PRINT POST APPROVED PP665002/00041

WESTERN AUSTRALIAN GOVERNMENT Gazette

PERTH, FRIDAY, 4 OCTOBER 2002 No. 179 SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 3.00 PM

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WESTERN AUSTRALIAN PLANNING COMMISSION

STATEMENT OF PLANNING POLICY No. 1

RESIDENTIAL DESIGN CODES

PREPARED UNDER SECTION 5AA WITH THE APPROVAL OF THE MINISTER FOR PLANNING AND INFRASTRUCTURE BY THE WESTERN AUSTRALIAN PLANNING COMMISSION AND APPROVED BY HIS EXCELLENCY THE GOVERNOR

TOWN PLANNING AND DEVELOPMENT ACT 1928

STATEMENT OF PLANNING POLICY No. 1

RESIDENTIAL DESIGN CODES—AND EXPLANATORY MATERIAL

RESIDENTIAL DESIGN CODES

1. This Statement of Planning Policy No. 1 *Residential Design Codes* replaces the Statement of Planning Policy No. 1 *Residential Planning Codes* published in the *Government Gazette* of December 13, 1991 which is hereby revoked.
2. Local governments incorporating the Codes into a town planning scheme prepared and adopted under the Town Planning and Development Act 1928 shall refer to this Statement of Planning Policy using the model scheme text provisions set out in Part 5 of Appendix B to the Town Planning Regulations 1967 as published in the *Government Gazette* of October 22, 1999 and by the allocation of an appropriate code or codes.
3. References in a town planning scheme to "*Statement of Planning Policy No. 1 Residential Planning Code*" shall be read as reference to this Statement of Planning Policy.
4. Subject to any variation in a town planning scheme all town planning schemes incorporating the Codes shall require residential development, in zones where residential development is permitted, to be subject to the controls contained in the Residential Design Codes. The Residential Design Codes are contained in Appendix 1.
5. Except where provided for under the Codes, variations to the Codes should be incorporated into a town planning scheme in the manner provided for in the model scheme text.
6. The Codes and the explanatory material, published by the Western Australian Planning Commission as the "Residential Design Codes of Western Australia (R-Codes)", together constitute this Statement of Planning Policy.

R. N. STOKES, Secretary,
Western Australian Planning Commission.

TOWN PLANNING AND DEVELOPMENT ACT 1928

STATEMENT OF PLANNING POLICY No. 1

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Part 1 - The Codes in Context

1.1 INTRODUCTION

1.1.1 Purpose of the Codes

The Codes replace the Residential Planning Codes gazetted in 1991. Their purpose is to provide a comprehensive basis for the control, through local government, of residential development throughout Western Australia. They are intended to cover all requirements for planning control purposes and to minimise the need for councils to introduce separate planning policies or variations to these matters.

The Codes do not address the physical construction requirements or the internal arrangements of buildings - these are matters controlled by the Building Codes of Australia.

Where particular matters of a local nature demand particular planning controls, it is intended that the Codes should be complemented by Local Planning Policies adopted under the town planning scheme, or by specific provisions of the scheme. Such variations and policies should be limited to matters which are peculiar to a particular locality.

The Codes are approved by the Governor and published in the Government Gazette as a Statement of Planning Policy under Section 5AA of the *Town Planning and Development Act 1928* (as amended), to replace the 1991 Codes and Manual.

As such they will require all residential development to conform to the Codes.

1.1.2 Aims of the Codes

The Codes deal with fundamental aspects of the design of residential development, aimed at:

- encouraging the widest possible range of dwelling types, to meet community desires;
- encouraging innovative design solutions;
- ensuring that new developments incorporate adequate standards of access and amenity including for people with a disability;
- ensuring that adverse impacts on neighbouring residents are minimised;
- ensuring that new developments contribute positively to the streetscape and locality of which they form a part; and
- aiding fair, efficient, straightforward and timely approvals.

These aims encompass the desirable, but potentially conflicting, concepts of flexibility and certainty. In order to accommodate both, the Codes have been formulated using a modified "performance" approach whereby the requirements are set out as follows:

- first, the aim or **Objective** of the design element or aspect is stated;
- second, a set of **Performance Criteria** is provided that must be satisfied if the objective is to be met; and
- third, a set of **Acceptable Development** provisions related to the performance criteria is established.

The Acceptable Development provisions contained in the Codes provide a means by which development can be "deemed-to-comply" and therefore provide a speedy and certain path to approval, while the Performance Criteria allow the possibility of other, perhaps more innovative, ways of achieving an acceptable outcome.

The Codes are concerned with fundamental aspects of good design. They are not intended to circumscribe the freedom of designers in relation to style or taste. In some instances the colours, materials, form and style of a development will be particularly important to the amenity of a locality. To properly respond to these specific issues the local government council will be able to formulate Local Planning Policies to complement the Codes.

1.1.3 The Code Documents

The Residential Design Codes are accompanied by this section entitled The Codes in Context (Part One) that provides introductory and background material, to place the Codes in their historic and general planning context. This material is not a guide to the interpretation of the Codes which is contained in Parts Two, Three and Four.

Parts Two, Three and Four contain the Codes themselves, together with explanatory text. The

Code provisions are distinguished from the Explanatory text by printing on tinted pages.

Part One, The Codes in Context, has five sections, setting out, in turn:

Section 1 - a general introduction;

Section 2 - the historic background to the Codes, and providing an account of changes from the 1991 Codes;

Section 3 - local planning aspects;

Section 4 - land title implications; and

Section 5 - issues associated with the administration of the Codes.

Parts Two, Three and Four, *The Residential Design Codes*, contain the substantive requirements and provisions of the Codes.

Part Two - General Provisions - matters which pertain to all residential developments.

Part Three - Design Elements - the significant generic elements of the design of residential buildings, from the standpoint of their impacts, especially on their neighbours and the wider locality.

Part Four - Special Provisions or matters that are particular to special classes of residential development.

The Codes, in Parts Three and Four, consist of a set of objectives, followed by Performance Criteria, each in turn matched by a set of Acceptable Development provisions. These are aided in interpretation and use by explanatory text and diagrams.

The explanatory text has been created to explain and interpret the Code provisions. These interpretations should be read with the Code provisions to provide guidance to proponents of development and local government decision-makers, especially where the proponent relies upon the Performance Criteria rather than the Acceptable Development provisions of the Codes.

All development must comply with the Performance Criteria. Compliance with the Acceptable Development provisions provides a speedy and certain pathway to approval for applicants and a correspondingly simple basis for assessment of development proposals by Council officers. It is expected that most applicants will focus almost entirely on the Acceptable Development provisions, because they are both comprehensive and consciously constructed on widely accepted principles of good design.

To the extent that an application in Parts Three and Four is based on the Acceptable Development provisions, there will be no need for the exercise of a discretion by the Council, and hence no need or requirement for neighbour consultation. As a consequence, it will be possible for Councils to delegate a substantial degree of decision-making.

When an applicant chooses not to rely upon the Acceptable Development provisions and bases any aspect of a proposal on the relevant Performance Criteria, the onus will be on the applicant to provide the relevant documentation to show, to the Council's satisfaction, that the Performance Criteria have been satisfied. In preparing and assessing applications where Performance Criteria are invoked, the explanatory text and the Acceptable Development provisions will together provide useful guidance. Consultation with neighbours may be required in such cases.

The minimum site area per dwelling provisions of the Codes are mandatory. However, with respect to the other matters that are discretionary it is expected that, in practice, the proportion of approvals requiring the exercise of discretion by a Council will not be as high as under the 1991 Codes, especially in the case of Single Houses in the low and medium density Codes.

1.2 BACKGROUND

1.2.1 Preparation of the Residential Design Codes

The R-Codes were first introduced as the Residential Planning Codes in 1985. They were drafted as a Statement of Planning Policy under the provisions of Section 5AA of the *Town Planning and Development Act* for incorporation in all town planning schemes.

Following a review of the operation of the 1985 Codes, they were replaced by a manual and a revised Code in 1991.

Since the introduction of the 1991 R-Codes there has been a gradual acceptance of the need for their review. While there has been a general acceptance of the R-Codes and no compelling demand for a comprehensive overhaul of their provisions;

- the 1991 Codes contained a number of significant omissions (privacy among them) which have led to a proliferation of policies at local government level aimed at filling the gaps;
- there are a number of anomalies and ambiguities that have led to confusion and differing interpretations of the Codes;
- there has been a steady evolution in all Australian States towards design element and performance-based codes, influenced by the Australian Model Code for Residential Development (AMCORD);
- there is a need to devise a format that provides for a performance-based pathway to approval but that also provides certainty for applicants and local government;
- there is a need to expand the Codes to include inner-city housing and mixed-use developments; and
- the nexus between subdivision and development needs to be clearly established.

During 1999 the Western Australian Planning Commission established an R-Codes Review Committee to review the 1991 R-Codes. The Committee comprised:

Cr Terry Tyzack
- Chairman 1999-2001

Mr Terry Martin
- Chairman 2002

Ms Verity Allan
- Housing Industry Association

Ms Anne Arnold
- Commissioner 1999-2001

Mr Neil Browne
- Institution of Surveyors

Mr David Caddy
- Australian Association of Planning Consultants

Mr Evan Jones
- Ministry for Planning 1999-2001

Mr Ray Stokes
- Department for Planning and Infrastructure 2002

Mr Max Pirone
- Housing Industry Association

Cr Roger Stubbs
- Western Australian Municipal Association

Mr Phil St John
- Western Australian Municipal Association

Mr Chris Thompson
- Royal Australian Institute of Architects

Mr Tony Van Den Dries
- Urban Development Institute of Australia

Steve Allerding
- 1999-2000 Office of the Minister for Planning

Vince McMullen 2001-2002
- Office of the Minister for Planning and Infrastructure

Mr Ian MacRae
- Executive Officer, Department for Planning and Infrastructure

The Committee commissioned Ken Adam and Associates to prepare draft Codes. A preliminary draft was made available to local government, industry and professional representatives in

workshops in early 2000. Modifications resulting from the workshops, written submissions and legal advice were incorporated into the draft Codes published in October 2000 for public comment.

As a result of public comments, the R-Codes Review Committee made significant modifications to the draft Codes and a revised Draft R-Code was released in September 2001. Comments were received on the revised draft R-Code resulting in further refinements to the Codes.

1.2.2 Changes from the 1991 Codes

The content of the Residential Design Codes has been strongly influenced by several changes in the planning context in which they occur. These are:

- the advent of the Model Scheme Text;
- the advent of survey-strata title;
- the rapid growth of Local Planning Policies aimed at supplementing the Codes;
- the advent of Liveable Neighbourhoods;
- the strong influence of AMCORD on codes throughout Australia, with their performance base and element structure;
- continuation of the trends to larger houses on smaller lots in middle and inner suburban area infill;
- continuation of the trend towards two-storey houses generally;
- the consequent emergence of privacy as a major issue;
- increasing interest in energy-efficient design and protection of solar access; and
- increasing interest in protection of local character, especially streetscapes.

Change of Title

The title has been changed from Residential Planning Codes to Residential Design Codes. This change more accurately reflects the intent and content of the Codes, which are concerned with influencing the external design of residential development rather than with planning as such.

Structure

Although the revised Codes are radically different in structure and format, they retain the essential, proven, core provisions of the 1991 Codes, including density and setback controls.

The 1991 Codes were structured around general provisions (setbacks, car parking, amenity, etc) followed by four sections dealing with different dwelling types.

In the Residential Design Codes, the structure focuses on the design elements rather than dwelling types. In this respect it follows the AMCORD model, which is now almost universal throughout Australia. Liveable Neighbourhoods – Community Design Code (Edition 2, June 2000) is a complementary document to the Codes, dealing with subdivision as opposed to subsequent building development, and also has an element-based structure.

The Codes begin with some general provisions, followed by 10 design elements, followed by special provisions for a range of specific needs and for inner-city housing.

Performance-Oriented Approach

Although relatively flexible, the 1991 Codes were essentially prescriptive in their approach to standards for development.

The Residential Design Codes have a performance orientation.

Integration of Explanatory Text and Code Provisions

The 1991 Manual was written after the Codes were adopted, to explain the Codes and, to a lesser extent, advise on their implementation.

There is now a closer integration between the explanatory text and the substantive provisions, as a consequence of their having been prepared concurrently.

The explanatory text provides background to understanding the reasons behind the Codes as well as explaining how they work and are to be interpreted. This will provide guidance to both proponents and assessors of development proposals, where the performance criteria are invoked.

Scope of Design/Development Control Elements

The Residential Design Codes cover a wider scope than the 1991 Codes, incorporating the generic elements identified as missing by local government. These include:

- expanded consideration of streetscape;
- building height;
- site works;
- privacy and overlooking; and
- design for climate.

The Residential Design Codes include, special provision for mixed-use and inner-city residential development.

Submission Requirements

The Residential Design Codes include a set of requirements for applicants to follow in submitting applications.

Neighbour Consultation

The Codes are specific as to when and to what extent consultation with neighbours is required as part of the approval process.

Single House Approvals

The Codes introduce a more uniform approach to the process of dealing with Single Houses in cases where they are exempted from the need for planning approval. A form for application to the Council in such cases and a form for the issue of the Council decision is included as part of the Codes.

1.3 LOCAL PLANNING

1.3.1 General

The R-Codes constitute a set of regulatory tools for local planning. Their principal uses are:

- at a strategic level, to ensure that there can be an appropriate choice and distribution of housing types and densities to meet the needs of the community as a whole; and
- at a detailed level, to ensure that the design and planning of residential development occurs in a way that is fitting to the needs of its occupants and protective of the amenity of its locality.

To maximise the strategic effectiveness of the Codes, the Council must ensure that it uses the most appropriate codes in its town planning scheme. The choice of codes should be based upon:

- the right mix of codes, to match the needs of the existing and intended future community;
- relating housing type and density to the overall pattern of development for the municipality, including public transport, shops and schools; and
- matching the selected codes to existing local conditions, so that the intended outcome – whether retention of existing dwellings, or their replacement over time, for example – actually occurs.

Although the appropriate codes will be designated on the town planning scheme map, the Local Planning Strategy will explain the designation of particular codes for particular local areas in the town planning scheme.

Where there are individual needs, the Codes may need to be supplemented by a Local Planning Policy or a Special Control Area. Both of these are provided for in the Model Scheme Text and may be implemented through town planning schemes.

1.3.2 Local Planning Strategies

Part 2 of the Model Scheme Text provides for a Local Planning Strategy to be incorporated by reference into each new town planning scheme. The strategy provides the rationale and vision that

underlies the regulatory provisions of the scheme, including the specific R-Code designations of the scheme.

The strategy may incorporate a local housing strategy. The issues that are relevant in the housing component of a Local Planning Strategy, and the selection of the relevant R-Code for the various parts of the municipality, include:

- recognition of the regional demand for a range of densities and dwelling types;
- socio-economic and demographic profiles, both existing and likely in the future;
- existing lot sizes;
- current and future infrastructure, including the road network, sewerage, water supply, power, significant employment centres, social and recreational facilities and public transport facilities;
- the age and the condition of existing housing stock;
- the existence of sites suitable for new housing development, redevelopment or infill;
- trends in market demand for various forms of housing;
- heritage and streetscape values;
- the existing and desired character of particular precincts; and
- land values and the effect of proposed density changes on them.

This list is not exhaustive or ranked in order of importance. The issues are useful to analyse the feasibility of the code or codes proposed.

1.3.3 Town Planning Schemes

Variations to the Codes

Variations to the Codes will not arise ordinarily for consideration. The Codes allow flexibility in their application in a municipality by providing a choice of 18 density codes, ranging from suburban densities to inner-city provisions.

As well, the Codes have an inherent flexibility because they are based on performance criteria rather than rigid standards.

Local variations are also catered for by properly designated Special Control Areas or Local Planning Policies.

The flexibility of the Codes and their application is preferable to variation from the Codes in the town planning scheme. However, where, for historical or special circumstances, variations to the Codes are included in the town planning scheme, these provisions would prevail over the Codes.

