

1. Purpose

To outline acceptable variations to the deemed-to-comply provisions of the Residential Design Codes (R-Codes) for medium-density single houses in development areas, and to identify methods for implementation, to ensure consistent application across Western Australia.

2. Background

R-MD Codes

Residential densities have increased in recent years in response to a number of factors including the implementation of the key policy initiatives of Directions 2031, market demand for smaller lots, and efforts to improve housing affordability. In some cases, development on smaller lots using the standard R-Codes has resulted in built form outcomes that do not fit comfortably on the subject lot or relate well to the existing streetscape.

The ability to vary deemed-to-comply requirements is prescribed in Part 7 of the R-Codes. Variations to the deemed-to-comply requirements outlined in clause 7.3.1 do not require WAPC approval, however, variations to any other deemed-to-comply requirements are subject to WAPC approval.

A number of different planning instruments can be used to vary the R-Codes, including local planning scheme provisions, local development plans, and local planning policies. The different instruments apply the variations to different scales of development, from select sites to entire residential estates. Over time, the introduction of variations to the R-Codes via these different planning instruments has increased, and as a result there are now many variations to the R-Codes that apply in different local government areas across the State.

The WAPC's operational design policy, Liveable Neighbourhoods, recommends the use of limited local development plans for 'constrained' sites where it needs to be demonstrated that a single house can be constructed on the proposed lot and meet the performance requirements of the R-Codes.

In order to achieve this, local development plans may be used to vary the deemed-to-comply requirements of the R-Codes in order to facilitate development.

Over time, however, their use for this purpose has extended such that some local development plans now apply R-Code variations across entire development areas rather than being used for specific constrained sites as intended. In other cases, local development plans substantially amend some deemed-to-comply requirements (e.g. open space – minimum total percentage of site) to facilitate the development of large dwellings on small lots.

In order to respond to this increased use of R-Codes variations, a working group of key government, development and building industry stakeholders was formed to discuss the resulting issues and to identify potential solutions.

3. Medium-density single house development standards (R-MD Codes)

The medium-density single house development standards (R-MD Codes) at Appendix 1 are based on contemporary housing typologies and incorporate existing R-Codes variations that have been applied to date in approved planning instruments.

The R-MD Codes can be used as a variation to existing deemed-to-comply requirements for building and garage setbacks (clauses 5.1.2, 5.1.3

and 5.2.1), open space (clause 5.1.4), parking (clause 5.3.3), visual privacy (clause 5.4.1) and solar access (clause 5.4.2).

All other relevant R-Codes standards will continue to apply.

Lot width for double garages

The R-MD Codes establish a minimum 10.5 metre lot width for single houses with double garages, where sole access is from a primary street.

This increase in minimum lot width will not be applied retrospectively and does not apply to subdivision applications lodged or approved prior to 8 May 2015. Where an approved structure plan or local development plan has a 10 metre lot for a single house with double garage, this approved plan will be used by the WAPC or the local government to determine the subdivision or development application.

4. Implementation

R-MD Codes

The R-MD Codes can be adopted as a local planning policy that varies the deemed-to-comply requirements of the R-Codes, and can be applied in development zones.

Under the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), the deemed-to-comply requirements of the R-Codes can be varied via a scheme amendment, local planning policy, activity centre plan or local development plan.

As such, implementation of the R-MD Codes can be either through incorporation into a local planning scheme via a scheme amendment, or by the adoption of a local planning policy.

Under Schedule 2, Part 7, Clause 61(4)(c) of the deemed provisions of the Regulations, the deemed-to-comply requirements of the R-Codes can be amended or replaced by local planning policy. Any development outlined in 61(1)(c) and (d) that is in accordance with a local planning policy adopted under this provision (and which also achieves compliance with all other R-Code provisions), is exempt from the requirement to obtain development approval.

Implementation of the R-MD Codes via local planning policies will allow local development plans to again be used for their intended purpose, of facilitating development on smaller constrained sites.

The R-MD Codes are contained in Appendix 1. A model local planning policy to adopt the R-MD Codes is contained in Appendix 2.

The WAPC will not generally support further variations to the provisions outlined at Appendix 1. However, variations that provide for innovative housing typologies (not considered in the specified typical lot size / type) and that deliver positive community outcomes may be considered at the WAPC's discretion.

The WAPC has resolved in accordance with Schedule 2, Part 2, Clause 4(1) of the Regulations that adoption of the R-MD Codes (as contained in Appendix 1) as a local planning policy does not require public advertising.

Upon adoption of such a local planning policy, the local government must notify the WAPC of the resolution. The WAPC will then confirm that the policy is in accordance with this planning bulletin.

