of the R-Codes and explanatory guidelines.

The release of amended R-Codes will be accompanied by a comprehensive implementation program that will include a series of R-Codes training workshops throughout the State. A training module will also be developed by the WAPC, in consultation with major stakeholder groups, to assist with the interpretation and practical application of the R-Codes.

The current R-Codes remain operative pending the outcome of the review process.

## 6 Proposed amendments to the R-Codes following completion of phase one

Phase one of the review process involved six stakeholder workshops held in the Perth metropolitan region and key regional areas during April and May 2004. The stakeholder organisations involved in the workshops were the same as those involved in the R-Codes development industry workshop held on 14 March 2003.

A number of critical issues were discussed at these workshops. These included:

### Local planning policies

- Confusion as to the scope of local planning policies, scope of regional exceptions and the status of pre-existing local planning policies.

### Element 1 Housing density

- Lack of performance criteria for each acceptable development provision.
- Rationale for calculating minimum site areas for battleaxe lots.
- Lack of recognition of undersized, approved and created survey strata lots and strata lots for grouped dwellings and multiple dwellings.

- Ambiguous wording of the transitional provisions for grouped dwellings.
- Restrictive nature of the five per cent limit on lot size variations.
- Lack of development standards for multiple dwellings within the R10-R30 codes.

### Element 2 Streetscape

- Lack of reference to secondary street set-back standards.
- Requirement for single houses on battleaxe lots to have a view to the street.

### Element 5 Access and car parking

- Confusion and concern about visitor parking requirements for grouped dwellings.

### Element 7 Building height

- Debate as to whether building bulk provisions need to be incorporated in the R-Codes and whether plot ratio controls should be deleted.

### Element 8 Privacy

- Confusion about the operation of the privacy provisions.

### Element 9 Design for climate

- Need for site area limits to take into consideration the cumulative impact of surrounding development.

### How the R-Codes are used

- Lack of understanding of the relationship between the performance criteria and the acceptable development provisions.
- Suggestion that excessive weight is given to neighbour consultation.
- Lack of appropriate, universal and ongoing training for users of the R-Codes.
- Excessive delays in obtaining decisions involving even minor areas of discretion.
- Inconsistency in the way local governments deal with R-Codes variations.
- Potential need for an independent adjudication body to resolve R-Code disputes.

*Design principles and trends not covered by the R-Codes*

- Residential design trends including:
  - laneways
  - courtyard development
  - two-storey development
  - terraces
  - triple-fronted garages
  - detailed area plans
  - aged persons' units
  - lot orientation.
- Sustainable development including:
  - design for protection from solar heat loads (shading)
  - building orientation for solar access
  - design for natural light
  - design for ventilation
  - set-backs
  - water-wise gardens and landscaping.

The dialogue from the workshops, together with research into comparative interstate residential design policies and guidelines, have been used to prepare a series of proposed amendments to the R-Codes that address most of these issues.

The proposed amendments are outlined in Statement of Planning Policy 3.1 Residential Design Codes (Draft variation no 1). Appropriate modifications have also been made to the explanatory text to reflect these amendments.

It should be noted that the WAPC has decided to trial publishing the R-Codes and the explanatory text separately, the latter in the form of a set of explanatory guidelines. This format has a number of advantages including minimising the size of the R-Codes document and enabling the explanatory guidelines to be readily amended if required. It also removes the need for a series of separate R-Codes advice notes.

A summary of the proposed amendments to the R-Codes is set out

in appendix 1 of this planning bulletin.

The WAPC is particularly interested in receiving feedback from users of the R-Codes in relation to the following proposed amendment.

- The separation of the R-Codes and the explanatory text.
- The changes proposed to be made to the provisions relating to the scope of local planning policies (Clauses 5.3.1 and 5.3.2).
- The changes proposed to be made to the method for calculating the minimum site area of a battleaxe lot (Acceptable development provision 6.1.2 A2 ii).
- The changes proposed to be made to the provisions relating to grouped dwellings in areas coded R20 (Acceptable development provision 6.1.3 A3 iv).
- The changes proposed to be made to the provisions relating to boundary set-backs to enable buildings to be constructed on both a side and rear boundary in areas coded R20 and R25 (Acceptable development provision 6.3.2 A2 ii).
- The changes proposed to be made to the provisions relating to excavation and fill within one metre of a common boundary with the increase in fill height from 0.5 m to 1.0 m (Acceptable development provision 6.6.1 A1.4).
- The changes proposed to be made to Design element 6.8 Privacy requirements.
- The changes proposed to be made to the provisions relating to Aged or Dependent Persons' dwellings (Clause 7.1.2).

## **7 Matters for future consideration following completion of phase two**

Phase one of the review process has highlighted a number of important design issues and trends not recognised by the R-Codes that are beyond the scope of this initial review but which will need to be addressed in a future substantial review.

These issues and trends are set out below.

### *Independent adjudication body*

This is seen as a mechanism to provide guidance on the interpretation of the provisions of the R-Codes and resolve disputes on interpretation other than through the town planning review process. The appropriate form and composition of such a body needs to be considered.

### *Subdivision control under the R-Codes*

The R-Codes are intended to control the siting and design of residential development. However, the document also includes controls on residential subdivision through site area and minimum lot frontage requirements. There is a fundamental question as to whether the R-Codes is the appropriate or the best mechanism to set standards for residential lot dimensions and achieve residential density targets.