Density Control

Density control is a principal tool of the Codes and is desirable for several reasons, including:

- to preserve the residential character of an area, of which density is one aspect contributing to character;
- to increase (or decrease) the density of an existing area for reasons explained in a Local Planning Strategy;
- to ensure that a new housing area is used to its best advantage, in light of the findings of the Strategy;
- to cater for a demand for a particular form of housing in a given location; and
- to have regard to any limitations posed by the local street system or other infrastructure.

Before making a decision as to the density of an area and its corresponding R-Code, Council should first examine the objectives set in its Local Planning Strategy for each precinct or locality to understand the code that is most likely to achieve those outcomes.

The process of allocating an R-Code in the town planning scheme requires a careful assessment of the relationship between the lot sizes prevailing in a locality, current trends in demand for particular types of housing and any adopted strategic planning policy relevant to residential density. The relationship of these factors allows a prediction of the type of development or redevelopment likely to result from selection of a particular code.

Care needs to be taken when selecting the boundary between adjacent areas with differing codes; for example, between an area coded R20 and one coded R30. As a general rule, the rear property

boundary will be the preferred dividing line. For consistency of streetscape it is preferred that the same code applies along both sides of a street.

Restricted Coding

The assignment of a particular code to a given area will normally mean that all the varying housing types included in that code under Table 1 will be permissible within that area.

However, there may be areas where the Council may wish to secure a given density but without the full range of housing types permissible under the relevant density code. Here are some examples:

Example of Restricted Coding

An area contains lots of say 1,000sqm occupied by Single Houses. The Council decides that it wishes to allow for some increase in residential density, but retain the single house appearance and character of the area. It is prepared to see Single Houses or Grouped Dwellings on small lots, on a limited basis, say where they have frontage to a public street.

To achieve this:

- the area is coded R25 on the Scheme Map; and
- a clause is inserted in the Scheme Text which reads:

  "Within the area bounded by (name the streets or otherwise clearly define the area) that is coded R25, a Single House or Grouped Dwelling may not be constructed unless the frontage is at least 10m to a public street".

Expanded or Dual Coding

The opposite of Restricted Coding is Expanded Coding where the Council may wish to permit specific dwelling types not included in the selected code under Table 1.

Example of Expanded Coding

The Council determines that a particular part of the residential zone should comprise primarily Single Houses on lots with a minimum lot area of 700sqm but it is also prepared to consider, on its merits, applications for the construction of a pair of Grouped Dwellings, notwithstanding that Grouped Dwellings are prohibited in the zone as a whole, provided a lot has a minimum area of 1,000sqm.

To achieve this:

- the area is coded R12.5 on the Scheme Map; and
- a clause is inserted in the Scheme Text which reads:

  "Within the area bounded by (name the streets or otherwise clearly define the area) coded R12.5, the Council may permit the construction of not more than two (2) Grouped Dwellings in accordance with the standards of the R20 Code on any lot of not less than 1,000sqm".

Example of Dual Coding

An area is undergoing change and being redeveloped by the replacement of Single Houses on large lots by Grouped Dwellings at a higher density. Some of the older housing stock is structurally sound and of a particular character that the Council wishes to preserve. Although the existing lots are large for Single Houses (say 1,000sqm), there would be positive planning advantages if two or more lots were amalgamated for redevelopment. The Council determines that the R20 Code density is generally appropriate but it would be prepared to accept the R30 Code density if certain criteria were met.

To achieve this:

- the area is coded R20/30 on the Scheme Map; and
- a clause is inserted in the Scheme Text which reads:

  "Within the area coded R20/30, development to the density and standards of the R30 Code shall be permitted only if the development:

  a) involves not less than four nor more than six Grouped Dwellings or Single Houses;

  b) retains any existing house(s) that the Council considers worthy of retention; and

  c) is consistent with the requirements of the Scheme and any Local Planning Policy".

Housing in Non-Residential Zones

Most town planning schemes provide for residential development to be permissible in one or more non-residential zones, or zones which are not exclusively residential in use.

Depending on the type of housing that is desired or acceptable, the Council should designate the appropriate code to apply within that zone or part of the zone, just as for the Residential zone or zones. Where residential use is permitted in a non-residential zone but no specific Code is allocated, the provisions of Section 4.2 (Mixed-Use Development) may be applied.

Heritage Matters

The Codes make no provision for heritage places and areas. Provision is made in Clause 7.2 of the Model Scheme Text for the Council to adopt a Local Planning Policy for each Heritage Area, including objectives and guidelines for the conservation of the Area. Clause 7.5 allows the Council to vary any site or development requirement specified in the Scheme or the Codes, where desirable, to enhance or preserve heritage values in a heritage area.

Development applications for places on the State Register of Heritage Places must be referred to the Heritage Council for advice in accordance with the *Heritage Act 1990* Sections 11 or 78.

The Model Scheme Text makes provision (Part 7 – Heritage Protection) for the Council to establish and maintain a Heritage List. In preparing its list the Council is to have regard to the Municipal Inventory. A Heritage List could also be expected to include all places on the State Register.

Residential Precincts or Localities

The approach to local planning on a precinct or locality basis recognises that all residential areas, even within the same suburb or municipality, are not the same and differ, in varying degrees, in density, style of housing, landscaping, and streetscape.

The traditional concept of including all residential areas within a single residential zone, with uniform development standards, does not recognise these differences and tends to assume all residential areas are the same.

Planning by precincts is particularly relevant in older areas where redevelopment or infill development is taking place and there is generally an established character that, in most cases, is valued. Precincts or localities consequently provide the best basis on which to allocate density codes, as well as identifying local character differences.

New "greenfields" sites at the urban fringe and large scale urban infill sites (often former depot or industrial sites) are dealt with most effectively in *Liveable Neighbourhoods Edition 2*, published in June 2000.

Some of the criteria that may be used in defining residential precincts are:

- they should be well-defined areas with common existing and desired future characteristics;
- the extent of a precinct should be perceived as an entity: larger than individual streets, but smaller than suburbs;
- development within the precinct should be consistent, in terms of land use, age/period of development, subdivision pattern and lot sizes, and type, scale and style of housing;
- the boundaries should be well defined by major changes of use or character, streets carrying significant volumes of traffic (and hence constituting a barrier), natural features or major parks, etc.; and
- rear boundaries of properties, rather than local streets, should generally be used as boundaries between areas of different density or character.

1.4 LAND TITLE IMPLICATIONS

1.4.1 Forms of Title and Subdivision Approval Powers

Three common forms of title occur in residential development in Western Australia:

- green title;
- survey-strata title; and
- strata title.

The subdivision of green title and survey-strata land requires the approval of the Western Australian Planning Commission (the Commission). However, strata titles, that apply to a portion of a building or part or the whole of a building, together with appurtenant land, require approval of the local planning authority, or, in the case of larger or specific types of strata, of the Commission.

It is possible, in some circumstances, to create a vacant strata lot. In such cases any development on the lot is treated as a Grouped Dwelling.

1.4.2 Implications for the Codes and Subdivision

There are several implications as to the use of the Codes in the subdivision process:

- the density provisions of the Codes (e.g. minimum site areas and frontages) are intended to be guidelines for the Commission in considering applications for the subdivision of green title or survey-strata title land;
- the Codes, as a consequence, include a provision permitting approval of development on a pre-existing lot or any lot created by the Commission for a Single House, even where the lot does not meet the required area or frontage;
- for the purposes of the Codes, development of a dwelling on a survey-strata lot without common property, as for a green title lot, is assessed as a Single House; and
- as with a green title lot, a survey-strata lot may be capable of development of more than one dwelling, given sufficient area.

The subdivision of buildings and land under strata title is directly constrained by the Codes.

In the past the Codes have applied to the whole of a Grouped Dwelling development as a collective rather than to individual strata lots. This has led to confusion, and occasionally inequity, when the owner of a strata title lot has sought to add to development on the strata lot. The Codes now require development of each Grouped Dwelling to individually comply with the Codes in relation to strata lot area, setbacks, car parking, etc.

Grouped Dwellings are set aside as individual lots and common areas under a strata title subdivision, although there is no necessity for a Grouped Dwelling development to be subdivided. However, should a developer or owner wish to subdivide a Grouped Dwelling development, such subdivision may be undertaken as either a survey-strata or strata subdivision under the *Strata Titles Act 1985* (as amended). A survey-strata subdivision may be undertaken and titles issued either when the land is vacant or at the completion of building construction. Alternatively a strata plan subdivision may be finalised and titles issued when all building construction and site works have been completed.

Requirements under the *Strata Titles Act 1985* for obtaining consent of a strata company to development on a strata lot are not affected by the Codes, nor do they affect any requirement for consultation of the owners under the Codes.

1.4.3 Single House Subdivision

The Codes are essentially performance standards relating to control of development, not subdivision of land per se. The responsibility for development control, and hence administration of the Codes, lies almost solely with local government, through town planning schemes. Responsibility for approval of subdivision, on the other hand, lies solely with the Commission, although local government has a significant advisory role in the process.

However, in practice, there is an inextricable link between subdivision and development standards in the case of Single Houses. The Codes are the primary vehicle for control of residential density and yet residential subdivision and development is vital to orderly and proper planning.

Commission policies and practices as to Code lot size provisions and their relaxation are set out in relevant policies and in Planning Bulletins. In addition specific guidance is provided by the Performance Criteria set out at 3.1.3 in Element 1.

There are three common circumstances in which it is helpful to clarify the relationship between the Codes and subdivision.

Firstly, where the Commission approves subdivision of a lot that is below the minimum size, that lot may nevertheless be developed with a Single House. This provision is at 3.1.3A3ii in Element 1.

Secondly, where existing lot sizes are below the minimum site areas prescribed by the Codes for a Single House, it is necessary that the Codes make it clear that, regardless of non-conformity, any residential lot may be developed with a Single House provided there is access to a public road. This provision is at 3.1.3A3iii in Element 1.

Thirdly, where subdivision of an existing lot or area occurs, resulting in very small or narrow lots, it may be desirable for a subdivision application to be subject to a development application being approved by the local government prior to the Commission granting final approval, in order to demonstrate that the lots are capable of being developed with acceptable houses. Circumstances under which a formal development application may be desirable include:

- extremely small lots;
- lots with irregular shapes;
- lots with irregular or steep topography; and
- lots that are likely to create overshadowing problems (for example, having a common boundary on the south side with a lot which is narrow or at a significantly lower level).

In any event development on lots smaller than 350sqm should be subject to planning approval, and such a provision is included at Clause 2.3.3.

1.5 ADMINISTRATION

1.5.1 Interpretation of the Codes

The Residential Design Codes address sources of uncertainty and ambiguity formerly of concern in the interpretation of the Codes, by:

- adopting a consistent structure of provisions throughout the Codes;
- clarifying the scope of discretion and the Objectives and Performance Criteria that govern its application;
- extending the scope of the Codes to cover the generic elements that previously had been omitted and consequently have become the subject of diverse council policies;
- clarifying and limiting the status and scope of council policies to complement the Codes;
- providing a clear procedure for dealing with Single House approvals where they are exempt from the requirement for planning approval;
- clarifying the relationship between the Codes and subdivision approvals;
- expanding the number of technical terms given specific definition; and
- expanding the explanatory material, both text and graphic, to explain the basis and operation of Codes.

1.5.2 Implications of the Performance Approach

The Code has been arranged to provide a clear choice for applicants to select a performance approach to approval or a standards approach. Performance Criteria and Acceptable Development requirements are set out in left-hand and right-hand columns respectively within the Code. If an applicant wishes to have a development assessed against the Performance Criteria, then all the left-hand column criteria must be addressed. If the applicant wishes a development to be judged against the Acceptable Development standards, the provisions of the right-hand column must be satisfied.

It is expected that most development will be assessed against the Acceptable Development provisions and that where a proposal is unable to meet one or more provision, discretion will be sought from the Council against the specific Performance Criteria associated with the areas of non-compliance.

Attitudes to the Performance Approach

The shift from an essentially prescriptive code, albeit one with scope for discretion, to a performance-orientated code necessarily has implications for the administration of the development process. A performance orientation shifts the emphasis from compliance with Code provisions to performance-based outcomes.

A purely performance-based code would have administrative difficulties. Recognising this, the Codes provide a set of "deemed-to-comply" provisions corresponding to the Performance Criteria. These perform a dual role, firstly by providing a straightforward pathway to assessment and approval, and secondly by providing guidance as to the level of response to a Performance Criterion that might be acceptable.

Consequently, the Codes recognise, and make provision for, the most common situations and design responses to the Performance Criteria. The intention is thereby to reduce the need for individual interpretation of the Performance Criteria.

There is a concern that local government may tend to treat the Acceptable Development provisions as though they were prescriptive standards, and be reluctant to examine alternatives based upon the Performance Criteria.

As all variables in the design process cannot be fully accounted for in the Acceptable Development provisions, especially in the elements relating to privacy, boundary setbacks and design for climate, the Acceptable Development provisions must, of necessity, be conservative. Consequently, it is incumbent upon a Council to consider each design outcome according to its merits.

Need for Training

To obtain the maximum benefit of the performance approach it will be necessary to provide professional development and training for those using the Codes, including builders and their designers, local government officers and, to a lesser extent, local government councillors and private developers. Training programs will have some elements in common but will need to be targeted to the specific needs of particular groups.

Delegation of Decision-Making

The structure of the Codes creates the potential for administrative simplicity, especially where a proposal meets all relevant Acceptable Development provisions and hence no discretionary decisions are required by the Council. In these cases, the Codes expressly exclude mandatory neighbour consultation and the imposition of more stringent requirements. In these cases, it would be appropriate for a Council to delegate the power of approval to the appropriate officers.

1.5.3 Appeals

Because the Codes are performance-orientated, almost all refusals or conditions imposed by a Council will be subject to a right of appeal as they involve the exercise of a discretion under the *Town Planning and Development Act*. An exception to this will be a refusal based on non-compliance with the site area provisions of the Codes, set out in Element 1 - Housing Density.

Part 2 - General Provisions

2.1 GENERAL OBJECTIVES

The Codes have the following objectives:

2.1.1 Objectives for Residential Development

i. to provide for a full range of housing types and densities that meet the needs of all people;

ii. to provide for local variations in neighbourhood character;

iii. to ensure appropriate standards of amenity for all dwellings;

iv. to ensure provision of on-site facilities for all dwellings;

v. to protect the amenity of adjoining residential properties;

vi. to encourage the conservation of buildings with heritage value; and

vii. to encourage environmentally sensitive design.

2.1.2 Objectives for the Planning and Development Process

i. to provide local government with the full range of choices for housing type and design, to meet the needs of their communities;

ii. to provide for uniformity of residential development standards, consistent with local needs;

iii. to provide clear and understandable siting and design standards;

iv. to minimise cost and delay in the process of preparing, assessing and determining development applications; and

v. to provide for neighbour consultation and discretionary decisions by councils where Acceptable Development provisions are not met.

2.1.3 Application of Objectives

In assessing and determining applications for residential development, the Council shall have regard to both the General Objectives and any Specific Objectives for Code provisions set out in the Codes.

2.2 DEFINITIONS

In the case of residential development under the Codes, unless the context requires otherwise, words and expressions have the meaning given to them below.

Acceptable Development

Development that complies with the corresponding provision for Acceptable Development in the Codes unless Council has a contrary Local Planning Policy.

Active Habitable Space

Any habitable room with a floor area greater than 10sqm and any balcony, verandah, terrace or other outdoor living area raised more than 0.5m above natural ground level and greater than 1.0m in dimension and 3sqm in area.

Adjoining Property

Any lot:

- on which any dwelling for which provision is made in the Codes may be constructed under the Scheme; and
- which shares a boundary or portion of a boundary with a lot upon which there is a proposed residential development site or is separated from that lot by a right-of-way, vehicle access-way, pedestrian access way, access leg of a battleaxe lot or the equivalent not more than 6m in width.

Aged or Dependent Person

A person who is aged 55 years or over or is a person with a recognised form of disability requiring special accommodation provisions for independent living or special care.

Ancillary Accommodation

Self-contained living accommodation on the same lot as a Single House that may be attached or detached from the Single House occupied by members of the same family as the occupiers of the main dwelling.