5. Review and future R-Codes amendment

The WAPC will monitor the implementation of the R-MD Codes following implementation, and will conduct reviews at six monthly intervals with a view to ultimate inclusion in the R-Codes.

6. Further information

Enquiries or correspondence on this planning bulletin should be sent by email to rcodesreview@planning.wa.gov.au or by post to:

Planning Manager, Urban Policy
Policy and Priority Initiatives
Department for Planning
Gordon Stephenson House
140 William Street
Perth, WA, 6000

Please quote reference
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Information relevant to this
Planning Bulletin is published at
www.planning.wa.gov.au

Appendix 1

Single house standards for medium density housing in development zones (R-MD Codes)

R-Code	Lot type and size	Street setback and front fences		Lot boundary setback		Open space		Garage setback and width and vehicular access		Parking		Overshadowing		Privacy	
		R-Codes	R-MD provision	R-Codes	R-MD provision	R-Codes	R-MD provision	R-Codes	R-MD provision	R-Codes	R-MD provision	R-Codes	R-MD provision	R-Codes	R-MD provision
R-MD – R60	<p><u>Rear load</u> 5m x 30m – 150m² 6m x 30m – 180m²</p> <p><u>Front load</u> 8.5m x 20m – 170m² 7.5m x 25m – 187.5m²</p>	2m	<p>2m minimum, no average</p> <p>1m to porch / veranda no maximum length</p> <p>1m minimum to secondary street</p> <p>Front fences within the primary street setback area being a maximum height of 900mm above natural ground level, measured from the primary street side of the front fence</p>	<p><u>Boundary setbacks</u> 1 to 1.5m for wall height 3.5m and less (subject to wall length and major openings)</p> <p><u>Boundary walls</u> 2/3 length one side boundary, max 3.5m high and 3m average height</p>	<p><u>Boundary setbacks</u> 1.2m for wall height 3.5m or less with major openings</p> <p>1m for wall height 3.5 or less without major openings</p> <p><u>Boundary walls</u> No maximum length to both side boundaries</p>	<p>40% open space (60% site cover)</p> <p>16m² courtyard</p> <p>1/3 required outdoor living area (OLA) may be covered</p> <p>Minimum dimension 4m</p>	<p>An outdoor living area (OLA) with an area of 10% of the lot size or 20m², whichever is greater, directly accessible from a habitable room of the dwelling and located behind the street setback area</p> <p>At least 70% of the OLA must be uncovered and includes areas under eaves which adjoin uncovered areas</p> <p>The OLA has a minimum 3m length or width dimension</p> <p>No other R-Codes site cover standards apply</p>	<p><u>Rear load</u> Nil – provided laneway is minimum of 6m wide</p> <p><u>Front load</u> 4.5m or 0.5m behind dwelling alignment subject to averaging requirements</p> <p>Garage width limited to maximum 50% of lot frontage where garage in front of or within 1m of building</p>	<p><u>Rear load</u> 0.5m garage setback to laneway</p> <p><u>Front load</u> 4.5m garage setback from the primary street and 1.5m from a secondary street</p> <p>The garage setback from the primary street may be reduced to 4m where an existing or planned footpath or shared path is located more than 0.5m from the street boundary</p> <p>For front loaded lots with street frontages between 10.5 and 12m, a double garage is permitted to a maximum width of 6m as viewed from the street subject to:</p> <ul style="list-style-type: none"> - Garage setback a minimum of 0.5m behind the building alignment - A major opening to a habitable room directly facing the primary street - An entry feature consisting of a porch or veranda with a minimum depth of 1.2m, and - No vehicular crossover wider than 4.5m where it meets the street <p>Lots with a frontage less than 10.5m or not compliant with above require single or tandem garaging</p>	Two on-site bays	One on-site bay where dwelling has two bedrooms or less	50% of the adjoining site area	No maximum overshadowing	<p>3m to bedrooms and studies</p> <p>4.5m to all other major openings</p> <p>6m to balconies or similar</p>	No privacy provisions apply
R-MD – R40	<p><u>Rear load</u> 7.5m x 30m – 225m²</p> <p><u>Front load</u> 8.5m x 30m – 255m² 8.5m x 25m – 212.5m² 10 x 20m – 200m² 10 x 25m – 250m² 12.5m x 20m – 250m²</p>	4m	<p>2m minimum, no average</p> <p>1.5m to porch / veranda no maximum length</p> <p>1m minimum to secondary street</p> <p>Front fences within the primary street setback area being a maximum height of 900mm above natural ground level, measured from the primary street side of the front fence</p>	<p><u>Boundary setbacks</u> 1 to 1.5m for wall height 3.5m and less (subject to wall length and major openings)</p> <p><u>Boundary walls</u> 2/3 length one side boundary, maximum 3.5m high and 3m average height</p>	<p><u>Boundary setbacks</u> As per R-MD – R60</p> <p><u>Boundary walls</u> To both side boundaries subject to: No maximum length to one side boundary, 2/3 max length to second side boundary for wall height 3.5m or less</p>	<p>45% open space (55% site cover)</p> <p>20m² courtyard</p> <p>1/3 required OLA area may be covered</p> <p>Minimum dimension 4m</p>	As per R-MD – R60	<p><u>Rear load</u> Nil – provided laneway is minimum of 6m wide</p> <p><u>Front load</u> 4.5m or 0.5m behind dwelling alignment subject to averaging requirements</p>	As per R-MD – R60	Two on-site bays	As per R-Codes	35% of the adjoining site area	No maximum overshadowing for wall height 3.5m or less	<p>4.5m to bedrooms and studies</p> <p>6m to all other major openings</p> <p>7.5m to balconies or similar</p>	R-Codes clause 5.4.1 C1.1 applies, however the setback distances are 3m to bedrooms and studies, 4.5m to major openings to habitable rooms other than bedrooms and studies and 6m to unenclosed outdoor active habitable spaces