### *Local planning policies*

There is a need to provide greater guidance on the format and content of regional exceptions in the R-Codes, or alternatively, develop region-wide exceptions in consultation with relevant local governments. There may also be a need for the R-Codes to set out a standardised format and content for local planning policies that seek to vary the R-Codes to ensure a consistent approach from one local government area to another.

### *Residential design trends*

- Development on laneways. There is an increasing trend to retrofit or develop laneways and this arguably should be recognised by the R-Codes.
- Development with zero lot lines and internalised courtyards. Dense two-storey development (on laneways) has moved to zero lot line development with a residence and garage that runs boundary to boundary and which has a private internal courtyard. This type of development is not recognised by the R-Codes.
- Development with upper floor terraces and no ground level outdoor space. There is an increasing trend towards two-

storey development where the impact of garages is reduced and overlooking is increased. This is not recognised by the R-Codes.

- Terraces. There is an increasing trend towards the use of expansive upper floor terraces in place of, or as well as, outdoor ground level spaces. The R-Codes arguably need to recognise that outdoor space does not need to be ground floor space.
- Development with triple-fronted garages. There is a trend towards triple-fronted garages that is not recognised by the R-Codes.
- Large-scale aged persons' dwelling developments and integration with surrounding residential development. The growth in this type of development is creating sub-neighbourhoods under various types of controls (eg master plans, design guidelines and detailed area plans). The R-Codes do not adequately address this.
- Recognition of differences in lot orientation to ensure solar-orientated dwellings. There are increasing attempts to provide lots that ensure that a dwelling can be properly solar-orientated. The R-Codes do not recognise differences in lot orientation.

#### *Sustainable development*

While the R-Codes attempt to facilitate sustainable development by promoting attractive streetscapes and safer streets, minimising overlooking and overshadowing of neighbouring property, and encouraging ageing in place, mixed-use development and inner-city housing, it has been argued that they could go further. The following additional sustainability measures have been suggested for inclusion in the R-Codes.

- Design for protection from solar heat loads (shading). The R-Codes do not address shading other than in the context of its impact on adjoining properties. This is an issue that arguably should be covered by the R-Code provisions with specific provisions included to require shade structures in all new developments.

- Siting of dwellings for good solar access. Access to sunlight is protected under the R-Codes but the siting of dwellings is not required to make best use of solar energy. The Building Code of Australia (BCA) may influence the location of windows but only where the total area of windows reaches maximum limits. This issue arguably should be addressed by the R-Codes.
- Design for natural light through the relationship between window placement and internal layout. The BCA influences the extent of windows and provides incentives for north-facing windows but sets no minimum or requirement in terms of the relationship between window placement and internal layout. This issue arguably should be addressed by the R-Codes.
- Design for ventilation including orientation to prevailing winds and the influence of boundary walls on available breezes. The BCA specifies a ratio of window to habitable room and a breeze path but does not address orientation to prevailing winds or the influence of boundary walls on available breezes. This arguably needs to be addressed by the R-Codes.

- The potential to reduce front setbacks to promote verandahs and balconies (social space) within front setback areas. Front setbacks often exceed functional requirements and do not promote verandahs (social space), particularly within medium and high density areas. The front setback requirements of the R-Codes could arguably be reduced and verandahs and balconies promoted within the front setback.
- Water-sensitive design including storm water infiltration and water-wise landscaping. The R-Codes do not mandate water wise planting and landscaping. It has been argued that they should.

#### *Detailed area plans*

There were a number of concerns raised during the stakeholder

workshops about the relationship between detailed area plans and the R-Codes. The need to integrate lot and building design through detailed area plans was recognised as something that should be encouraged. However, there is concern about inconsistencies between detailed area plans and the R-Codes, and the added burden on local government resources to assess applications where a detailed area plan applies. The trend towards area-specific or site-specific detailed area plans that circumvent the provisions of the R-Codes has the potential over time to diminish the relevance of the R-Codes as a statewide residential design policy. The role of detailed area plans and the relationship with the R-Codes needs to be explored.

#### *Design for climate*

A criticism of the R-Codes, particularly from regional local governments, is that the design for climate element is Perth-centric and does not relate to other climatic zones within Western Australia. The Queensland equivalent to the R-Codes also includes a design for climate element with separate provisions for each of the climatic zones across the state. A similar approach could be adopted in the R-Codes.

#### **8 Comment**

Statement of Planning Policy 3.1 Residential Design Codes (Draft variation no 1) and the accompanying Residential Design Codes Explanatory Guidelines are available from the Department for Planning and Infrastructure and on the WAPC's website at [www.wapc.wa.gov.au](http://www.wapc.wa.gov.au).

Comments on the material referred to and contained in this planning bulletin are invited by Friday 23 June 2006 and should be directed to:

Secretary  
Western Australian Planning  
Commission  
Albert Facey House  
469 Wellington Street  
PERTH WA 6000

Please quote file reference number 855/1/1/2PT8 in all correspondence.