Balcony

A balustraded platform on the outside of a dwelling with access from an upper internal room.

Battleaxe lot or site

A Single House lot or site that has a frontage to a public road only through a pedestrian or vehicular accessway that is part of the lot, but the term excludes a lot that has vehicle access from a private or communal street or right-of-way connected to a public road.

Building

Any structure whether fixed or moveable, temporary or permanent, placed or erected upon land, and the term includes dwellings and structures appurtenant to dwellings such as carports, garages, verandahs, patios, outbuildings and retaining walls, but excludes boundary fences, pergolas and swimming pools.

Carport

A roofed structure designed to accommodate one or more motor vehicles unenclosed except to the extent that it abuts a dwelling or a property boundary on one side, and being without a door unless that door is visually permeable.

Commission

The Western Australian Planning Commission.

Communal Open Space

Open space set aside for the recreational use of the occupants of the dwellings in a common development and does not include driveways or car-parking areas.

Communal Street

A private carriageway providing joint access to two or more dwellings within a residential development.

Cone of Vision

The limits of outlook from any given viewpoint for the purposes of assessing the extent of overlooking from that point illustrated in Element 8 of the Codes.

Council

The relevant local government or other body responsible for granting or refusing consent to development pursuant to a town planning scheme.

Development Site

A lot within which development is proposed.

Detailed Area Plan

The design guidelines prepared for lots below 350sqm and other lots as appropriate, which address matters raised in Element 3 - Lot Layout of *Liveable Neighbourhoods, Edition 2*, June 2000 WAPC or its replacement.

Driveway

The paved vehicle accessway between the parking area of a dwelling and the property boundary.

Dwelling

A building or portion of a building being used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than six persons who do not comprise a single family.

Frontage

The width of a lot at the primary street setback line, provided that in the case of battleaxe or other irregularly shaped lots, it shall be as determined by the Council.

Garage

Any roofed structure, other than a carport, designed to accommodate one or more motor vehicles.

Green Title

A lot owned in fee simple issued with a certificate of title under the *Transfer of Land Act 1893* other than a strata lot or a survey-strata lot.

Ground Floor Area

Any area that is not open space that has a floor area not more than 0.5m above natural ground level.

Grouped Dwelling

A dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property.

Habitable Room

A room used for normal domestic activities that includes:

- a bedroom, living room, lounge room, music room, sitting room, television room, kitchen, dining room, sewing room, study, playroom, sunroom, gymnasium, fully enclosed swimming pool or patio;

but excludes:

- a bathroom, laundry, water closet, food storage pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes drying room, verandah and unenclosed swimming pool or patio and other spaces of a specialised nature occupied neither frequently nor for extended periods.

Height, Building

The vertical distance at any point from natural ground level to the uppermost part of the building above that point (roof ridge, parapet or wall), excluding minor projections above that point.

Height, Wall

The vertical distance from natural ground level to the roof or parapet at any point in accordance with Figures 2A, 2B and 2C.

Incidental Development

Development which is associated with or attached to a dwelling and incidental to its main residential functions.

Inner-City Housing

Areas designated in the Scheme as R-IC where special provisions of the Residential Design Codes apply.

Landscape, Landscaping or Landscaped

Land developed with garden beds, shrubs and trees, or by the planting of lawns, and includes such features as rockeries, ornamental ponds, swimming pools, barbecue areas or children's playgrounds and any other such area approved of by the Council as landscaped area.

Local Planning Policy

Any policy prepared by a local government in accordance with the procedures set out in the Model Scheme Text or equivalent procedures in the Scheme.

Lot

For Single Houses, a 'lot' as defined under the *Town Planning and Development Act*, and therefore for Multiple or Grouped Dwellings, the parent 'lot', inclusive of common areas, on which the strata scheme relates as defined under the *Town Planning and Development Act*.

Major Opening

A window, door or other opening in the exterior wall of a habitable room that provides substantial external means of light or view for that room or space, but does not include an opening or openings that:

- in aggregate do not exceed one square metre in any such wall, (provided that adjoining or contiguous windows at the junction of two walls forming an internal angle of 90 degrees or less shall be aggregated); or
- are glazed in an obscure material and are not openable; or
- have a sill height not less than 1.6m above floor level.

Minor Projection

- In relation to the height of a building: a chimney, vent pipe, aerial or other appurtenance of like scale;
- In relation to a wall: a rainwater pipe, vent pipe, eaves overhang, cornice or other moulding or decorative feature, provided that the projection does not exceed 0.75m measured horizontally.

Mixed-Use Development

Buildings that contain residential dwellings in conjunction with commercial and non-residential uses.

Model Scheme Text

The framework for setting out town planning schemes as described in Appendix B to the Town Planning Amendment Regulations 1999.

Multiple Dwelling

A dwelling in a group of more than one dwelling on a lot where any part of a dwelling is vertically above part of any other but does not include a Grouped Dwelling.

Natural Ground Level

The levels on a site which precede the proposed development, excluding any site works unless approved by the Council or established as part of subdivision of the land preceding development.

Open Space

Generally that area of a lot which is not occupied by any building and includes:

- open areas of accessible and useable flat roofs and outdoor living areas above natural ground level;
- areas beneath eaves overhangs, verandahs or patios not more than 0.5m above natural ground level, unenclosed on at least two sides and covering no more than 10 per cent of the site area or 50sqm whichever is the lesser;

- pergolas;
- uncovered driveways (including access aisles in parking areas) and uncovered carbays;

but excludes:

- non-accessible roofs, verandahs and balconies over 0.5m above natural ground level;
- covered car-parking bays and walkways, areas for rubbish disposal, stores, outbuildings or plant rooms.

Outdoor Living Area

The area external to a Single House or Grouped Dwelling to be used in conjunction with that dwelling such that it is capable of active or passive use but excludes any area with a dimension of less than one metre minimum dimension or which, by reason of its development or topography, is not readily accessible from the dwelling.

Outbuilding

An enclosed non-habitable structure that is required to meet the standards of the Building Code of Australia and is detached from any dwelling.

Patio

A water impermeable roofed open-sided area.

Performance Criteria

Criteria to be used in the preparation, submission and assessment of development proposals for the purpose of determining their acceptability.

Pergola

An unroofed open-framed structure.

Plot Ratio

The ratio of the gross total of the areas of all floors of buildings on a site to the area of land within the site boundaries. For this purpose, such areas shall include the area of any walls but not include the areas of lift shafts, stairs or stair landings common to two or more dwellings, machinery, air conditioning and equipment rooms, non-habitable space that is wholly below natural ground level, areas used exclusively for the parking of wheeled vehicles at or below natural ground level, lobbies or amenities areas common to more than one dwelling, or balconies or verandahs open on at least two sides.

Plot Ratio Area

The floor area of buildings on a site as delineated in the definition of 'plot ratio'.

Primary Street

The sole or principal public road that provides access to a site.

Private Open Space

Open space set aside on a lot for the exclusive use of the occupants of the dwelling to which it abuts and excludes car parking spaces and accessways.

Residential Building

A building or portion of a building, together with rooms and outbuildings separate from such building but incidental thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation:

- temporarily by two or more persons; or
- permanently by seven or more persons,

who do not comprise a single family, but does not include a hospital or sanatorium, a prison, a hotel, a motel, or a residential school.

Right-of-Way

A laneway, private street, or other use of land (not being a public street, road or right-of-way) that provides vehicular access to a development site.

Scheme

The town planning scheme that specifies zoning and development standards gazetted pursuant to the *Town Planning and Development Act 1928*.

Screening

Permanently fixed external perforated panels or trellises composed of solid or obscured translucent panels.

Secondary Street

In the case of a site that has access from more than one public road, a road that is not the primary street but which intersects with or adjoins that road.

Setback

The horizontal distance between a wall at any point and an adjacent lot boundary, measured at right angles (90 degrees) to the boundary.

Serviced Apartment

A residential dwelling that forms part of a complex where common maintenance or other services are provided.

Single Bedroom Dwelling

A dwelling that contains a living room and no more than one other habitable room that is capable of use as a bedroom.

Single House

A dwelling standing wholly on its own green title or survey-strata lot, together with any easement over adjoining land for support of a wall or for access or services and excludes dwellings on titles with areas held in common property.

Site

- In the case of a Single House, the green title or survey strata lot on which it stands.
- In the case of a Grouped Dwelling, the area occupied by the dwelling together with any area allocated (whether by way of strata title or otherwise) for the exclusive use or benefit of that dwelling.
- In the case of a Multiple Dwelling development, the lot (or parent lot where the lot is subdivided under strata title) on which the dwellings stand.

Site Area

The area of land required for the construction of a dwelling to satisfy the requirements of the Codes.

Special Control Area

Land designated on the Scheme map to which special controls apply.

Storey

That part of a building between floor levels. If there is no floor above, it is the part between the floor level and the ceiling.

Strata Plan

Has the meaning given by section 4(1a) of the *Strata Titles Act 1985*.

Strata Scheme

Has the meaning given under the *Strata Titles Act 1985*.

Survey Strata lot

Land that is shown as a lot consisting of one or more parts on a plan for the survey strata scheme, but does not include a lot shown as common property or land shown as being set aside for a road or reserve.

Street Setback

The horizontal distance between the street alignment and a building, measured at right angles (90 degrees) to the street alignment.

Street Setback Area

The area between the street alignment and the street setback line as set out in Table 1 or as established in a particular case in accordance with the provisions of Element 2.

Street Alignment

The boundary between the land comprising a street and the land that abuts thereon.

Survey-Strata

A lot and associated common property as shown on a registered survey-strata plan prepared in accordance with section 4(1b) of the *Strata Titles Act 1985.*

The Codes

The objectives, definitions and requirements and associated Tables and Figures contained in Parts 2, 3 and 4 of the Residential Design Codes (R-Codes).

Tandem Parking

Two parking spaces arranged one behind the other where parking in one bay precludes vehicular entry or exit to or from the other bay.

Verandah

A roofed open platform attached to a dwelling.

Visually Permeable

In reference to a wall, gate, door or fence, that the vertical surface has:

- continuous vertical gaps of at least 50mm width occupying not less than one third of its face in aggregate of the entire surface or where narrower than 50mm, occupying at least one half of the face in aggregate, as viewed directly from the street; or
- a surface offering equal or lesser obstruction to view.

Wall

The vertical external face of a constructed building comprising solid building material and including enclosures to verandahs and balconies.

2.3 The Approval Process

Introduction

Where the Codes are introduced by reference into the Scheme, it is a requirement for all residential development to comply with the Codes.

Proponents are required to satisfy the Council that the Codes provisions have been met where a planning application is required under the Scheme.

Generally a planning approval is required for a Grouped or Multiple Dwelling; however, in most districts Single Houses are exempt from the requirement of planning approval under the Scheme, or under the Metropolitan Region Scheme. In these cases proponents are required to meet the requirements of the Codes, although there is no necessity to submit a formal application for complying development. It is incumbent on a Council to confirm that a proposal complies with the Codes prior to considering the issue of a building licence.

Building Licence Application

Single House development approvals are often dealt with entirely through the building licence application and approval process, and planning considerations are often inappropriately drawn into the assessment of these building licence applications. Often this has been seen as a method to draw in planning considerations.

The building licence application should not be used to impose planning conditions, and a building licence should not be refused on planning grounds. Using the building licence process as a means of determining Codes compliance has in the past resulted in inappropriate appeals to the Minister for Local Government who is not able to take planning matters into account when determining appeals.

Model Scheme Text Provisions

The Model Scheme Text exempts Single Houses from the need for planning approval except where:

- exercise of a discretion is required to vary from the provisions of the Codes; or
- it is located in a Heritage Area designated under the Scheme;

and in the case of demolition of any building or structure where the building or structure is:

- included in the State Register of Heritage Places; or
- included on the Heritage List of the Scheme; or
- located within a Heritage Area designated under the Scheme.

As it will take some time for all planning schemes to conform with the Model Scheme Text provisions, the Codes set out provisions for dealing with proposals for Single Houses where they are exempt from the requirement to apply for planning approval.

Planning Approval for Small Lots

Although there is no general requirement in the Codes for development approval to accompany subdivision approval, because of the likely planning issues that arise in the siting and design of dwellings on small lots, planning approval is required under the Codes for Single Houses on lots of less than 350sqm.

Discretionary Approval

The Codes have been drafted to provide, via the "deemed-to-comply" Acceptable Development provisions, a straightforward pathway to approval. Where a proposal does not comply with the Acceptable Development requirements, approval of the Council for those matters not complying is required. Where a Council refuses such an application an appeal may be lodged according to the provisions of the *Town Planning and Development Act*.

Where any Acceptable Development provision is not met, an applicant may seek a discretionary approval from a Council. All Codes provisions (with the exception of the site area requirements set out in Table 1) are open to the exercise of discretion.

In considering whether to grant a discretionary approval, Councils should adopt a consistent approach taking into account:

- the Performance Criteria relating to the matter for which discretionary approval is sought;
- the relevant provisions of the Scheme; and
- the relevant contents of a Local Planning Policy prepared in accordance with the Codes.

A Council should not refuse an application that meets Acceptable Development requirements unless there are more stringent town planning scheme or Local Planning Policy provisions that are unmet.

Application Forms

Proponents are required to submit an application for a discretionary approval either by a submitting planning application form provided under the Scheme (where one is required under the Scheme) or by the use of the Codes Approval Application Form included in Appendix 1 to the Codes.

The Approval Process - Requirements

2.3.1 Planning Approval

(1) Where planning approval is required under the Scheme, a planning application shall be lodged with the relevant Council for approval.

(2) The planning application should provide details regarding the manner in which the requirements of the Codes, being part of the Scheme, are satisfied.

(3) All residential development is to comply with the requirements of the Codes and, notwithstanding that under any other provision of the Scheme residential development (including construction of a Single House) may be exempted from or does not require planning approval, prior approval under and in accordance with the Codes (Codes Approval) is required if the proposed residential development:

- does not conform with the Acceptable Development provisions of Parts 3 and 4; or
- requires the exercise of discretion by Council in respect of any matter under the Codes.

2.3.2 Single House Approvals

Where the development of a Single House does not require planning approval under the Scheme, but that development requires the exercise of discretion under the Codes:

i. an application shall be made in accordance with the Form set out in Appendix 1 to the Codes or a suitable form pursuant to the Scheme for the exercise of discretion under the Codes prior to the issue of a building licence;

ii. the application shall contain such details as are required in Section 2.4 of the Codes or such information as is required by Council from time to time under a Local Planning Policy; and

iii. the decision of the Council shall be conveyed in writing to the applicant in the form included in Appendix 2 and shall have effect from the date of the decision.

2.3.3 Planning Approval for Single Houses on Small Lots

Notwithstanding Clause 8.2(b) of the Model Scheme Text, and any other provision of the Scheme, planning approval is required for the erection of a Single House on any lot smaller than 350sqm.

2.3.4 Exercise of Discretion

(1). Where Codes Approval is required the applicant shall make an application in accordance with the form set out in Appendix 1 to the Codes to the Council for approval. Subject to clause 2.3.4(2) and (3) the Council is to exercise its discretion in considering such application having regard to the considerations, standards and requirements provided in the Codes.

(2). Discretion shall be exercised having regard to the following considerations:

i. the stated purpose and aims of the Scheme;

ii. the provisions of Parts 2, 3 and 4 of the Codes, as appropriate;

iii. the Performance Criterion or Criteria in the context of the R-Coding for the locality that correspond to the relevant provision;

iv. the explanatory text of the Codes that corresponds to the relevant provision;

v. any Local Planning Strategy incorporated into the Scheme;

vi. a provision of a Local Planning Policy pursuant to the Codes and complying with sub-clause (5) below; and

vii. orderly and proper planning.

(3). A Council shall not vary the minimum or average site area per dwelling requirements set out in Table 1 except as provided in the Codes or in the Scheme.

(4). A Council shall not refuse to grant approval to an application in respect of any matter where the application complies with the relevant Acceptable Development provision, Local Planning Policy and relevant provisions of the Scheme.