Appendix 1

Single house standards for medium density housing in development zones (R-MD Codes)

R-Code	Lot type and size	Street setback and front fences		Lot boundary setback		Open space		Garage setback and width and vehicular access		Parking		Overshadowing		Privacy	
		R-Codes	R-MD provision	R-Codes	R-MD provision	R-Codes	R-MD provision	R-Codes	R-MD provision	R-Codes	R-MD provision	R-Codes	R-MD provision	R-Codes	R-MD provision
R-MD - R30	<u>Rear load</u> 10m x 30m – 300m ² <u>Front load</u> 10m x 30m – 300m ² 15m x 20m – 300m ²	4m	2m minimum, no average 1.5m to porch / veranda no maximum length 1m minimum to secondary street Front fences within the primary street setback area being a maximum height of 900mm above natural ground level, measured from the primary street side of the front fence	<u>Boundary setbacks</u> 1 to 1.5m for wall height 3.5m and less (subject to wall length and major openings) <u>Boundary walls</u> 2/3 length one side boundary, maximum 3.5m high and 3m average height	<u>Boundary setbacks</u> As per R-MD – R60 <u>Boundary walls</u> To both side boundaries subject to: 2/3 length to one side boundary, 1/3 max length to second side boundary for wall height 3.5m or less	45% open space (55% site cover) 24m ² courtyard 1/3 required OLA area may be covered Minimum dimension 4m	As per R-MD – R60	<u>Rear load</u> Nil – provided laneway is minimum of 6m wide <u>Front load</u> 4.5m or 0.5m behind dwelling alignment subject to averaging requirements	As per R-MD – R60	Two on-site bays	As per R-Codes	35% of the adjoining site area As per R-MD – R40	4.5m to bedrooms and studies 6m to all other major openings 7.5m to balconies or similar	As per R-MD – R40	
R-MD - 25	<u>Front load</u> 12.5m x 25m – 312.5m ² 15m x 25m – 375m ² 12.5m x 30m – 375m ²	6m	1.5m to porch / veranda no maximum length 1.5m minimum to secondary street Front fences within the primary street setback area being a maximum height of 900mm above natural ground level, measured from the primary street side of the front fence	<u>Boundary setbacks</u> 1 to 1.5m for wall height 3.5m and less (subject to wall length and major openings) <u>Boundary walls</u> 2/3 length one side boundary, max 3.5m high and 3m average height to one side boundary	<u>Boundary Setbacks</u> As per R-MD – R60 <u>Boundary walls</u> As per R-MD – R30	50% open space (50% site cover) 30m ² courtyard 1/3 required OLA area may be covered Minimum dimension 4m	As per R-MD – R60	<u>Rear load</u> Nil – provided laneway is minimum of 6m wide <u>Front load</u> 4.5m or 0.5m behind dwelling alignment subject to averaging requirements	As per R-MD – R60	Two on-site bays	As per R-Codes	25% of the adjoining site area As per R-MD – R40, however if overshadowing intrudes into rear half of the lot, shadow cast does not exceed 25%	4.5m to bedrooms and studies 6m to all other major openings 7.5m to balconies or similar	As per R-MD – R40	

Appendix 2

Model Local Planning Policy

Variation to deemed-to-comply requirements of the R-Codes - Medium-density single house development standards (R-MD Codes)