## Appendix 1 Changes to the R-Codes

Clause in amended version of R-Codes	Equivalent clause in current version of R-Codes	Description of proposed change	Reason for proposed change
<b>Part 1 - Preliminary</b>			
Clause 1.1 Citation.	No equivalent clause.	Insertion of new clause.	To ensure consistency with statement of planning policy structure.
Clause 1.2 Purpose of the R-Codes.	No equivalent clause. Purpose statement is contained in explanatory text.	Insertion of new clause.	To ensure consistency with statement of planning policy structure.
Clause 1.4 Application of the R-Codes.	No equivalent clause. Similar statements are contained in explanatory text.	Insertion of new clause.	To ensure consistency with statement of planning policy structure.
Clause 1.5 Explanatory guidelines.	No equivalent clause. Explanatory text is appended to current version of R-Codes.	Insertion of new clause.	To ensure consistency with statement of planning policy structure. Provides head of power for development of separate explanatory guidelines.
<b>Part 2 - R-Codes approval process</b>			
Clause 2.4 Limits of discretionary decisions.	No equivalent clause.	Insertion of new clause.	To clearly define what a discretionary decision under the R-Codes is.
Clause 2.5.4.	Clause 2.3.4 (5).	Rewording of clause.	To assist clarity by limiting reference in this clause to the codes and local planning policies that vary the codes.
<b>Part 3 - Accompanying information</b>			
Clause 3.5.1 (i).	No equivalent clause.	Insertion of new clause.	To require identification of individual site areas to assist assessment of compliance with the codes.
<b>Part 4 - Neighbour consultation</b>			
No changes			
<b>Part 5 - Local planning policies</b>			
Clause 5.2 Pre-existing local planning policies.	No equivalent clause.	Insertion of new clause.	To clearly define the relationship between the R-Codes and pre-existing local planning policies that purport to vary the R-Codes.
Clause 5.3 Scope of local planning policies.	Clause 2.6.2 Scope of local planning policies.	Rewording of clause.	To clearly define the extent to which a local planning policy may vary the R-Codes.
<b>Part 6 - Design elements</b>			
<b>Design element 6.1: Housing density requirements</b>			
Acceptable development provision heading.	Acceptable development provision heading.	Rewording of heading.	To reinforce the fact that an acceptable development provision is just one way of meeting the corresponding performance criterion.
6.1.1 Site area requirements A1.1 and A1.2.	3.1.1 Site area requirements A1.1 and A1.2.	Rewording of provisions.	To simplify the provisions.

Clause in amended version of R-Codes	Equivalent clause in current version of R-Codes	Description of proposed change	Reason for proposed change
6.1.2 Additional site area requirements/concessions P2.	No equivalent performance criterion.	Insertion of new performance criterion.	To ensure that the corresponding acceptable development provisions are linked to a performance criterion and thus to the objective of the design element.
6.1.2 Additional site area requirements/concessions A2.	3.1.2 Additional site area requirements/concessions A2.	Rewording of provisions.	To clarify the fact that the provisions relate to both minimum and average site areas, and to clarify the minimum site of a battleaxe lot.
6.1.3 Variation to minimum site area required P3.1.	3.1.3 Variation to minimum site area.	Rewording of provisions and insertion of an additional criterion for variations.	To clarify the fact that the provisions relate to lots, survey strata lots and strata lots, and to include retention of a significant streetscape element (eg house) as a criterion for variation.
6.1.3 Variation to minimum site area required A3 ii and iii.	3.1.3 Variation to minimum site area required A3 ii and iii.	Rewording of provisions.	To clarify the fact that the provisions relate to lots, survey strata lots and strata lots and therefore single houses, grouped dwellings and multiple dwellings.
6.1.3 Variation to minimum site area required A3 iv.	3.1.3 Variation to minimum site area required A3 iv.	Deletion of provisions.	To recognise the fact that these transition provisions have expired and are now redundant.
6.1.3 Variation to minimum site area required A3 v.	3.1.3 Variation to minimum site area required A3 v.	Rewording of provisions.	To set a time limit on these transition provisions for the first time.
6.1.3 Variation to minimum site area required P3.2	No equivalent performance criterion.	Insertion of new performance criterion.	To enable the WAPC and local councils to approve the subdivision of existing authorised grouped dwelling and multiple dwelling developments that do not comply with the R-Codes.
<b>Design element 6.2: Streetscape requirements</b>			
Acceptable development provision heading.	Acceptable development provision heading.	Rewording of heading.	To reinforce the fact that an acceptable development provision is just one way of meeting the corresponding performance criterion.
6.2.1 Set-back of buildings generally P1.	3.2.1 Set-back of buildings generally P1.	Rewording of provisions.	To simplify the performance criterion.
6.2.1 Set-back of buildings generally A1.1.	3.2.1 Set-back of buildings generally A1.	Rewording of provisions.	To remove an inconsistency in the header of the provision relating to carports and garages.
6.2.1 Set-back of buildings generally A1.1.ii.	3.2.1 Set-back of buildings generally A1 ii.	Rewording of provisions.	To clarify the distinction between the grouped dwellings referred to in the first and third dot points in this clause.
6.2.1 Set-back of buildings generally A1.2.	No equivalent acceptable development provision.	Insertion of new acceptable development provision.	To provide a set of provisions relating to set back from secondary streets.
6.2.2 Minor incursions into street set-back area A2 i and ii.	6.2.2 Minor incursions into street set-back area A2 i and ii.	Rewording of provisions.	To relate the provisions to the street set-back area and clarify the extent to which eaves can project into the street set-back area.
6.2.3 Set-back of garages and carports A3.1 to A3.5.	3.2.3 Set-back of garages and carports A3.1 to A3.5.	Rewording of provisions.	To clarify the relationship between each of the provisions.