(5). For the purpose of the Codes, a Local Planning Policy will be a relevant consideration in the exercise of discretion where the Policy:

i. is specifically sanctioned by a provision of the Codes; and

ii. is not inconsistent with the Codes.

2.4 ACCOMPANYING INFORMATION

Introduction

Specific information is required to accompany an application for the approval of Council where such approval is required as a provision of the Scheme or where the Acceptable Development provisions of the Codes have not been met.

The information should be attached to the necessary application form to describe not only the proposed development but also, where appropriate, the relationship of the development to neighbouring development. Good design begins with a clear understanding of the site and its immediate surroundings.

While most of the required information is common to all applications, there are specific information requirements where a proposal affects a heritage place, requires the preparation of a landscaping plan, or may result in overlooking or overshadowing of an adjoining property.

Consultation with Council Officers

Council officers can advise on the details of any relevant Council policies as well as specific Scheme and Codes requirements that apply to any particular application. They may also indicate where a proposal does not meet an allowable development provision and hence requires justification in terms of the relevant performance criterion. This will enable a proponent to amend the proposal or prepare the justification and avoid unnecessary delays.

In those instances where a proposal has the potential to adversely affect the amenity of a neighbouring property, for example by overlooking or overshadowing, the Council officers can advise which neighbours will require to be consulted.

Preparation of Necessary Plans

Although a comprehensive site analysis is not mandatory, it is desirable for good design.

Plans of the existing site, including current improvements and proposals as well as relevant information pertaining to adjacent properties and street features, should be prepared in parallel with specific plans for a development proposal.

The information that should be included on a Site Analysis Plan is illustrated opposite. It is desirable to prepare a separate Proposed Development Site Plan (also illustrated) although it would be acceptable to combine the two plans where the required information was included.

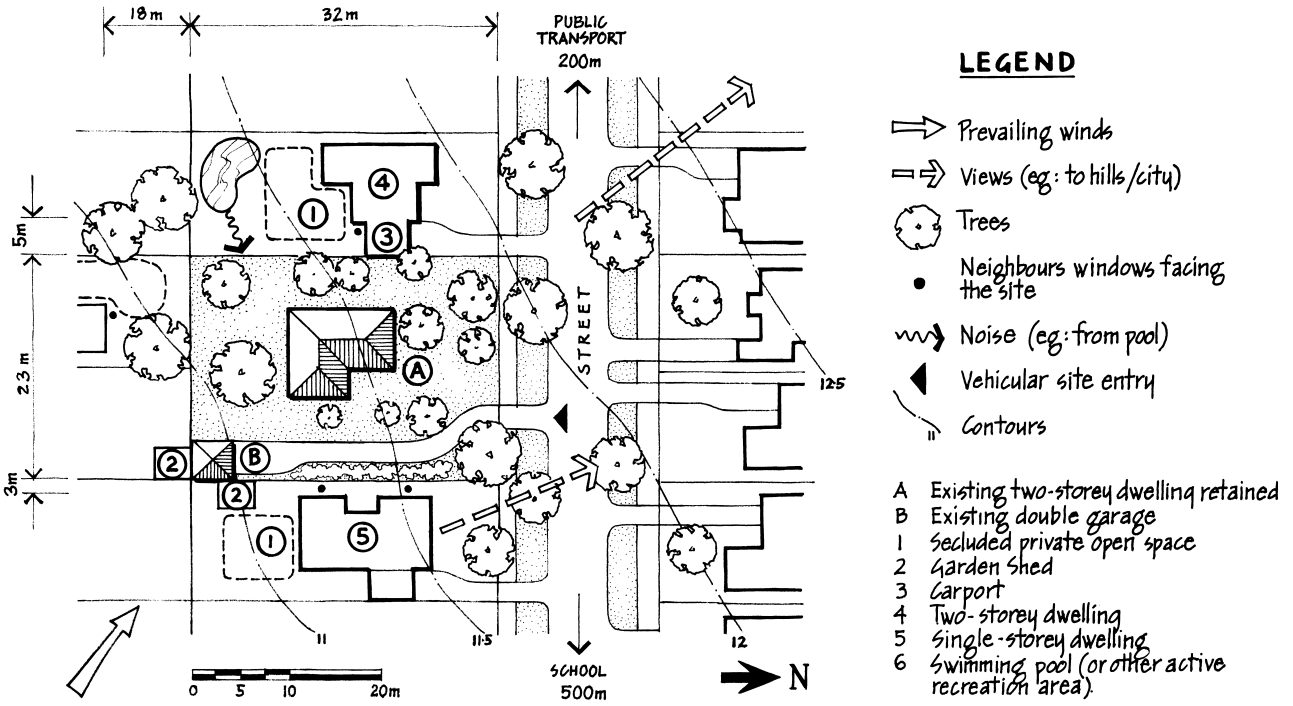


Illustration of site analysis plan

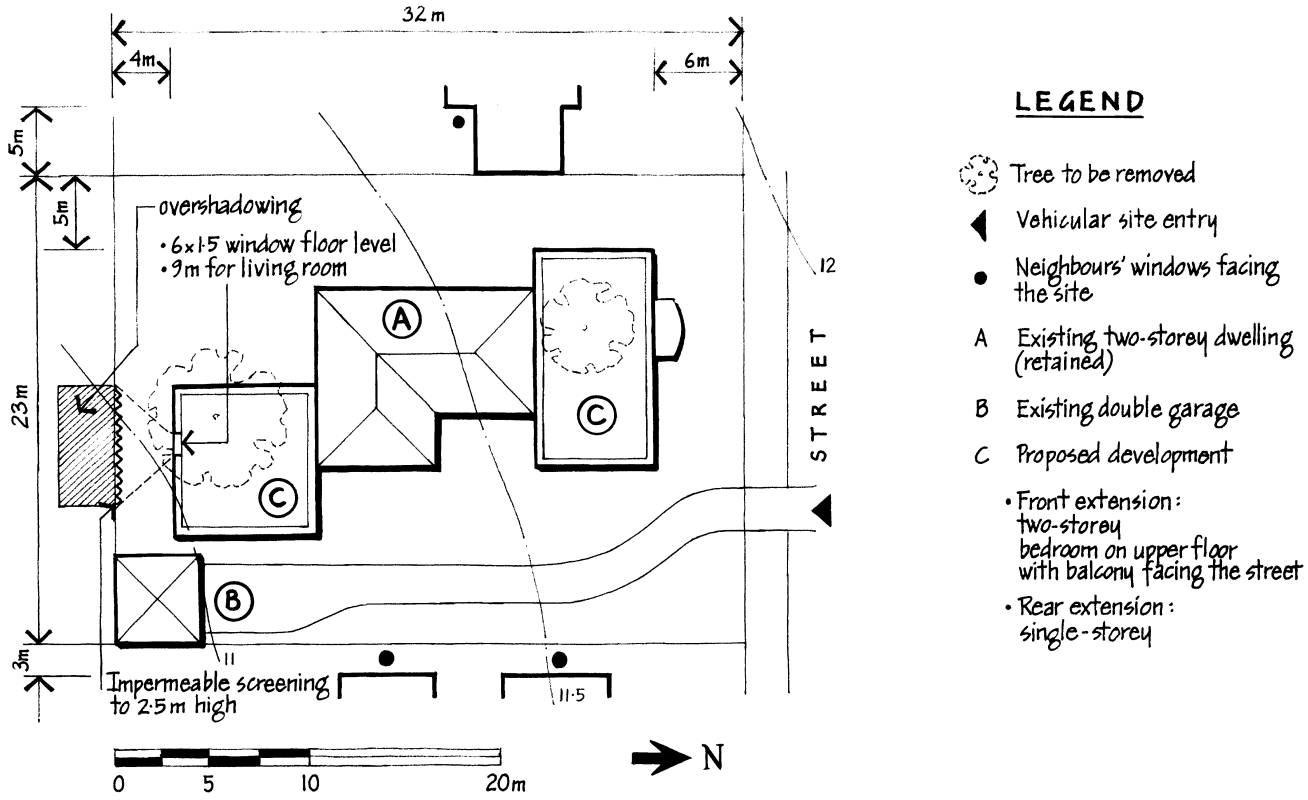


Illustration of proposed development site plan

Accompanying Information - Requirements

2.4.1 Applications for Planning Approval

Where Planning Approval is required:

- under the Scheme;
- the proposed development requires the Council to exercise a discretion under the Codes; or
- the proposal is for the development of a lot of less than 350sqm,

an application shall be made to the Council on the appropriate form.

2.4.2 Applications for Codes Approval

An application for Codes Approval shall be submitted to Council under Appendix 1 in respect of residential development (including the construction of a Single House) not otherwise requiring prior approval under another provision of the Scheme where:

(i) the proposed development does not conform with the Acceptable Development Provisions set out in Parts 3 and 4;

(ii) the proposed development requires the Council to exercise a discretion under the Codes; or

(iii) the proponent seeks assessment in accordance with the performance criteria of the Codes.

2.4.3 General Information Requirements

(1) The requirements of 2.4.1 and 2.4.2 are applicable notwithstanding any other provision in the Scheme. In any other cases where Planning Approval or Codes Approval is not required, information shall be submitted to demonstrate that the Codes requirements have been satisfied for purposes of verification by Council prior to Council issuing a Building Licence.

(2) Unless otherwise determined by Council residential development proposals shall be supported with information as to the development site, the proposed development, and adjoining properties contained in an Existing Site Analysis Plan, a Proposed Development Site Plan and Drawings in accordance with 2.4.4 - 2.4.6.

2.4.4 Existing Site Analysis Plan

(1) An Existing Site Analysis Plan shall be provided at a scale of not less than 1:200 containing the following:

i. street name and lot number;

ii. north point and scale bar;

iii. all boundary and area dimensions;

iv. existing levels to an established datum, including contours at maximum intervals of 0.5m and spot levels at all boundaries at intervals not greater than 5m;

v. the position and dimensions, horizontal and vertical, of existing buildings, retaining walls and other structures;

vi. the position, type, and size of any tree exceeding 3m in height;

vii. the street verge, including footpaths, street trees, crossovers, power poles and any services such as telephone, gas, water and sewerage in the verge;

viii. location of service connections;

ix. location of any easement or piped service traversing the site and any sewer or sewer connection point servicing the site;

x. location of any access restrictions such as road islands adjacent to the site; and

xi. the position of any adjoining and existing buildings that might affect, or be affected by, the proposed development, including the position of the proposed development, levels of habitable room windows, and outdoor living areas.

(2) It is desirable for the Site Analysis Plan to include the following:

i. the direction of cooling breezes and areas exposed to winter sun;

ii. the most favourable locations for outdoor living areas (generally, on the north);

iii. desirable views; and

iv. photographs or drawings of the street elevations of any existing buildings on site and on the adjoining sites, showing height, roof and wall materials, windows and roof pitch.

2.4.5 Proposed Development Site Plan

(1) A Proposed Development Site Plan (which may be combined with the plan described in 2.4.3) shall be provided at a scale of not less than 1:200 showing the following:

i. site dimensions, scale bar, north point, and existing contours and levels as in 2.4.3;

ii. the horizontal position, floor levels and positions of all openings of any existing and proposed building or part of a building on the subject property and within 7.5m of a side boundary;

iii. the position and levels of all proposed buildings, walls, fences, retaining walls and other structures;

iv. the position of paved vehicle, pedestrian accessways and parking spaces;

v. structures and trees to be removed;

vi. areas to be landscaped;

vii. proposed finished levels over the site; and

viii. the shadow that would be cast at noon on 21 June by any proposed building onto an adjoining property for any proposed development.

(2) The Site Development Plan shall be supported by drawings at a scale of not less than 1:100 which show:

i. all floor plans and their distances from the boundaries of the site;

ii. all elevations, with the existing and natural ground levels, wall heights and roof heights related to the common datum;

iii. cross-sections through any proposed areas of excavation or filling with the relevant existing, natural and proposed levels related to the datum; and

iv. proposed materials, colours and finishes of the exterior of the building.

2.4.6 Special Information Requirements

The following additional information shall be provided where necessary to enable proper assessment of:

- specific provisions of the Codes; or
- matters required to be assessed against Performance Criteria:

i. A written justification, where an Acceptable Development provision of the Codes has not been satisfied, or cannot be satisfied, and the proposal relies upon satisfying a Performance Criterion, or a submission that the Performance Criterion is irrelevant or cannot be met.

ii. Where a proposed major opening to an Active Habitable Space is less distant from the nearest point of common boundary than the setbacks set out in Element 8 - Privacy the following information shall be provided:

- the position and dimensions of any balcony or major openings to any Active Habitable Space in any wall of an adjoining building which is visible from the development site and is located within 6m of a boundary of the development site;

- the position and level of any accessible area (e.g. of lawn, paving, decking, balcony or swimming pool) on any adjoining property and within 6m of a boundary of the development site;
- provision of additional or marked up plans and sections showing the cone of vision and critical lines of sight from those major openings as they relate to the adjoining property; and
- details of screening or other measures proposed to be utilised to reduce overlooking.

iii. Where a proposed building does not meet the Acceptable Development provisions relating to overshadowing set out in Element 9 – Design for Climate, provision of plans and sections of sufficient information to explain how the adjoining property as a whole would be affected by overshadowing.

iv. Where an existing place on the State Heritage Register or the Heritage List of the Scheme is proposed to be demolished, or its external appearance significantly altered, provision of:

- a copy of any heritage assessment or report or conservation plan that has previously been carried out for the place;
- photographs of the place or parts of the place proposed to be affected; and
- a justification for the proposal, as in 2.4.6i above.

v. In the case of proposed Multiple Dwelling developments and for all proposed developments which include communal open space, the provision of a landscape development plan covering the matters set out in 3.4.5 of Element 4 - Open Space. Such a plan may, if the proponent chooses, be in outline form in the initial application, subject to submission and approval of the detailed plan, including a written maintenance manual, prior to the issue of a Building Licence.

2.5 NEIGHBOUR CONSULTATION

Introduction

The prime purposes of neighbour consultation are to respect the legitimate right of people to be informed about matters that may affect them, and to enhance the understanding of the process by which a decision is made by Council. In these respects neighbour consultation is important.

The purpose of neighbour consultation is not to shift the responsibility or power away from the Council and on to its affected residents.

Principles of Consultation

The key principles of consultation are:

i. It is usually more productive, as well as courteous, to advise neighbours of development proposals as far in advance as possible and, where necessary, negotiate outcomes that are acceptable, before a formal application is lodged.

ii. Formal consultation should be confined to circumstances where the Council is called upon to exercise discretion in relation to an aspect of the development that directly affects an adjoining property. The opinions of affected adjoining property owners can inform, but cannot be a substitute for, the exercise of professional advice by Council's officers.

Consultation Procedure

Accordingly, the suggested practice is:

i. to advise proponents to discuss proposals with neighbours who may be affected by the development before the proposals are finalised and submitted to the Council;

ii. for Council to consult formally with adjoining property owners only when:

- it is called upon to exercise a discretion provided for in the Codes or its Scheme;
- that decision has the potential to adversely affect the adjoining property; and
- the applicant has not already provided evidence of consultation and/or adjoining property owner comments deemed adequate by the Council.

iii. for the proposal to be clearly and adequately documented and supported;

iv. in inviting comment, the Council should make it clear on which aspects of the proposal comment is sought, that the Council's decision must depend on its judgment and that it does not follow that the Council will automatically agree with neighbours' submissions. (A suitable form to use in the seeking the comments of adjoining property owners is included in the Codes at Appendix 3);

v. for adjoining property owners to be given adequate opportunity to inspect and understand the proposals and time to respond;

vi. where a proposal is likely to affect more than the immediate neighbours, to invite comment on the proposal through the medium of a local newspaper; and

vii. to provide the applicant with a summary of all submissions received, with an opportunity to respond prior to the Council considering the application.

Where, in accordance with the practice suggested above, the Council deems it necessary to consult potentially affected adjoining property owners, and no prior, informal consultation has taken place, it is necessary that the invitation to comment come from the Council itself. However, a Council may allow for the applicant to formally notify the potentially affected adjoining property owners.