Purpose

To replace the deemed-to-comply requirements of following clauses of the Residential Design Codes with those set out in the provisions of this policy:

- Building and garage setbacks – clauses 5.12, 5.13 and 5.21
- Open space – clause 5.1.4
- Parking – clause 5.3.3
- Visual privacy – clause 5.4.1
- Solar access – clause 5.4.2

Definitions / abbreviations

Approved Structure Plan	A structure plan or activity centre plan that has been approved by the WAPC under Part 4 or Part 5 of the City / Town / Shire of Local Planning Scheme No...
Front load	Lots where the primary vehicle access is via the front of the lot and the garage / carport is located at the front of the dwelling
Medium density	R25–R60 density codes
Rear load	Lots where the primary vehicle access is via the rear of the lot, from a street or right of way (ROW) and the garage / carport is located at the back of the dwelling
R-MD / R-MD Codes	Single house standards for medium density housing

Statutory provisions

Development approval will not be required for a single dwelling that complies with the provisions of this policy (and all other deemed-to-comply requirements of the R-Codes), in accordance with clause 61(4)(c) of the deemed provisions of the Scheme.

Application

This policy will apply:

1. in the following structure planning areas: (Insert details of structure plan areas / names); or
2. where the approved structure plan identifies that the R-MD Codes local planning policy applies.

Policy provisions

(Insert the Single House Standards for Medium-density Housing from Appendix 1 of Planning Bulletin 112/2015)

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Medium-density Single House Development Standards Local Planning Policy

Responsible Directorate: Planning and Community Development

Objectives:

- To ensure the consistent application of acceptable variations to the deemed-to-comply provisions of the Residential Design Codes (R-Codes) to medium-density single houses located in specified development zones or in local structure plans or activity centre plans.
- To implement the Western Australian Planning Commission (WAPC) adopted medium-density single house development standards (R-MD Codes).

1. Authority:

This Policy has been prepared in accordance with Schedule 2, Part 2 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, which allows a local government to prepare local planning policies relating to planning and development within the Scheme area.

2. Application:

This policy will apply:

1. in the following structure plan areas:
 - MacNaughton Crescent Structure Plan No. 23and/or
2. where the approved structure plan identifies that the R-MD Codes Local Planning Policy applies.

This policy should be read in conjunction with the local planning scheme, R-Codes, relevant structure plans, activity centre plans and/or local development plans.

This policy will also be applied when making recommendations to the WAPC on subdivision of land for residential development where the R-MD Codes apply to ensure the lots created can be developed in accordance with this policy.

3. Definitions:

“**Approved Structure Plan**” means a structure plan or activity centre plan that has been approved by the WAPC under Part 4 or Part 5 of the deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015.

“**Front load**” refers to a lot where the primary vehicle access is via the front of the lot and the garage / carport is located at the front of the dwelling.

“**Medium Density**” refers to R25-R60 density codes, as per the R-Codes.

“**Rear load**” refers to a lot where the primary vehicle access is via the rear of the lot, from a street or right-of-way (ROW) and the garage / carport is located at the back of the dwelling.

“**R-MD**” refers to medium-density single house development standards.

4. Statement:

In order to reduce the use of ad-hoc R-Code variations, the WAPC released Planning Bulletin 112/2016 *Medium-density single house development standards – Development Zones*. The Planning Bulletin outlines a set of variations to the deemed to comply provisions of the R-Codes that can be consistently applied to medium density single house development in specified development zones and structure plans.

The City supports the adoption of appropriate mechanisms designed to facilitate the effective delivery of contemporary housing typologies on constrained sites within development areas in a manner that obviates the requirement for obtaining development approval from the City.

5. Details:

The deemed-to-comply provisions of the following clauses of the R-Codes are replaced with those provisions set out in Appendix 1 of this policy:

- Building and garage setbacks – clauses 5.1.2, 5.1.3 and 5.2.1
- Open space – clause 5.1.4
- Front fences – clause 5.2.4
- Outdoor living areas – clause 5.3.1
- Parking – clause 5.3.3
- Vehicular access – clause 5.3.5
- Visual privacy – clause 5.4.1
- Solar access – clause 5.4.2.

Development approval will not be required for a single dwelling that complies with the provisions of this policy (and all other deemed-to-comply requirements of the R-Codes), in accordance with clauses 61(1)(c) and (d) and 61(4)(c) of the deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015.

Creation Date: June 2017

Amendments:

**Related
Documentation:**

- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *State Planning Policy 3.1: Residential Design Codes of Western Australia*
- *Planning Bulletin 112/2016 Medium-density single house development standards – Development Zones (WAPC April 2016)*
- *City of Joondalup District Planning Scheme No. 2*