Clause in amended version of R-Codes	Equivalent clause in current version of R-Codes	Description of proposed change	Reason for proposed change
6.2.4 Surveillance of the street A4.2.	No equivalent acceptable development provision.	Insertion of new acceptable development provision.	To clarify the extent of surveillance required in the case of a dwelling on a baffleaxe lot.
6.2.5 Street walls and fences P5.	3.2.5 Street walls and fences P5.	Rewording of provisions.	To recognise that a balance may need to be achieved in providing for surveillance and providing privacy fencing to north-facing outdoor living areas.
6.2.7 Building design A7.	3.2.7 Building design A7.	Rewording of provisions.	To clarify the acceptable development provision.
6.2.8 Garage doors P8.	3.2.8 Garage doors P8.	Rewording of provisions.	To clarify the performance criterion.
6.2.8 Garage doors A8.	6.2.8 Garage doors A8.	Rewording of provisions.	To include supporting structures in the acceptable development provision.
<b>Design element 6.3: Boundary set-backs requirements</b>			
Acceptable development provision heading.	Acceptable development provision heading.	Rewording of heading.	To reinforce the fact that an acceptable development provision is just one way of meeting the corresponding performance criterion.
6.3.1 Buildings set back from the boundary A1 iii.	3.3.1 Buildings set back from the boundary A1 iii.	Rewording of provisions.	To include reference to single houses in the circumstance where they are located on separate strata lots.
6.3.2 Boundary walls - notes.	3.3.2 Boundary walls - notes.	Rewording of notes.	To clarify the term "up to a boundary".
6.3.2 Buildings on boundary A2.	3.3.2 Buildings on boundary A2.	Rewording of provisions.	To exclude garage walls where garages are set back in accordance with 6.2.3 Setback of garages and carports A3.5.
6.3.2 Buildings on boundary A2 ii.	3.3.2 Buildings on boundary A2 ii.	Rewording of provisions.	To provide for the construction of boundary walls along the rear boundary and one side boundary.
6.3.3 Set-back of retaining walls P3 and A3.	3.6.2 Set-back of retaining walls P2 and A2.	Relocation of provisions.	To locate the provisions relating to the setback of retaining walls in the design element relating to set-backs rather than site works.
<b>Design element 6.4: Open space requirements</b>			
Acceptable development provision heading.	Acceptable development provision heading.	Rewording of heading.	To reinforce the fact that an acceptable development provision is just one way of meeting the corresponding performance criterion.
6.4.2 Outdoor living areas P2.2.	No equivalent performance criterion.	Insertion of new performance criterion.	To recognise outdoor living areas on the northern aspect of sites that may be located in the street set-back area.
<b>Design element 6.5: Access and parking requirements</b>			
Acceptable development provision heading.	Acceptable development provision heading.	Rewording of heading.	To reinforce the fact that an acceptable development provision is just one way of meeting the corresponding performance criterion.
6.5.1 On-site parking provision A1 ii.	3.5.1 On-site parking provision A1 ii.	Rewording of provisions.	To clarify the acceptable development provision and recognise the deletion of plot ratio from the R-Codes.

Clause in amended version of R-Codes	Equivalent clause in current version of R-Codes	Description of proposed change	Reason for proposed change
6.5.1 On-site parking provision A1 iii.	3.5.1 On-site parking provision A1 iii.	Rewording of provisions.	To correct a typographical error in the acceptable development provision and recognise the deletion of plot ratio from the R-Codes.
6.5.3 Design of parking spaces A3.2.	3.5.3 Design of parking spaces A3.2.	Rewording of provisions.	To simplify the acceptable development provision.
6.5.4 Vehicular access A4.2.	3.5.4 Vehicular access A4.2.	Rewording of provisions.	To clarify the fact that driveways are formed.
6.5.4 Vehicular access A4.3.	3.5.4 Vehicular access A4.3.	Rewording of provisions.	To clarify the fact that driveways are formed and to provide a more accurate means of measurement in relation to intersections.
6.5.4 Vehicular access A4.4.	3.5.4 Vehicular access A4.4.	Rewording of provisions.	To clarify the fact that driveways are formed and require two-way access. Also to increase the threshold for this acceptable development provision from three to five or more dwellings.
6.5.4 Vehicular access A4.5.	3.5.4 Vehicular access A4.	Rewording of provisions.	To clarify the fact that driveways are formed and set a threshold for 4 m driveways at five or more dwellings so as to complement the 3 m requirement for four dwellings or less in 3.5.4. Vehicular access A4.2.
<b>Design element 6.6: Site works requirements</b>			
Acceptable development provision heading.	Acceptable development provision heading.	Rewording of heading.	To reinforce the fact that an acceptable development provision is just one way of meeting the corresponding performance criterion.
6.6.1 Excavation or fill A1.4	3.6.1 Excavation or fill A1.4.	Rewording of provisions.	To increase the acceptable development provision threshold for filling behind a street set-back line from 0.5 m to 1.0 m.
6.6.2 Setback of retaining walls P2 and A2.	3.6.2 Setback of retaining walls P2 and A2.	Relocation of provisions.	To locate the provisions relating to the setback of retaining walls in the design element relating to set-backs rather than site works.
<b>Design element 6.7: Building height requirement</b>			
Acceptable development provision heading.	Acceptable development provision heading.	Rewording of heading.	To reinforce the fact that an acceptable development provision is just one way of meeting the corresponding performance criterion.
Table 3.	3.7.1 Building height A1.1 Table 3 and Notes.	Relocation of provisions.	To locate the table and notes at the rear of the R-Codes where all the other tables and figures are located.
<b>Design element 6.8: Privacy requirements</b>			
6.8 Objective.	3.8 Objective.	Rewording of objective.	To clarify the objective and delete reference to acoustic privacy.
Acceptable development provision heading.	Acceptable development provision heading.	Rewording of heading.	To reinforce the fact that an acceptable development provision is just one way of meeting the corresponding performance criterion.
6.8.1 Privacy P1.	3.8.1 Privacy P1.	Rewording of provisions.	To clarify the performance criterion.