In order not to cause unnecessary delays in the approval process it is desirable that the Council delegate to its officers the power to determine whether an application requires consultation with adjoining property owners and which neighbouring properties should be the subject of consultation.

There is a presumption that it will only rarely be the case that a development proposal has the potential to adversely affect the amenity of any property other than those immediately abutting, or those separated only by a right-of-way or accessway less than 6m in width.

Discretionary Decisions

In relation to the Codes, discretionary decisions are limited to any aspect of a proposal that does not accord with the relevant Acceptable Development provision or provisions and hence relies on the relevant Performance Criteria.

Informing neighbours

A Council may inform neighbours where a development proposal complies with the Codes. Where a Council, in the interest of informing the community, decides to so inform, it should be made clear that neighbour comments are not being sought and that the proposal complies with the requirements of the Codes.

Neighbour Consultation - Requirement

2.5.1 Consultation Requirement

In the case of a proposed development that:

i. requires the exercise of a discretion by the Council under the Codes or under an adopted Local Planning Policy; and

ii. may, in the opinion of the Council, adversely affect the amenity of an adjoining property,

the provisions of 2.5.2 and 2.5.3 apply to provide for affected property owners to view and comment on the proposal.

In any other case the Council may, at its discretion, inform adjoining owners and occupiers of the nature of proposals received.

2.5.2 Consultation Procedure

Potentially affected owners of adjoining properties, as identified by the Council, shall be notified, of:

- the site and general nature of the proposals;
- the nature of the discretionary decision involved;
- the availability of details of the proposals at the Council premises; and
- the last date by which any comments are to be lodged with the Council, being at least fourteen (14) days after date of posting of notification, and invited to comment on that part of the proposed development that does not meet the acceptable development requirements of the Codes.

Where no response is received within the time specified from the date of notification the Council may determine the application without the affected owner's response.

As an alternative a Council may permit such notification to be carried out by the applicant, subject to the notification of the above information and proof of posting by registered post provided to the Council.

Where a Council considers a proposal to be unacceptable it may refuse the application without undertaking neighbour consultation.

2.5.3 Opportunity to Respond

Where comments are received from affected property owners, the Council shall provide the applicant with the opportunity to respond to the Council.

A summary of all comments received in response to an invitation under 2.5.2 shall be provided to the applicant on request; and, if so requested, a period of not more than seven days should be allowed within which the applicant may submit a response to the comments prior to the Council considering the application.

2.6 LOCAL PLANNING POLICIES

The adoption by Councils of planning policies to overcome deficiencies – principally gaps – in town planning schemes (including gaps in the Codes) has grown dramatically in number, sophistication and importance in recent years. It is a development that has led to some confusion and inconsistency, and often to added delay and cost.

In some cases the legitimacy of such policies is in doubt, either because of lack of an appropriate head of power, or inconsistency with the provisions of the Codes.

The Codes aim to obviate the need for the use of Local Planning Policies which incorporate generic provisions, such as those designed to protect privacy and to design for streetscape, by incorporation of these aspects within the Codes. However, the Codes recognise that local differences of character must be accommodated. Accordingly, Local Planning Policies, properly advertised and adopted by similar procedures as those set out in the Model Scheme Text, are the appropriate method to accomplish this aim and only these will have the required effect. This is because only those policies that are both properly made in terms of the Model Scheme Text provisions and are consistent with the Codes have effect under the Codes.

The Codes restrict the preparation of Local Planning Policies that seek to vary the Codes to the following:

Streetscape (Element 2, A1-A6)

Local Planning Policies may be prepared for streetscape that provide alternative requirements for:

- primary and secondary street setbacks;
- fencing and wall requirements;
- the form and materials of retaining walls;
- controls relating to development within the front setback;
- the siting of carports and garages;
- controls to secure view from the dwelling to the street; and
- averaging of front setbacks.

Building Design (Element 2, A7-A9)

Local Planning Policies may be prepared for building design that provide alternative requirements for:

- design of carports and garages;
- the colour, scale, materials and roof pitch of buildings including outbuildings; and
- the extent to which the upper levels of buildings as viewed from the street should be limited.

Boundary Walls (Element 3, A2)

Local Planning Policies may be prepared for boundary walls that provide alternative requirements for:

- the dimensions of boundary walls; and
- the need for boundary walls to be considered against Performance Criteria following neighbour consultation.

Building Height (Element 7, A1)

Local Planning Policies may be prepared for building height that apply:

- The Area A provisions of Table 3 to the whole district, or individual precincts;
- The Area C provisions of Table 3 to the whole district or individual precincts;
- The Area A standards of Table 3 to specific development situations such as rear battleaxe developments or Aged or Dependent Persons' Dwellings; and
- alternative approaches to controlling the height of buildings.

Inner-City Housing (Section 4.3)

Areas coded for Inner-City Housing may be subject to a range of Local Planning Policies to vary the Codes. In these areas it is expected that the implementation of controls will be preceded by area, or precinct-specific, studies and accompanied by Local Planning Policies to ensure that the particular desired characteristics of an area are promoted.

Regional Exceptions

The Codes are designed to apply statewide. However, it is recognised that regional differences exist and there may be instances where Local Planning Policies are justified for reasons of regional climate or topography. In these instances full justification should be provided to the Commission prior to the adoption of such a Local Planning Policy.

Default Provisions

Where no Local Planning Policy is in place, the Codes apply.

Special Control Areas

In localities or precincts of distinctive character it may be appropriate for the Council to designate a Special Control Area under the Scheme. Special Control Area provisions might typically deal, in addition to street setbacks and building heights, with matters such as roof pitches, street fencing and external appearance.

Local Planning Policies - Requirements

2.6.1 Local Planning Policies Consistent with Codes

Subject to 2.6.2, a Local Planning Policy that affects residential development shall be consistent with the provisions of the Codes and may not provide for greater or lesser requirements than the Codes unless expressly permitted under the Codes.

2.6.2 Scope of Local Planning Policies

Local Planning Policies may contain provisions which are:

i. more or less stringent than the Codes where expressly permitted under the Codes. The Codes permit Local Planning Policies to be prepared to address local requirements for streetscape, building design, building height, boundary walls, and for areas Coded R-IC (Inner-City Housing); or

ii. designed to augment the Codes by providing for aspects of residential development not provided for in the Codes; or

iii. expressly designed to clarify alternative Acceptable Development provisions to meet Performance Criteria set out in the Codes; or

iv. relate to a need specific to a particular region or situation and where the Commission has authorised the variation to the Codes contained within the Local Planning Policy.

Part 3 - Design Elements

3.1 ELEMENT 1 - HOUSING DENSITY

Introduction

The Codes provide a wide range of choice of housing densities, enabling Councils to exert close control over development outcomes.

The aims of density control, and various means of using the Codes within town planning schemes to achieve particular outcomes, are discussed in Section 1.3.

Table 1 sets out the range of Codes, together with density and other development site provisions.

Density Control

The R-Code number provides a guide to the permissible maximum density of development. For example, R20 generally indicates a density of 20 dwelling units per hectare. It should be noted, however, that these are nett development site densities, and should not be used, for example, to calculate the number of lots or dwellings that a large, unsubdivided parcel of land might yield. The R-Coding is not a reliable guide to neighbourhood or district density, in particular. It also cannot be assumed that all types of dwelling may be built according to the standards of each Code, for instance Single Houses in R100 areas are subject to R60 standards.

A guide to the minimum site area required per dwelling unit is obtained by inversion of the R-Code density. For example R20 - 20 dwellings per hectare - indicates a site area of 500sqm per dwelling. This is a guide only, for reasons that are set out below.

A secondary control of density or intensity of development occurs in higher density codes in the form of a plot ratio, or floor area, control. Plot ratio is an indirect form of density control, although it is a relatively effective means of controlling building bulk, which is its main purpose in the Codes. As a primary means of controlling the density of Multiple Dwelling developments, it has a tendency to distort housing provision, in that in some cases it encourages development of a larger number of smaller dwellings, in the interests of optimising yield at the expense of dwelling size.

Interpretation of Minimum Site Area

The minimum site areas set out in Column 3 of Table 1 relate to different housing types as follows:

Single Houses - the area of green title or survey-strata lot.

Grouped Dwellings - the area of a defined site for each dwelling; that is, the area occupied by the dwelling itself, together with other areas set aside for the exclusive use of that dwelling, but excluding, any areas of common property (although these are included in the calculation of the average site area). This corresponds to the area defined in a strata title, although there is no necessity for a Grouped Dwelling to be strata-titled.

Multiple Dwellings - the total area of the development site, divided by the number of dwellings.

Measuring the Minimum Site Area

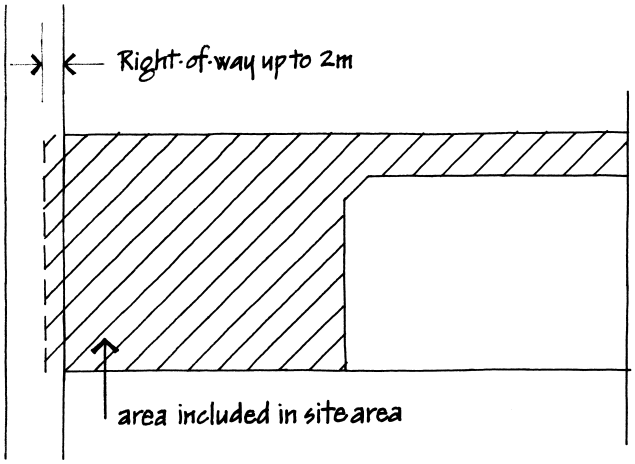
The area of a development site should be assessed on its effective minimum site area, taking account of factors that may reduce, or increase, its capacity to provide for residential development.

These factors include:

- the area of corner truncations, within limits, as these are normally indistinguishable from the lot itself, and are visually part of the site;
- the effective loss of area, in the case of battleaxe lots, by virtue of additional confinement and the necessity of providing additional area for vehicle manoeuvring and access on site; and
- the corresponding benefits enjoyed by battleaxe lots that adjoin rights-of-way, and which reduce both the confinement factor and the need for vehicle manoeuvring space.

It is recognised that the difficulties associated with development of battleaxe sites increase as lots become smaller. While it is reasonable to expect that higher density codes would provide less spaciousness and amenity, an additional consideration is required for the battleaxe situation. Accordingly the area requirement for battleaxe lots shown on Table 1 takes the minimum site area for the relevant code and adds a constant multiple of the code number.

This assures that the falling minimum site area is counterbalanced by the larger additional battleaxe requirement. The method of calculating the requirement for battleaxe lots and arriving at the figures shown on Table 1 is by adding to the minimum site area allowed under the Code between R10 and R40 the R-Code number multiplied by five. The additional requirement is sufficient to accommodate the access leg provided it constitutes no more than 20 per cent of the site area and therefore the area requirement is inclusive of the access leg.



Calculating battleaxe lot requirements

Variations to Minimum and Average site area Requirements for Single Dwellings

To enable the Commission to exercise some flexibility in determining applications for residential subdivision, provisions are included to specify certain criteria according to which some discretion may be applied. Accordingly the Commission may approve the subdivision of land contrary to Table 1 where the variation from Table 1 is minor and would achieve a planning objective.

Variation to Minimum Site Areas for Grouped Dwellings

Local Governments and the Commission may approve variations to the minimum site area requirements for Grouped Dwellings according to the same criteria as set out for variations to the site area requirements for Single Dwellings.

Undersized Lots

The prior subdivision of an area may have resulted in lots smaller than the minimum prescribed under a particular Code. The Codes should not restrict development of such properties for Single Dwellings. Also, in recent years the Commission has not been constrained by the Codes under Section 20(5) of the *Town Planning and Development Act*, and accordingly it has been able to approve lots smaller than prescribed. It is necessary to include provisions in the Codes to facilitate the Commission to permit some discretion, according to specified criteria, to vary site areas and for Councils to permit variation of minimum site areas for Grouped Dwellings upon the same criteria as applied by the Commission. Provisions have been included within the Codes, rather than within Commission policies, to facilitate some discretion in approving site areas less than that prescribed on Table 1.

Site Area Variations for Special Purpose Dwellings

Where a density variation or concession – for example for an Aged or Dependent Persons' Dwelling – is incorporated in the Codes, the concession is calculated by reducing the site area required by one-third, and assessing the yield accordingly. For example, under the R40 Code, a Multiple Dwelling requires a site area of 250sqm per unit. Application of the density concession reduces this to 166.67sqm.

In the case of a 1,200sqm site, this would allow 7.19 dwelling units, rounded down to seven units.

The density concession does not mean that the coding of a lot is amended, with consequences for other requirements. For example, application of the density concession to an R20-coded lot does not mean that the coding is amended to R30, or that the street setback or open space requirements of the R20 Code are replaced by those of R40.

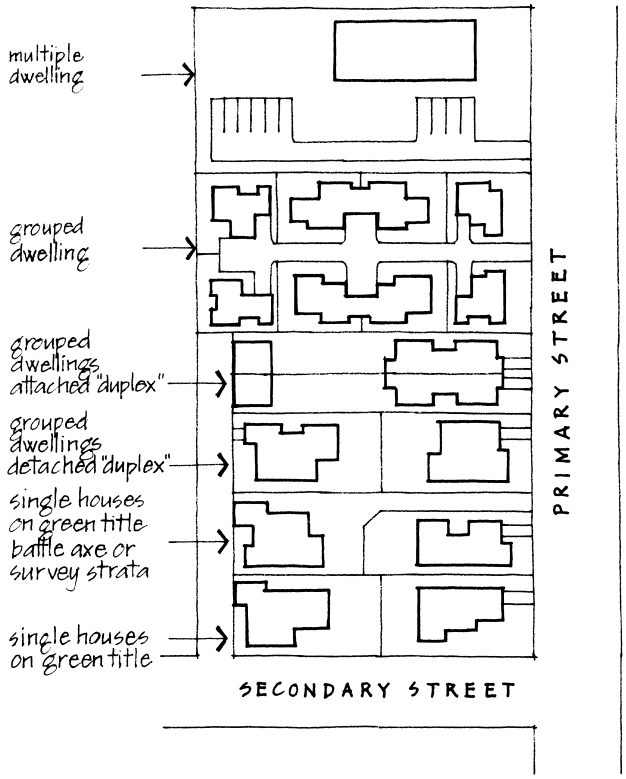


Illustration of housing arrangements on different titles

Transition Period in R12.5-R17.5 and R60

The Codes have merged the Single House and Grouped Dwelling requirements under Table 1. The superseded Residential Planning Codes established lesser requirements for Grouped Dwellings than the current requirements. For a limited duration, to ensure that landowners are not disadvantaged by the introduction of the Residential Design Codes, the provisions of the 1991 Codes may be applied in the R12.5-R17.5 and R60 Codes.

Special Circumstances for Duplexes in areas Coded R20.

Because of the historic acceptance of duplex development on lots of between 900sqm and 1000sqm in areas generally coded R20, provision has been made for the 1991 Codes site area requirements to continue to apply.

Housing Density Requirements

Objective

To ensure that residential development occurs in line with community expectations about its type and density.