Clause in amended version of R-Codes	Equivalent clause in current version of R-Codes	Description of proposed change	Reason for proposed change
6.8.1 Privacy A1.	3.8.1 Privacy A1.	Rewording of provisions.	To clarify the acceptable development provisions.
6.8.1 Privacy P2.	No equivalent clause.	Insertion of new acceptable development provision.	To provide provisions relating to overlooking within the same development (eg multiple dwellings).
<b>Design element 6.9: Design for climate requirements</b>			
6.9 Objective.	3.9 Objective.	Rewording of objective.	To clarify the objective and relate it to the concept of 'sustainable development' rather than 'ecological sustainable development'.
Acceptable development provision heading.	Acceptable development provision heading.	Rewording of heading.	To reinforce the fact that an acceptable development provision is just one way of meeting the corresponding performance criterion.
6.9.1 Solar access for adjoining sites P1.	3.9.1 Solar access for adjoining sites.	Rewording of provisions.	To strengthen the performance criterion.
6.9.1 Solar access for adjoining sites A1.	3.9.1 Solar access for adjoining sites A1.	Rewording of provisions.	To simplify the acceptable development provision and related note.
<b>Design element 6.10: Incidental development requirements</b>			
Acceptable development provision heading.	Acceptable development provision heading.	Rewording of heading.	To reinforce the fact that an acceptable development provision is just one way of meeting the corresponding performance criterion.
6.10.1 Outbuildings A1 iii.	3.10.1 Outbuildings A1 iii.	Rewording of provisions.	To clarify the fact that the site coverage threshold for outbuildings is a collective one.
6.10.1 Outbuildings A3.3.	3.10.1 Outbuildings A3.3.	Rewording of provisions.	To clarify the fact that electric clothes dryers are not included in the clothes drying facilities referred to in the acceptable development provision.
<b>Part 7 - Special provisions</b>			
<b>Part 7.1: Special purpose dwellings requirements</b>			
7.1 Special purpose dwellings requirements objective.	4.1 Special purpose dwellings requirements objective.	Rewording of objective.	To clarify the fact that the objective relates to both aged persons and people with special needs.
Acceptable development provision heading.	Acceptable development provision heading.	Rewording of heading.	To reinforce the fact that an acceptable development provision is just one way of meeting the corresponding performance criterion.
7.1.2 Aged or dependent persons' dwellings note.	No equivalent clause.	Insertion of new note.	To highlight the fact that 7.1.2 Aged or dependent persons' dwellings A2 will be subject to further review.
7.1.2 Aged or dependent persons' dwellings P2.	4.1.2 Aged or dependent persons' dwellings P2.	Rewording of provisions.	To simplify the performance criterion.
7.1.2 Aged or dependent persons' dwellings P2.	7.1.2 Aged or dependent persons' dwellings A2.	Rewording of provisions.	To specify which of the standards set out in AS 4299 (Adaptable Housing) are to be applied under the acceptable development provision.

Clause in amended version of R-Codes	Equivalent clause in current version of R-Codes	Description of proposed change	Reason for proposed change
7.1.3 Single bedroom dwellings A3.	7.1.3 Single bedroom dwellings A3.	Rewording of provisions.	To recognise the deletion of plot ratio from the R-Codes.
<b>Part 7.2: Mixed use development requirements</b>			
Acceptable development provision heading.	Acceptable development provision heading.	Rewording of heading.	To reinforce the fact that an acceptable development provision is just one way of meeting the corresponding performance criterion.
<b>Part 7.3: Inner-city housing requirements</b>			
Acceptable development provision heading.	Acceptable development provision heading.	Rewording of heading.	To reinforce the fact that an acceptable development provision is just one way of meeting the corresponding performance criterion.
7.3.1 Housing density and built form A1 ii.	4.3.1 Housing density and built form A1 ii.	Rewording of provisions.	To recognise the deletion of plot ratio from the R-Codes.
<b>Appendix 1 Definitions</b>			
Adjoining property.	Adjoining property.	Rewording of definition.	To simplify the definition.
Aged person.	Aged or dependent person.	Rewording of definition.	To separate the definition of aged person from dependent person.
Battleaxe lot.	Battleaxe lot or site.	Rewording of definition.	To simplify the definition.
Common property.	No equivalent definition.	Insertion of new definition.	To address concerns about the meaning of the term 'common property' elsewhere in the R-Codes (eg definition of 'grouped dwelling').
Dependent person.	Aged or dependent person.	Rewording of definition.	To separate the definition of aged person from dependent person.
Development site.	Development site.	Rewording of definition.	To make it clear that the definition relates to the parent lot.
Effective lot area.	No equivalent definition.	Insertion of new definition.	To provide a definition to describe the concept referred to in 6.1.2 A2.
Floor area.	No equivalent definition.	Insertion of new definition.	To provide a definition for floor area in response to the deletion of the definitions for 'plot ratio' and 'plot ratio area', and to ensure consistency with the <i>Building Code of Australia</i> .
Garage.	Garage.	Rewording of definition.	To limit the definition to structures attached to a dwelling and thus distinguish it from the definition of 'outbuilding'.
Horizontal plane of vision.	Cone of vision.	Rewording of definition.	To recognise the revised concept of a horizontal plane of vision which does not have a vertical component.
Lot.	Lot.	Rewording of definition.	To state the full title of the legislation cited in the definition.
Major opening.	Major opening.	Rewording of definition.	To remove the qualitative adjective 'substantial' and thus clarify the definition.
Model Scheme Text.	Model Scheme Text.	Rewording of definition.	To provide an up-to-date reference to the regulations that contain the Model Scheme Text.