Performance Criteria	Acceptable Development
New development should meet these criteria:	Development which complies with the following is deemed to meet the relevant Performance Criteria: **Note**: The minimum areas stipulated in Column 3 or 4 of Table 1 are not subject to variation except as set out under 3.1.2 and 3.1.3 of this Element.
3.1.1 Site Area Requirements	
P1 Development of dwellings of the type and density indicated by the R-Code designated in the Scheme.	A1.1 Development which complies with the dwelling type and site area requirements set out in Columns 2, 3 and 4 of Table 1 against the relevant R-Code in Column 1, and the following provisions: A1.2 The minimum site area set out in Column 3 of Table 1 is calculated as follows: i. in the case of a Single House, the area of green title lot or survey-strata lot; or ii. in the case of a Grouped Dwelling, the area of land occupied by the dwelling itself, together with all other areas, whether contiguous or not, designated for the exclusive use of the occupants of that dwelling; or iii. in the case of Multiple Dwellings, the total area of the lot divided by the number of dwellings.
3.1.2 Additional Site Area Requirements/Concessions	
	A2 For the purposes of assessing compliance of a proposed development with the minimum site areas set out in Columns 3 and 4 of Table 1, the following adjustments for the purposes of calculating the minimum site areas shall apply: i. in the case of a lot with a corner truncation, up to a maximum of 20sqm, of that truncation shall be added to the area of the adjoining lot, survey-strata lot or strata lot as the case may be; or

Performance Criteria	Acceptable Development
	ii. in the case of a rear battleaxe site, the site area inclusive of access leg where such an access leg contributes no more than 20 per cent of the site area as required by Table 1. Where the lot (excluding access leg) adjoins or abuts a right-of-way or public reserve for open space, pedestrian access, school site or equivalent, half of the width (up to a maximum depth of two metres) may be added to the site area.
3.1.3 Variation to the Minimum Site Area Required The Commission may approve the creation of a lot of a lesser area and the Commission or a Council may approve a minimum site area of a Grouped Dwelling on a site area less than that specified on Table 1 provided that the proposed variation would meet the following criteria: • be no more than 5 per cent less in area than that specified on Table 1; and • facilitate the protection of an environmental or heritage feature; or • facilitate the development of lots with separate and sufficient frontage to more than one public street; or • overcome a special or unusual limitation on the development of the land imposed by its size, shape or other feature; or • allow land to be developed with housing of the same type and form as land in the vicinity and which would not otherwise be able to be developed; or • achieve specific objectives of the local government Scheme and, where applicable, the Local Planning Strategy.	A3 Subject to 3.1.2 only, the following variations to the minimum site areas set out in Column 3 of Table 1 may be made: i. for the purposes of an Aged or Dependent Persons' dwelling or a Single Bedroom Dwelling, the minimum site area may be reduced by up to one third, in accordance with Section 4.1.2 and 4.1.3; or ii. in the case of a Single House, the area of a lot approved for subdivision by the Commission; or iii. the area of any existing lot with direct access to a public road, notwithstanding that it is less than that required in Table 1; or iv. in the case of Grouped Dwellings in areas coded R12.5-R17.5 and R60, the minimum site area shall be as permitted under Table 1 of the Residential Planning Codes, December 1991, where applications are made prior to 31 December 2004. v. in the case of Grouped Dwellings in areas Coded R20 at the time of the gazettal of the Residential Design Codes the average site area shall be 450sqm.

3.2 ELEMENT 2 - STREETSCAPE

Introduction

The maintenance or enhancement of local or neighbourhood character, especially in established residential areas, is an important aim of the Codes.

Many physical attributes combine to form local character. Several of these - the layout of streets, parks and other open spaces, the mixture of land uses, the development of street trees, verges and carriageways, the type and volume of traffic, and so on - are clearly outside the scope of the Codes.

Several factors that are important to streetscape and local character do come within the scope of residential development control, and hence within the Codes. These include the appearance of buildings, street setbacks, lot frontages, setbacks between buildings, driveways, and fences, walls, carports, and other development within the street setback area.

This element deals with three of the most significant of these factors:

- street setbacks;
- development within street setback areas; and
- building design.

Other factors affecting streetscape are dealt with in other elements of the Codes.

Open and Contained Streetscapes

There are two different types of streetscape created by the relationship between landscape and built form: open and contained streetscapes. Most suburban streetscapes are open: dominated by landscape, with buildings set back from the street and each other in what could be described as a green matrix.

By contrast, most inner-city, and some inner suburban, streetscapes are dominated by the built form. The buildings are set close to, and sometimes right on, the street alignment, and close to or abutting each other. Consequently, the built form dominates.

Open streetscape providing a landscape setting for buildings

Most development, even at higher densities, will be set in open streetscapes and the basic street and other setbacks are based on this assumption. The principal exceptions to this are in the inner-city (R-IC) codes. However, local governments are encouraged to examine the most appropriate street setbacks, especially, for particular areas, and adopt Local Planning Policies to recognise these and other aspects of local character.

Inner-city street contained and defined by buildings

Street Setbacks

Frontage Streets

Street setback areas are an integral part of the streetscape, fundamental to the amenity and particular character of residential localities.

They may perform a number of different, but complementary, roles:

- continuity of the streetscape;

- a visual setting for the dwelling;
- a buffer against noise and general activity on the public street;
- privacy for the dwelling;
- space for car parking and access; and
- a transition zone between the public street and private dwelling, allowing for mutual surveillance and personal interaction without intrusion.

These considerations apply particularly to public streets providing the main frontage to dwellings. Similar principles apply to communal streets, and rights-of-way used to provide frontage to dwellings. Secondary or side streets may also function in this way.

Side or Secondary Streets

Different streetscapes usually occur on secondary or side streets, with the street alignments formed by the long side boundaries of corner lots. These are characterised by side fences or walls rather than open gardens, and a small setback to the dwelling.

In many cases these streetscapes are being altered by the subdivision of corner lots, creating new frontages to the side street. Where this happens, similar considerations to those for setbacks to frontage streets will apply. In these cases the setback area should be open, but with a reduced setback, for practical and streetscape reasons.

Rights-of-Way as Streets

The rear rights-of-way which occur throughout many – especially older – areas are becoming increasingly important, not only to provide vehicular access to the rear of properties, but also occasionally to provide frontage access for new buildings. In some cases the rights-of-way will become dedicated public roads or streets; in other cases they will remain as private rights-of-way. Where a public right-of-way becomes a legal or defacto street, the setback to dwellings fronting the right-of-way becomes an issue; it performs, in principle, the same roles as for normal public streets. Inevitably, however, the scale and character of the streetscape are different, and a lesser setback is appropriate, consistent with the narrowness of the "street".

Communal Streets

Communal streets are those created as part of a Grouped Dwelling development. They are not part of the public realm but are common to a number of dwellings, whose owners are also responsible for maintenance. As semi-public spaces, they share some of the characteristics and roles of public streetscapes. Clear demarcation between private space and communal street remains important, as does the need for a transition area, a buffer against noise and glare, and privacy for dwellings. However, the reduced scale, communal nature, and often informality of layout of communal streets calls for a less rigid approach to setbacks for dwellings.

Measurement of Street Setback Distances

It is most common to observe the impact of a building on the streetscape from the standpoint of a person moving parallel to the street alignment. Accordingly, the street setback should be measured at right angles to the street alignment.

Appropriate Street Setback Distances

In the case of new residential areas, the desirable street setback distance is often fixed as an integral part of the design of the subdivision, for example as part of Detailed Area Plans (DAPS) prepared for a subdivision development under Liveable Neighbourhoods.

In the case of established residential areas with valued streetscapes, it will usually be the case that there is a consistent pattern of street setbacks. In these cases, new development should closely conform to the established pattern. Where the pattern varies, a setback mid-way between that of the buildings on either side may be acceptable.

In established areas, it may be desirable for the Council to stipulate setbacks for a particular area by setting them out in a Local Planning Policy under the Scheme.

The Codes provide street setbacks to apply in all other cases.

These include a provision to allow a reduction of up to 50 per cent in the street setback, providing that the area of building (including any carport) forward of the required setback line is compensated for by an equal area of contiguous open space behind the setback line.

The manner in which street setbacks may be reduced is illustrated on Figure 1. The Figure indicates a situation where a house and carport may intrude into the street setback area provided there is an equivalent visible open space area behind the front setback line. In the case illustrated, the area behind the carport is included as a compensatory area because carports are required to be open-sided structures providing views through to the building behind and thereby complementary to streetscape objectives.

The prime purpose of this provision is to create flexibility of design and, where desirable, a more varied and interesting streetscape.

Development within Street Setback Areas

General

As a generalisation, the street setback area should be open, enabling a clear view of the building from the street, and vice versa. There are both social and visual reasons for this.

From a social point of view, the street setback area forms a zone of transition between fully public and wholly private space, allowing for ease of communication and interaction between occupants and passersby or callers who may not be known to the occupants. The opportunity for casual and safe interaction enhances a sense of community.

At the same time, an open setback area provides for mutual surveillance between the street and building, enhancing security both for the building (and its occupants) and for people passing by.

From a visual point of view, an open setback area provides a more attractive setting for the building.

The street setback should also provide, depending on the location of essential services, adequate clearances from, and access to, essential services for reasons of safety and utility.

The same principles apply to communal streets and rights of way that provide the frontage to dwellings.

There will, of course, be exceptions, principally where the street is an arterial road carrying significant volumes of traffic.

Carports and Garages

For the purposes of the Codes, "carport" means an unenclosed roofed structure designed to accommodate a motor vehicle. Carports are entirely open at the front, sides and rear, except where one side is physically attached to a dwelling or built up to a side boundary. A carport may incorporate doors to provide security for vehicles. However, these must be designed and constructed so as to allow for clear and unobstructed views through to the dwelling, such as with open grille doors or gates. All other structures for housing vehicles, including open sided carports with solid doors, are deemed to be garages.

Because so many houses in established suburbs were built without provision for private motor vehicles, street-side parking and parking within street setback areas have become essential, especially where rear access to the property is not available. With increasing affluence, car ownership rates have increased, as has the desire to provide a roof over the vehicles.

Consequently it is accepted that, where no feasible alternative exists, the street setback area may be utilised for carports and unroofed parking spaces. Carports are acceptable, because they allow a clear view between a public street and a private dwelling. Garages are not acceptable, unless they can be accommodated without obstruction to views between street and house at ground level. Such exceptions are likely to be rare.

It is desirable for carports within an existing setback area to be set back sufficiently clear of any window of the dwelling so as not to unduly obstruct light to that window. Car parking spaces should not intrude into traditional verandahs.

In the case of complete redevelopment of a site within an established streetscape, any garage or carport accessed from the street should be set back in accordance with the general building setback unless:

- the area, dimensions or shape of the site make this unfeasible; or
- there is an established, consistent, pattern of carports within the setback area.

Other Structures

Other than carports, no substantial structures are allowed within street setback areas. Structures that may be allowed are:

- fences or walls, which are the subject of separate consideration;
- landscape or sculptural structures, such as fountains, designed to enhance the relationship between street and house; and
- appropriately scaled archways or gateways, in character with the streetscape.

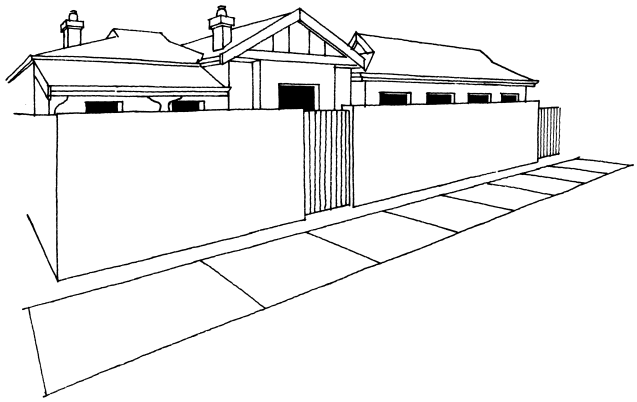
In addition, architectural features, including balconies, porches, chimneys and open verandahs, may be acceptable as limited intrusions into the setback area, the criterion being that the main setback line is not unduly interrupted.

Street Walls and Fences

Until about the 1960s the line between private dwelling and public street in most suburbs was, almost universally, marked by low walls or fences at a point just inside the property line, immediately adjacent to the footpath, where there was one. These clearly established territorial limits, while making the building visually accessible from the street. They have encouraged easy and comfortable interaction between occupiers and passersby.

Low fences are traditional - and acceptable

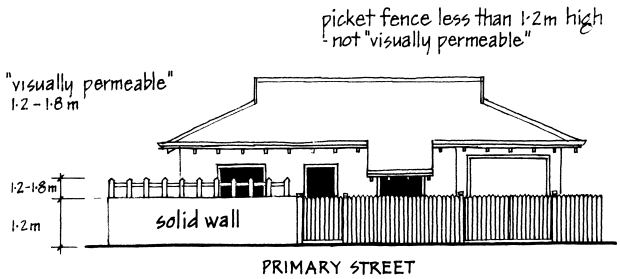
In recent decades there has been a tendency for some owners to construct high walls or fences at or near the street, usually for reasons of privacy, security (which may be misplaced) or (very commonly) protection from traffic noise or headlights.



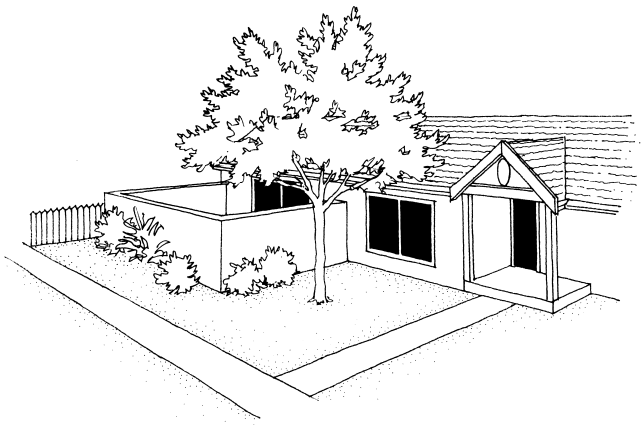
High walls are not generally acceptable

High, solid walls on the front boundary are undesirable as they disrupt the streetscape, destroy the setting of the building, and compromise security.

It is appropriate to design front fences and walls to ensure that a clear view exists between the building – particularly its main entry – and the street. Fences higher than 1.2m should be "visually permeable", the meaning of which is provided in the Definitions. This principle of visual permeability applies to all forms of street, including communal streets. The exceptions to this principle are where a dwelling fronts onto an arterial road carrying high traffic volumes, or where protection is needed from headlight glare from such a road or, more rarely, where a wall is desirable to provide privacy to an outdoor living area. In these circumstances a solid wall of up to 1.8m high would be acceptable – at least for a proportion of the frontage – upon approval of the Council. Performance Criteria have been provided to guide the circumstances where a Council should grant such approval.



High street walls should be limited to the minimum necessary



Front walls higher than 1.2m should be visually permeable

If a solid wall is needed because of traffic noise or glare, it should take up as little of the width of the property as necessary – for example, sufficient to protect a bedroom window only – and is often best set back from the street alignment.

In most cases, good design will obviate the need for private open space in the street setback area.

In exceptional cases, however, the only possible location for an Outdoor Living Area for a dwelling will be in the street setback area. Where a narrow lot faces north to the street, the street setback area may be the only possible area open to winter sun. In these cases, part of the area should be permitted to be screened from view for privacy.

Where a private courtyard is unavoidable in the front setback area, screening it with dense planting or a "permeable" fence that will still provide reasonable privacy would be appropriate.

Building Design

General

Although the external appearance of buildings is one of the most important factors affecting public streetscapes, it is a relatively new component of development control. This may largely be because design is highly subjective, and it is difficult to arrive at a consensus about what, in the context of public streetscapes, constitutes "good" or appropriate design.

Local Differences

Furthermore, community expectations and perceptions about the design of new buildings in their localities depends very much on the locality itself.

Each generation leaves its own stamp on the environment, not least in the form and style of its housing, and hence streetscapes.

In most of the older, well-established suburbs, and some country towns, there is a consistent style and form of housing which is often, now, highly valued. In these areas there appears to be an almost universal desire to maintain the existing character of the streetscapes with, however, less certainty about the means of achieving this. Other areas have a greater mix of ages, and hence of styles, all of which may be equally valued.

In many cases, what is valued is simply a particular street, or section of a street, where an original streetscape is intact, rather than an entire locality. Infill or replacement of dwellings in such cases needs to be managed with great sensitivity.

Some older areas are seen, especially by incoming residents, as ripe for redevelopment, usually because the original housing falls so far below contemporary expectations that only total redevelopment seems appropriate.

In newly developing areas there is a growing tendency for subdivision to be accompanied by "design" guidelines, although these generally do not bear heavily on architectural style as such. Nevertheless now, as in the past, fast-developing areas tend to develop a consistent building appearance, simply because most people adopt whatever styles are common – or in vogue – at the time.

Scope of Design Control

The case for design control rests essentially on the visual impact of buildings on the streetscape and, to a lesser extent, on the adjoining properties. In established areas there appears to be a consensus that new development should follow the characteristic patterns of housing type, street setbacks, scale, front gardens and street rhythm. "Street rhythm" here means the degree of regularity of building frontages along the street.