Clause in amended version of R-Codes	Equivalent clause in current version of R-Codes	Description of proposed change	Reason for proposed change
Outbuilding.	Outbuilding.	Rewording of definition.	To simplify the definition.
Parent lot.	No equivalent definition.	Insertion of new definition.	To establish a clear linkage of this term to the definition of 'lot'.
Patio.	Patio.	Rewording of definition.	To clarify the definition.
Primary street.	Primary street.	Rewording of definition.	To clarify the means of determining what constitutes the primary street.
Right-of-way.	Right-of-way.	Rewording of definition.	To clarify the definition.
Strata lot.	No equivalent definition.	Insertion of new definition.	To ensure that the term as used in the R-Codes has a corresponding definition in the R-Codes.
Street.	No equivalent definition.	Insertion of new definition.	To ensure that the term as used in the R-Codes has a corresponding definition in the R-Codes.
Survey strata.	No equivalent definition.	Insertion of new definition.	To ensure that the term as used in the R-Codes has a corresponding definition in the R-Codes.
Survey strata lot.	Survey strata lot.	Rewording of definition.	To clarify the definition.
Survey strata plan.	No equivalent definition.	Insertion of new definition.	To ensure that the term as used in the R-Codes has a corresponding definition in the R-Codes.
Survey strata scheme.	No equivalent definition.	Insertion of new definition.	To ensure that the term as used in the R-Codes has a corresponding definition in the R-Codes.
<b>Appendix 2 R-Codes approval application form</b>			
Application for single house/outbuilding R-Codes approval.	Application for single house/outbuilding R-Codes variation.	Rewording of form.	To remove the word 'variation' and reinforce the fact that a performance criteria assessment does not represent a variation or departure from.
<b>Appendix 3 R-Codes approval decision form</b>			
Notice of approval/refusal to R-Codes approval application.	Notice of approval/refusal to R-Codes variation.	Rewording of form.	To remove the word 'variation' and reinforce the fact that a performance criteria assessment does not represent a variation or departure from the R-Codes.
Right of review.	Right of appeal.	Rewording of form.	To reflect the change in terminology introduced by the <i>State Administrative Tribunal Act 2004</i> .
<b>Appendix 4: Adjoining property owner comment on discretionary approval application under the Residential Design Codes</b>			
Adjoining property owner's comments – I/We have inspected the plans and comment as follows.	Owner's comments – object/do not object.	Rewording of form.	To emphasis the fact that comments are sought as opposed to objection.
<b>Table 1: General site requirements</b>			
Column 3 Minimum site area per dwelling.	Column 3 Minimum site area per dwelling and Column 4 Minimum lot area/rear battleaxe.	Deletion of Column 4.	To bring minimum site area requirements for battleaxe lots into line with other lots (see reworded 6.1.2 A2 ii).

Clause in amended version of R-Codes	Equivalent clause in current version of R-Codes	Description of proposed change	Reason for proposed change
Column 3 Minimum site area per dwelling R10 to R30.	Column 3 Minimum site area per dwelling R10 to R30.	Insertion of new provisions for multiple dwellings in low and medium density codes.	To address concerns that there are no provisions for multiple dwellings in lower density codes despite the fact that many town planning schemes permit such development in these areas.
Table 3.	3.7.1 Building height A1.1 Table 3 and Notes.	Relocation of provisions.	To locate the table and notes at the rear of the R-Codes where all the other tables and figures are located.
Figures 1B and 1C.	No equivalent figures.	Insertion of new figures.	To provide further examples of how to calculate street set-backs.

#### WEBSITE

As part of its continuing improvements to its service to clients and the public, the Western Australian Planning Commission has a website at the following address:

[www.wapc.wa.gov.au](http://www.wapc.wa.gov.au)

The site contains a range of information concerning the WAPC, including planning bulletins.