In areas where the streetscapes are valued there appears, further, to be a general agreement that new development should "respect" or "fit in with" the predominant architectural character. However, there is scope for interpretation, and significant differences of opinion, about what this might mean in practice in a particular locality. For some it means strict adherence to the style and materials of the original buildings. For others a rather looser copying of the original style, at least at the frontage, would be appropriate. For yet others style is less important than building form – setback, height, roof pitch, fencing and perhaps the colour of materials.

Too often, however, controls which attempt to impose harmony simply encourage poor imitations or pastiches of the style of the original housing.

It is important to allow as much scope as possible for innovative design that expresses contemporary values in a direct, honest way. There is no inconsistency between this view and the acceptance of constraints on the more fundamental matters of street setbacks, open frontages, and building height.

Consequently, the Codes confine themselves to these core elements. Where a local Council wishes to impose more detailed controls over the design of buildings in a particular area, it will be required to justify those controls. The most appropriate means for such controls is via a Special Control Area, as provided for in Part 6 of the Model Scheme Text, or its equivalent, under the Scheme. This ensures that such controls are first subjected to the test of public scrutiny and subsequently applied consistently.

Architectural Integrity and Identity

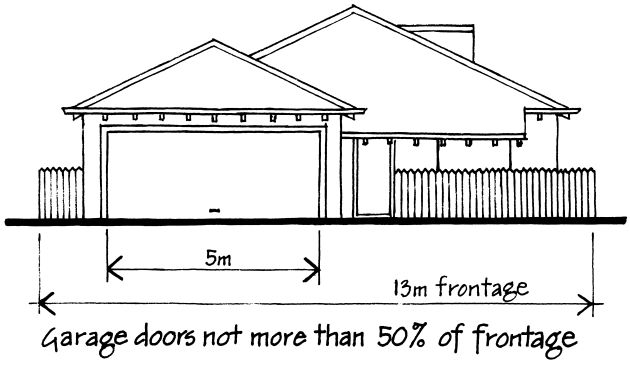
In general, it is desirable that there should be consistency of design of different components of a single development, as seen from the street. The most obvious example is where a carport or garage is added to an existing dwelling. The same principle applies to most visible additions. A "seamless" addition will always be acceptable, but there will be cases where a strong contrast in design will be equally appropriate.

It is usually desirable to express the separate identity of individual dwellings within a Grouped, or even Multiple, dwelling development. This may be achieved, or emphasised, by such simple devices as separate entrance porches, subtle changes of form, articulation of facades and levels, separate roofs over adjoining dwellings, and creative use of materials and colour.

Garages

Garages are potentially dominant elements in the appearance of buildings, especially the now ubiquitous double garages on increasingly narrow fronted lots. Consequently, the Codes make provision for limiting the proportion of frontage and building façade that may be occupied by a garage.

Councils may encourage the integration of garages into the design of the dwelling as a means of satisfying the performance criteria relating to streetscape.



Limits imposed on extent of garage doors

Streetscape Requirements

Objective

To contribute towards attractive streetscapes and security for occupants and passersby, ensure adequate privacy and open space for occupants, and provide an attractive setting for buildings.

Performance Criteria	Acceptable Development
New development should meet these criteria:	Except as otherwise provided for in an adopted Local Planning Policy development that complies with the following is deemed to meet the relevant Performance Criteria: **Note:** Unless the context indicates otherwise, references to "street" in this element include any communal street, private street, right-of-way or other shared accessway that provides the principal frontage to a dwelling but does not include an access leg to a single battleaxe lot.
3.2.1 Set Back of Buildings Generally	
P1 Buildings set back an appropriate distance to ensure they; • contribute to the desired streetscape; • provide adequate privacy and open space for dwellings; and • allow safety clearances for easements for essential service corridors.	A1 Buildings other than carports and garages set back from the primary street in accordance with Table 1: or i. corresponding to the average of the setback of existing dwellings on each side fronting the same street; or in accordance with Figure 1, reduced by up to 50% provided that the area of any building, including a carport or garage, intruding into the setback area is compensated for by at least an equal area of contiguous open space between the setback line and a line drawn parallel to it at twice the setback distance; or ii. in the case of areas coded R15 or higher, where: • a Grouped Dwelling has its main frontage to a secondary street; • a Single House results from subdivision of an original corner lot and has its frontage to the original secondary street; or • a Single House or Grouped Dwelling has its main frontage to a communal street, right-of-way or shared pedestrian or vehicle accessway,

Performance Criteria		Acceptable Development	
			the street setback may be reduced to 2.5m, or 1.5m to a porch, verandah, balcony or the equivalent; and iii. to provide for registered easements for essential services.
3.2.2 Minor incursions into Street Setback Area			
P2	Minor incursions and projections not to detract from the character of the streetscape.	A2	i. A porch, balcony, verandah, chimney, or the equivalent may (subject to the Building Code of Australia) project not more than one metre into the building setback area, provided that the total of such projections does not exceed 20% of the frontage at any level. ii. Any eaves to project not more than one metre into the street setback area for the full width of the building.
3.2.3 Set Back of Garages and Carports			
P3	The setting back of carports and garages so as not to detract from the streetscape or appearance of dwellings, or obstruct views of dwellings from the street and vice versa.	A3.1	Garages and carports located behind the street setback line.
		A3.2	Garages and carports built up to the boundary abutting a private street or right-of-way which is not the principal frontage for the dwelling, with manoeuvring space of at least 6m, located immediately in front of the opening to the garage or carport and permanently available.
		A3.3	Garages set back 1.5m from a secondary street.
		A3.4	Carports within the street setback area, provided that the width of carport does not exceed 50 per cent of the frontage at the building line and the construction allows an unobstructed view between the dwelling and street, right-of-way or equivalent.
		A3.5	Garages set back 4.5m from the primary street. This may be reduced where the garage adjoins a dwelling, provided the garage is at least 0.5m behind the dwelling alignment (excluding any porch, verandah or balcony) or setback 3m where vehicles are parked parallel to the street alignment.

Performance Criteria		Acceptable Development	
3.2.4 Surveillance of the Street			
P4	Buildings designed to provide for surveillance between dwellings and the street.	A4.	At least one habitable room window of the dwelling has a clear view of the street and the approach to the dwelling.
3.2.5 Street Walls and Fences			
P5	Front walls and fences to promote surveillance and enhance streetscape, taking account of: • the need to provide protection from noise and headlight glare where roads are designated as Primary or District Distributors or Integrator Arterials; or, • the need to provide screening where there is no alternative outdoor living area to the front setback.	A5	Front walls and fences within the primary street setback area that are visually permeable 1.2m above natural ground level.
3.2.6 Sightlines at Vehicle Access Points and Street Corners			
P6	Walls or fences to primary or secondary streets, rights-of-way or communal streets so that adequate sightlines are provided at vehicle access points.	A6	Walls and fences truncated or reduced to no higher than 0.75m within 1.5m of where walls and fences adjoin vehicle access points where a driveway meets a public street and where two streets intersect.
3.2.7 Building Design			
P7	Buildings designed to enhance an existing desired streetscape, where the Council has identified the need for design controls.	A7	Buildings that comply with the provisions of a Special Control Area or equivalent Local Planning Policy made under the Scheme in respect of the design of carports and garages, the colour, scale, materials and roof pitch of buildings including outbuildings, the form and materials of retaining walls and the extent to which the upper levels of buildings as viewed from the street should be limited.

Performance Criteria		Acceptable Development	
3.2.8 Garage Doors			
P8	The proportion of frontage and building façade occupied by garages limited so as not to detract from the streetscape.	A8	Where a garage is located in front or within one metre of the building, a garage door (or garage wall where a garage is aligned parallel to the street) facing the primary street is not to occupy more than 50 per cent of the frontage at the setback line as viewed from the street. This may be increased to 60 per cent where an upper floor or balcony extends for the full width of the garage and the entrance to the dwelling is clearly visible from the primary street.
3.2.9 Appearance of Retained Dwelling			
P9	Enhancing the streetscape appearance of existing dwellings retained as part of a Grouped Dwelling development.	A9	Where an existing dwelling is retained as part of a Grouped Dwelling development, the dwelling appearance is upgraded externally to an equivalent maintenance standard to the rest of the development.

3.3 ELEMENT 3 – BOUNDARY SETBACKS

Introduction

Boundary setbacks – other than street setbacks – serve several objectives:

- to ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them;
- to moderate the visual impact of building bulk on a neighbouring property;
- to ensure access to daylight and direct sun for adjoining properties; and
- to assist with the protection of privacy between adjoining properties.

Related elements in the Codes which deal with some aspects of these objectives are:

- Element 7 - Building Height
- Element 8 - Privacy
- Element 9 - Design for Climate

Basis of the Setback Controls

The boundary setback provisions of the Codes have been designed, as nearly as possible, to reflect the approach that a building designer would adopt when siting and designing a building.

The significant principles involved are:

- the taller and longer a wall is, the further it should be set back;
- walls with no windows, or with windows only to non-habitable rooms, are acceptable at a lesser distance than those with windows to habitable rooms or with balconies, etc;
- single storey walls are not usually problematic in terms of impact on adjoining properties;
- walls built up to boundaries are often preferable to walls set back a short distance;
- with the increasing tendency for infill development and more flexible design approaches, any distinction between rear and side boundaries has become largely obsolete;
- the acceptance of boundary walls is greater in medium density compared with low density areas;
- outdoor living areas, whether in the form of decks, verandahs, balconies or raised terraces, have an impact at least equal to – and usually greater than – those of indoor living areas, and hence ought to be treated similarly, in terms of setting back from boundaries; and
- minor projections, and projecting sections of wall which do not increase the basic impact of a wall may be accepted.

Calculation of Boundary Setbacks

The distance required to set back a wall from a boundary is a function of the height and length of the wall and whether there are major openings in the wall. The requirements are set out on Table 2 and Figure 3. Table 2 should be used for walls less than 10m in height and in the case of intermediate height and length measurements, the nearest, higher, value should be used.

The matters to take into account in establishing the height and length of walls for the purpose of determining side setbacks is illustrated on Figure 2.

Exceptions to Basic Setback Provisions

It is possible to formulate rules for setbacks independently of the relative level, shape, development or orientation of any adjoining lot. The main exceptions are:

- where significant relaxations of setbacks, including allowance for boundary walls, are desirable for practical or aesthetic reasons, and are achievable without detriment to the amenity of others;

- where the basic setbacks may result in overlooking; or
- where the basic setbacks may result in overshadowing.

The best outcome in these situations can be achieved by the application of design skills to particular problems, measured against specific Performance Criteria.

Buildings on Boundary

These provisions are subject to the provisions of Elements 8 for overlooking and 9 in relation to overshadowing. Because the Acceptable Development provisions are not subject to the discretion of the Council, they have been designed conservatively to be acceptable in most cases.

Where a wall is built on the boundary the surface finish of the wall facing a neighbour should be to the satisfaction of the adjoining neighbour or, in the case of a dispute, to the satisfaction of the Council.

A Council may adopt a Local Planning Policy to vary the provisions in respect of boundary walls to require less or more exacting standards or require consultation with adjoining neighbours as a prerequisite. The application of the performance criteria may lead to greater relaxation of the basic setbacks.

It should be noted that boundary fences are not matters controlled by the Codes.

Boundary Setback Requirements

Objective

To ensure adequate provision of direct sun and ventilation for buildings and to ameliorate the impacts of building bulk, interference with privacy, and overshadowing on adjoining properties.

Performance Criteria	Acceptable Development
New development should meet the following criteria:	Development which complies with the following is deemed to meet the relevant Performance Criteria:
3.3.1 Buildings Set Back from the Boundary	
P1 Buildings set back from boundaries other than street boundaries so as to: • provide adequate direct sun and ventilation to the building; • ensure adequate direct sun and ventilation being available to adjoining properties; • provide adequate direct sun to the building and appurtenant open spaces; • assist with protection of access to direct sun for adjoining properties; • assist in ameliorating the impacts of building bulk on adjoining properties; and • assist in protecting privacy between adjoining properties.	A1 Buildings which are set back in accordance with the following provisions, subject to any additional measures in other Elements of the Codes: i. Buildings set back in accordance with Table 1, Table 2 (for all heights 10m and less) and Figure 2 and Figure 3 (for wall heights in excess of 10m). ii. Unenclosed balconies, terraces, verandahs, and other areas accessible for use as outdoor living areas, whether roofed or not, if elevated 0.5m or more above natural ground level, set back as though they were major openings to habitable rooms with a wall height of 2.4m above their floor level. iii. Separate Multiple or Grouped Dwelling buildings on the same site, or facing portions of the same Multiple Dwelling building, set back from each other as though there were a boundary between them. iv. Minor projections such as a chimney, other architectural feature or an eaves overhang not projecting more than 0.75m into a setback area and to be no closer than 0.75m to a boundary. v. The stated setback distances may be reduced by half the width of an adjoining right-of-way, pedestrian accessway or battleaxe access leg, to a maximum reduction of 2m.

Performance Criteria	Acceptable Development
	3.3.2 Boundary Walls - Notes i. The term "up to a boundary" means either on the boundary or any point closer than 0.75m between the boundary and the setback provided by Table 1, Table 2 and Figure 2 and Figure 3. ii. Where the subject site and an affected adjoining site are subject to different R-Codes, the length and height of boundary wall on either site is determined by reference to the lower density code.
3.3.2 Buildings on Boundary	
P2 Buildings built up to boundaries other than the street boundary where it is desirable to do so in order to: • make effective use of space; or • enhance privacy; or • otherwise enhance the amenity of the development; and • not have any significant adverse effect on the amenity of the adjoining property; and • ensure that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted.	A2. Except where otherwise provided for in an adopted Local Planning Policy, walls built up to a boundary behind the front setback line within the following limits, subject to the overshadowing provisions of Element 9: i. Where the wall abuts an existing or simultaneously constructed wall of similar or greater dimension; or ii. In areas coded R20 and R25, walls not higher than 3.0m with an average of 2.7m up to 9m in length up to one side boundary; or iii. In areas coded R30 and higher, walls not higher than 3.5m with an average of 3m for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary; or iv. Where a Detailed Area Plan (DAP) applies to the land; or v. Where both the subject site and the affected adjoining site are created in a plan of subdivision submitted concurrently with the development application; or vi. In areas Coded R-IC: a. walls not higher than 3.5m – no limit in length; b. walls not higher than 6.5m – 2/3 of the length of the boundary or 12m, whichever is less.

3.4 ELEMENT 4 – OPEN SPACE

Introduction

In the Codes, open space means that part of a site not covered by buildings. However, above ground areas, external to dwellings, accessible and sufficiently large to be usable, such as roof decks may be included. Similarly, areas at ground level, covered for weather protection or shade may be also included.

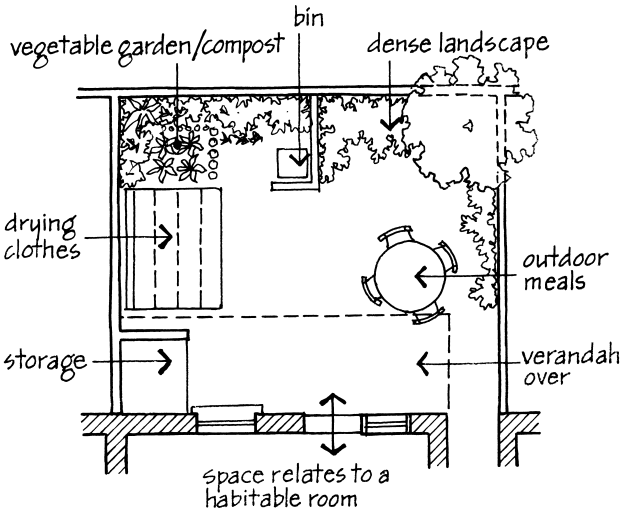
Open space serves several functions:

- a setting for buildings;
- access to, and to some extent provision of, car-parking spaces;
- opportunities for a range of domestic activities: gardening for both delight and food; children's play; outdoor entertaining, and leisure as an extension of inside activities; the pursuit of hobbies; and
- space for utilitarian purposes, such as clothes drying and storage for a range of items.