**SCHEDULE OF COMMENTS -  
PROPOSED AMENDMENTS TO STATEMENT OF PLANNING POLICY 3.1 (RESIDENTIAL DESIGN CODES) OF CONCERN TO THE CITY**

CLAUSE / REFERENCE	PROPOSED CHANGE	TECHNICAL COMMENTS
3.5.1 (i)	Added requirement to show proposed or likely strata subdivision on proposed development site plan.	Assessment of setbacks and privacy requirements of a development application (DA) for an additional grouped dwelling (or dwellings) requires a boundary(ies) between the existing and proposed grouped dwelling to be nominated. While the added requirement attempts to address the situation where a grouped dwelling is proposed and the land strata-subdivided at a later point by providing a boundary used for reference, the wording does not ensure that any future subdivision will be in accordance with the boundary when assessing the development application. Rather, the provision should refer to a conceptual boundary that will align the future subdivision boundary and an appropriate condition imposed on the DA approval. However, this is not possible as the DA and subdivision processes are not statutorily linked. The best that could be achieved would be an advice on the DA approval, however, that would not withstand an appeal situation. It is unclear how this objective could be met.
6.1.3 P3.1	This clause proposes that the previous limitation which enabled the minimum lot size to be reduced be extended to include a reduction in average lot sizes.	The extension of discretion to reduce average lot sizes below those specified in Table 1 is a significant change. If minimum lot sizes are reduced whilst average lot areas are retained, the equivalent R-Code density is maintained. However, to allow averages to be reduced will effectively result in each R-Code densities being further reduced overall.
6.2.1 A1.2	Buildings set back from a secondary street can be reduced to 50% of that required under Table 1.	Dwellings on a corner lot may be built close to the secondary street (1.5 metres in R20, 1.0 metres in R40-60). The amendment would effectively allow setbacks of 0.75 metre for buildings in R20 density coded areas and 0.5 metre for R40-R60 areas. The current setbacks impact on the streetscape of that street due to the fact that all other dwellings (not on corners) would address that street as a primary street and be assessed in accordance with greater primary street setback provisions (6 metres for R20 and 4 metres for R40-60, with garages and carports at 3.0-4.5 metres). In addition, the amendment does not exclude garages or carports which can be particularly visually obtrusive due to their bulk and form. The proposed reduction in secondary street setback would have an adverse visual impact on the streetscape, and is not considered appropriate. It would also increase pedestrian and vehicular safety concerns due to reduced sightlines caused by buildings being built closer to constructed roads. Australian Standard AS 2890 requires a 2.0m sightline on the secondary street. It is suggested that the provision remains unaltered or be increased to accord with AS 2890.1.
6.2.1 P1	Deletion of three dot points providing guidance for assessment of a variation to the street setback in accordance with the Performance Criteria.	Clause 6.2.1 relates to the effects of development on the streetscape. The deletion of the three dot points is unhelpful for the applicant and the assessor (Council) as no guidance is provided as to how the criterion is to be addressed. It is requested that these points be reinstated.

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CLAUSE / REFERENCE	PROPOSED CHANGE	TECHNICAL COMMENTS
6.2.8 P8	Use of term 'varied' in terms of streetscape assessment using Performance Criteria.	A 'varied' streetscape may be a desirable element in some situations, however the term would be better replaced by the broader term 'desirable' to take account of situations where variety in the streetscape is not a key consideration.
6.3.2 A2 ii	Permits two walls of 9m length and 3 m height 'as-of-right' on one side and a rear boundary in R20 and R25 density areas.	See detailed comments in report
6.5.4 A4.2	Use of term 'formed' driveway in relation to vehicular access to properties.	No definition of 'formed' driveway is provided. It is assumed this term means constructed, however it is unclear to what extent it should be constructed in terms of the finish, and whether it is limited to the area within the property or includes the crossover. It is also unclear whether grouped dwellings arranged around a central driveway would be assessed under these provisions or as a 'communal street', which is defined in Appendix 1- Definitions.
6.5.4 A4.3	Formed driveways are to be no closer than 3m to a corner or the point at which a carriageway begins to deviate.	The current provision relating to setbacks of driveways states that these are to be no closer than 6m from an intersection. Applications for development approval would not be expected to include details of the carriageway that a driveway meets. In the event that this information is sought however, it is unclear at what point the beginning of the deviation of the driveway is to be measured. It is suggested that Australian Standard AS 2890.1 which refers to a corner truncation should be adopted for safety reasons and consistency if a similar provision is to be included.
6.5.4 A4.5	Inconsistency between the Acceptable Development relating to driveway widths and A4.4 relating to entry to the street from a driveway.	A4.4 refers to entry provisions for five or more dwellings whilst point 2 of A4.5 refers to six or more dwellings in relation to vehicles passing in opposite directions. It is suggested that these standards should be consistent and relate to the same number of dwellings.
6.6.1 A1.4	Allowable filling of lot behind a street setback line and within 1.0m of a common boundary has been increased from 0.5m to 1.0m. Exclusion of 'ground' in 'natural level'.	See detailed comments in report
6.8.1 P1&A1	Criteria for Performance Criteria have been altered from dot points to statements that do not ensure privacy of other dwellings, through use of terms 'minimised', 'should', 'preferred'.  Studies have been included with bedrooms in	See detailed comments in report

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PROPOSED AMENDMENTS TO STATEMENT OF PLANNING POLICY 3.1 (RESIDENTIAL DESIGN CODES) OF CONCERN TO THE CITY**

CLAUSE / REFERENCE	PROPOSED CHANGE	TECHNICAL COMMENTS
	Acceptable Development setback requirements.	
6.8.1 A2	Additional clause to require major openings and active outdoor habitable spaces within the horizontal plane of vision of an upper level dwelling to not over look more than 50% of the outdoor living area of a lower level dwelling in same development.	See detailed comments in report
6.9.1 P1&A1	Performance Criteria now requires that solar access for neighbouring properties is protected, however the Acceptable Development does not.	The Acceptable Development stipulates the extent of allowable overshadowing of neighbouring properties in relation to setbacks and shadows cast at midday on 21 June. The Performance Criteria considers outdoor living areas, major openings of habitable rooms, solar heating devices and balconies and verandahs. It is suggested that these are all important criteria that should be required as Acceptable Development.
7.1.1 A2ii	The Acceptable Development provision states that 'all ground floor units, with a preference for all dwellings', should incorporate various features specific to Special Purpose Dwellings. In addition, cross-referencing is made to various associated AS.	To indicate under Acceptable Development that it is possible to have a preference is inappropriate as this implies discretionary judgement which should not be required for acceptable development. The requirements should be worded in a prescriptive manner.  Whilst the use of Australian Standards does ensure consistency across the State and avoids the need to continually update the relevant Acceptable Development provisions, it is unlikely that applicants would be familiar with or have access to these AS. This level of detail would not normally be required at the planning approval stage, rather this detail would be expected at the working drawing stage with the building application. Such cross-referencing is unhelpful and it is suggested that the actual requirements be set out under the respective Acceptable Development criteria.
7.1.2 A2 ii	Removal of Acceptable Development such that aged or dependents' dwellings can be considered for any number of dwellings within a single development.  Use of term 'preference' in relation to Acceptable Development provisions.	See detailed comments in report
Table 1	Removal of plot ratio requirements	Maximum plot ratios apply to medium and high density development (R35 and above). Plot ratio is a measure of the total floor areas in relation to site area, and is one way of

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CLAUSE / REFERENCE	PROPOSED CHANGE	TECHNICAL COMMENTS
		controlling the extent of development on a site. In view of the fact that density, building height, and setback requirements together with other development provisions such as car parking and open space in their own right serve to limit the extent of development on a site, it is considered that plot ratio is an unnecessary measure and its removal is supported.
Figure 2d	The purpose of Figure 2d is to assist readers understand how boundary setbacks are measured, however, the figure Point 'G' is undefined and the measure of 'G' to the edge of the building is incorrect.	This is an oversight from the R-Codes may cause boundary measurement assessment to be open to some interpretation.
Appendix 1-Definitions	<p>The definition of 'parent lot' is "has the same meaning as a 'lot'".</p> <p>Change to definition of garage as being attached to the dwelling.</p> <p>Addition of 'effective lot area'</p> <p>Addition of Common Property (CP)</p>	<p>For multiple or grouped dwellings, the parent 'lot', inclusive of common areas, on which the strata scheme relates is defined under the 'Town Planning and Development Act'. As the parent lot is surrendered when a strata scheme is approved, clarification is required as to whether this definition is valid.</p> <p>Definitions of a garage, in association with definitions of a carport and an outbuilding, do not cover all situations for car parking structures and therefore, how to assess these, in particular, garages not attached to the dwelling. Also, a car parking structure that has more than two sides and is either attached or separate to a dwelling. It is unclear how these structures are to be assessed.</p> <p>It is unclear whether the definition includes a battleaxe access leg as Clause 6.1.2 A2ii refers to 'site area' of a rear battleaxe leg excluding the access leg.</p> <p>Whilst useful for the purposes of understanding CP, the definition neglects to state that the intent of CP should be for common purpose. This could avoid unnecessarily long driveways being shown as CP when only a portion is common for the purpose of access to more than one dwelling on a property.</p>
Appendix 4-Form adjoining owner to comment discretion approval	No 'box' to detail matters on which Council discretion is sought when comment is required from an adjoining property owner.	There is no place to note the elements on which discretion is being sought for the adjoining property owner to be fully informed of those discretions.

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CLAUSE / REFERENCE	PROPOSED CHANGE	TECHNICAL COMMENTS
application		
Explanatory Guide	Retaining walls 'as-of-right' height is effectively proposed to be increased to 1.0 metre, however explanation still refers to 0.5 metres.	This explanation is inconsistent with the provisions and therefore confusing for users of Guide.
General	<p>References to Town Planning &amp; Development Act</p> <p>Reference to distance from a side boundary or 'street pole' for assessment of driveway location</p> <p>Extensive use of cross-referencing to various Australian Standards (AS)</p> <p>Privacy and overlooking from minor openings</p>	<p>The Town Planning &amp; Development Act 1928 has now been replaced by the Planning &amp; Development Act 2005.</p> <p>Street poles are located on public property at a uniform distance from property boundaries yet can vary in distance from a driveway. This provision is not helpful in terms of assessing development on private land.</p> <p>Refer to previous comment regarding Clause 7.1 A2</p> <p>The draft amendment does not address overlooking/privacy concerns associated with minor openings (windows or other openings that are not located in habitable rooms, such as stairwells or bathrooms), nor the situation where a person can look through a stairwell into a neighbouring habitable room or private open space. These situations are not currently addressed in the R-Codes.</p>