Private Open Space

Private Open Space is synonymous with open space in the case of Single Houses and Grouped Dwellings.

As the manner in which open space is used may vary over the life of the dwelling, and is more likely to be reduced than increased, it is important to retain flexibility and, accordingly, the Codes should not unduly constrain how open space is provided.



Open space fulfils multiple functions

Outdoor Living Areas

In the case of Single Houses and Grouped Dwellings there should be provision of at least one outdoor area that is:

- large enough to be usable;
- easily accessible from an indoor living area; and
- with access, if possible, to winter sun.

Because of the importance of providing shade in summer, especially in conjunction with outdoor living, a part of such areas should be allowed to be permanently roofed.

Communal Open Space

Communal Open Space is open space provided for the exclusive use of a defined group of residents. It serves a similar range of functions to that of private open spaces that include:

- a setting for buildings;
- space for active and passive recreation;
- other group activities, which may be very particular to a particular group of residents; and
- access to direct sun, etc.

Communal open space will always be a feature of Multiple Dwelling developments, where most, if not all, open space will be communal.

However, communal open space may also be a feature of Grouped Dwelling Developments. Where communal open space is provided as part of a Grouped Dwelling development, some trade-off between private and communal open space should be allowed but not at the expense of the core provision of private open space.

Landscaping

The landscaping of street setback areas, both public and communal, is important because of their impact on the streetscape. Landscaping is even more important in the case of Multiple Dwelling developments, because of their intensity of development and use, and because the development encompasses the whole of the streetscape, including the carriageway and verge treatment.

On the other hand, private open space is not only more personal, but also much more likely to be changed over time, as owners' desires and fashions change.

Consequently, the Codes require the provision of landscaping as part of the development of Communal Open Space, but not of private open space.

Landscaping plans for communal open space should be prepared with regard for the following aspects:

- the desirability of protecting existing trees where possible, and providing new trees, for shade and to complement building form;
- the desirability of creating consistent and attractive communal streetscapes;
- the design and choice of materials for hard surfaces, such as vehicle accessways and crossovers, parking areas and outdoor living areas;
- the need to provide for winter sun, that will influence the choice of trees and their placement; and
- the need for shade structures, such as pergolas, to complement trees.

Landscaping plans should also include a manual for ongoing maintenance by the responsible owner, which may be a strata company.

Open Space Requirements

Objective

To ensure that private and communal open space is set aside and landscaped to provide for attractive streetscapes, attractive settings to complement buildings, privacy, direct sun, and the recreational needs of residents.

Performance Criteria	Acceptable Development
New development should meet the following criteria:	Development that complies with the following is deemed to meet the relevant Performance Criteria:
3.4.1 Open Space Provision	
P1 Sufficient open space around buildings: • to complement the building; • to allow attractive streetscapes; • to suit the future needs of residents, having regard to the type and density of the dwelling	A1 Open space provided in accordance with Table 1 and Elements 2 and 3. The site of a Grouped Dwelling for the purpose of calculating the open space requirement shall include the area allocated for the exclusive use of that dwelling and the proportionate share of any associated common property.
3.4.2 Outdoor Living Areas	
P2 An outdoor area capable of use in conjunction with a habitable room of the dwelling, and if possible, open to winter sun.	A2. An Outdoor Living Area to be provided: • in accordance with Table 1; • behind the street setback area; • directly accessible from a habitable room of a dwelling; • with a minimum length and width dimension of 4m, except in areas Coded R-IC where the minimum dimension may be 3m; and • to have at least 2/3 of the required area without permanent roof cover.
3.4.3 Balconies for Multiple Dwellings	
P3. Balconies or equivalent outdoor areas which provide open air space appurtenant to the dwelling.	A3 Each Multiple Dwelling is provided with at least one balcony or the equivalent, opening directly from an habitable room and with a minimum dimension of 2m and a minimum area of 10sqm.

Performance Criteria	Acceptable Development
3.4.4 Communal Open Space	
P4.1 Adequate area of Communal Open Space for Multiple Dwelling developments to meet the future needs of residents, having regard to the location of the development.	A4.1 Communal Open Space for Multiple Dwellings provided in accordance with Table 1.
P4.2 Where desired by the proponent, communal open space is provided for a group of Grouped Dwellings.	A4.2 Where Communal Open Space is provided as common property in a Grouped Dwelling Development, the open space required for any Grouped Dwelling having legal and direct physical access to that open space may be reduced by up to 20 per cent of the required open space area provided that: • the aggregate of deducted area does not exceed the area of communal open space; and • the Outdoor Living Area for any dwelling is not reduced in area.
3.4.5 Landscaping Requirements	
P5 All Grouped and Multiple Dwelling Communal Open Spaces* are fully developed with appropriate planting, paving and other landscaping that: • meets the projected needs of the residents; • enhances security and safety for residents; • retains significant existing trees; and • contributes to the streetscape.	A5 Landscaping of Grouped and Multiple Dwelling Communal Open Spaces in accordance with the following: i. the street setback area developed without car parking, except for visitors' bays, and with a maximum of 50 per cent hard surface; ii. separate pedestrian paths providing wheelchair accessibility connecting all entries to buildings with the public footpath and car-parking areas; iii. landscaping between each six consecutive parking spaces; iv. lighting to pathways, and communal open space and car-parking areas; v. bin storage areas conveniently located and screened from view; vi. retention in open space of existing trees which are greater than 3m in height; vii. adequate sight lines for pedestrians and vehicles; viii. clear line of sight between areas designated as Communal Open Space and at least two habitable room windows; ix. clothes drying areas which are secure and screened from view; and x. unroofed visitors' parking bays to be effectively screened.
*__Note:__ In the case of Communal Open Spaces that are part of a subdivision development under green title or survey-strata title, P5 and A5 are guidelines.	

3.5 ELEMENT 5 – ACCESS AND CAR PARKING

Need for On-Site Parking

It is a long-accepted principle that the demand for car parking generated by a residential development should be accommodated on the development site.

The main exceptions to this are:

- in most cases visitors' car parking for Single Houses (i.e. low density development) can be accommodated in the street; and
- in many older areas, pre-dating widespread ownership of private cars, off-street car parking provision is not feasible without changing the streetscape, especially as these areas tend to be developed with small street setbacks and narrow lots.

These latter areas tend also to be inner urban and suburban areas with good access to public transport, shops and other facilities, and consequently, also attractive to people without private cars. Hence the demand for car parking in such areas may be less than in newer residential areas.

Further, in the case of some inner-city areas, not only will demand for car parking be less, but so also will be the desirability of providing it.

A final factor in determining the desirability of making on-site provision for car parking is the availability of parking in the street. In rare instances – for example where a street has exceptionally wide verges which can be used for parking – the actual need for on-site parking may be quite small (although most owners would wish to park their cars on-site, for security, in any event).

More commonly, the availability of kerbside parking is likely to be limited, notably in circumstances where:

- there is heavy traffic in the street and kerbside parking may be unsafe, or even prohibited, at least during peak hours; or
- frontages are narrow and crossovers frequent, limiting the length of kerb available for parking; or
- the street is too narrow; or
- space for kerbside parking is taken up by other, competing, uses or activities.

Except where a Local Planning Policy is prepared for an area designated as Inner-City, the Codes adopt the basic position of requiring on-site provision of adequate parking for the assessed need, with the exception of visitors' parking for Single Houses and small, low density Grouped Dwelling developments. At the same time Councils should have some discretion to relax on-site parking requirements where:

- the applicant can demonstrate that the actual demand would be lower; or
- satisfactory provision can be made other than on-site.

Where Acceptable Development provisions for on-site parking require a fraction of a space, it should be rounded up to the nearest whole number.

Location of Parking Spaces

Car parking spaces and accessways are space-consuming and potentially intrusive, physically, visually and acoustically. Consequently, their location is a major factor in amenity as well as security and safety.

The possible locations and means of access for various situations, are:

- access from a rear (or side) right-of-way or private street, with parking spaces provided adjacent to the right-of-way or integrated with the building (below, adjacent or within);
- access from a secondary street (usually at the side, but sometimes at the rear), again with the opportunity to locate car spaces adjacent, or integrated with the building;
- access from the primary street, with parking integrated with the building; and
- access from the primary street, with spaces located within the street setback area.

The issue of location of carports and garages in relation to the primary street setback area is dealt with in Element 2.

The advantages of not having vehicle access directly from the primary street are:

- the streetscape will be more attractive;
- there will be fewer driveways and so more space for kerbside parking for visitors; and
- there will be fewer conflicting movements of vehicles.

Design of Parking Spaces

The design of parking and manoevring spaces is set out in Australian Standard 2890 (Standards Association of Australia [1993] AS 2890.1 - 1993 *Parking facilities Part 1: Off-street car parking)*. The Codes cross-refer to these standards in as much as they relate to residential properties.

Vehicle Access

Where driveways to the street occur they should, where possible, be located so as to maximise the number of kerbside parking spaces, by aiming for the spaces between driveways to be multiples of car parking bays.

There are two other constraints on driveways. The first relates to the visual quality of the street, particularly the proportion of frontage taken up by driveways and potential loss of street trees. The second relates to safety, including proximity to obstructions, such as street signs and trees, and the ability to manoeuvre safely into the street.

Pedestrian Access

Comfortable and safe pedestrian access from the street or car parking to private dwellings is not usually problematic in the case of Single Houses, but may be so in the case of Grouped or Multiple developments. Accordingly the Code provisions are designed to cover these cases only to ensure that a smooth uninterrupted path of travel between car parking and the building is promoted.

Access and Car Parking Requirements

Objective

To ensure adequate provision of secure, visually acceptable and accessible on-site parking for residents and visitors.

Performance Criteria	Acceptable Development
New development should meet these criteria:	Development that complies with the following is deemed to meet the relevant Performance Criteria:
3.5.1 On-Site Parking Provision	
P1 Adequate car parking provided on-site in accordance with projected need related to: • the type, number and size of dwellings; • the availability of on-street and other off-site parking; • the location of the proposed development in relation to public transport and other facilities.	A1 On-site parking spaces provided in accordance with the following: **i. Single Houses** • Two spaces, which may be in tandem; or • where Ancillary Accommodation is provided – three spaces, two of which may be in tandem; or • in the case of a Single Bedroom Dwelling of not more than 60sqm plot ratio area or Aged or Dependent Persons' Dwelling of not more than 100sqm plot ratio area – one space; or • in the case of a Single House of not more than 120sqm plot ratio area on a site coded R-IC – one space, or as provided in a Local Planning Policy. **ii. Grouped Dwellings** • Two spaces per dwelling; and • at least one space provided for the exclusive use of each dwelling and where two spaces are so allocated they may be in tandem; or • in the case of a Single Bedroom Dwelling of not more than 60sqm of plot ratio floor area or an Aged or Dependent Persons' Dwelling of not more than 100 sq m of plot ratio area – one space; and • in addition, visitors' spaces at the rate of one space for each four dwellings, or part thereof, in excess of four dwellings served by a common access.

Performance Criteria	Acceptable Development
	• In the case of a site coded R-IC – one space, or as provided in a Local Planning Policy. **iii. Multiple Dwellings** • 0.35 spaces per dwelling plus 0.015 spaces per sqm of plot ratio area, to a maximum of two spaces per dwelling; and • at least one space per dwelling provided for the exclusive use of each dwelling and where two or more spaces are provided, two may be in tandem; or • in the case of Single Bedroom Dwelling of not less than 60sqm of plot ratio area or Aged or Dependent Persons' dwellings of not more than 80sqm of plot ratio area – 0.75 spaces per dwelling; or • in the case of a site coded R-IC the total number of spaces reduced by one third, or as provided in a Local Planning Policy; and • not less than 10 per cent of the required spaces provided for exclusive use of visitors where more than four dwellings are provided;
3.5.2 Off-Site Parking	
P2.1 Some required spaces located off-site taking into account: i. the parking area being sufficiently close to ensure its use by residents of the dwellings or visitors; ii. any increase in numbers of dwellings or possible floorspace thereby being matched by an accompanying increase in aggregate number of parking spaces; iii. permanent legal right of access being granted to all users and occupiers of dwellings for which the parking space is to be provided; and iv. where off-site parking is shared with other uses, the total aggregate parking requirement for all such uses, as required by the Codes and the Scheme being	A2.1 Some or all of the required parking spaces may, with the approval of Council in accordance with the Performance Criteria, be located off-site.

Performance Criteria	Acceptable Development
provided. The number of required spaces reduced by up to 15 per cent where the non-residential parking occurs substantially between 9.00am and 5.00pm on weekdays only.	
P2.2 Where street parking is controlled by the Council during normal business hours, car parking provided for multiple developments being reduced in accordance with the number of on-street spaces assessed as being available to the development.	
3.5.3 Design of Parking Spaces	
P3 Car parking facilities designed and located to be convenient, secure, safe in use and consistent with streetscape objectives.	A3.1 Visitors' spaces: • clearly marked as such, located close to and clearly signposted or visible from the point of entry to the development and outside any security barrier; and • providing a barrier-free path of travel for people with disabilities. A3.2 Spaces in accordance with AS 2890.1 with the following minimum dimensions where parking is at right angles to a street: Width - 2.4m plus 0.3m for any side confined by a wall, fence, column or pier; Depth - 5.4m internal dimension; - in the case of tandem bays, 10m where no barrier separates the bays; . Spaces for Disabled Persons' Parking - 6m deep x 3.8m wide. Manoeuvring depth - 6m from garage/carport opening to nearest impediment. A3.3 In the case of Multiple Dwelling developments of 12 or more dwellings, all spaces except visitors' spaces fully concealed from the street or public place. A3.4 Car parking areas with six or more spaces to be provided with landscape planting in accordance with A5 of Element 4.

Performance Criteria	Acceptable Development
3.5.4 Vehicular Access	
P4 Vehicular Access provided so as to minimise the number of crossovers, to be safe in use and not detract from the streetscape.	A4.1 Access to on-site parking to be provided, where available, solely from a right-of-way available for the use of the relevant lot and adequately paved and drained from the property boundary to a constructed street, or from a secondary street where a right-of-way does not exist. A4.2 Primary or secondary street driveways, where their provision is necessary, are limited as follows: • driveways serving four dwellings or less not narrower than 3m at the street frontage; • subject to a minimum width of 3m, driveways not to occupy more than 40 per cent of the frontage of a property, excluding any part of that frontage required for an access leg to a battleaxe lot; • no single driveways wider than 6m and driveways in aggregate no greater than 9m for any one property. A4.3 Driveways • no closer than 0.5m to a side boundary or street pole; • no closer than 6m to an intersection; • aligned at right angles to the street alignment; and • located so as to avoid street trees, or, where this is unavoidable, the street trees replaced by the Council at applicant's expense or re-planting arrangements to be approved by the Council. A4.4 Driveways designed for vehicles to enter the street in forward gear where: • the driveway serves three or more dwellings; or • the distance from a car space to street alignment is 15m or more; or • the public street to which it connects is designated as a Primary Distributor, District Distributor or Integrated Arterial road.

Performance Criteria	Acceptable Development
	A4.5 Driveways for Multiple and Grouped Dwellings: • with a minimum width of 4m, which may be reduced to 3m where necessary to retain an existing dwelling; and • are designed to allow vehicles to pass in opposite directions at one or more points, where the number of dwellings served by the driveway is six or more.
3.5.5 Pedestrian Access	
P5 Provision of safe and comfortable access for pedestrians between communal car parking areas or public streets and individual dwellings.	A5.1 Where a communal accessway between a public street or a communal car-parking area and individual dwellings serves 10 or more dwellings, there is a pedestrian path separate from vehicular access, designed according to Australian Standard (AS 1428.1, 2001) on Access, to be barrier free and at least 1.2m in width. A5.2 Where a communal accessway serving more than two dwellings is shared by pedestrians and vehicles, the accessway is aligned to provide clear sightlines and is provided with adequate lighting to ensure pedestrian safety. A5.3 A communal accessway to be no closer than 3m to a wall with a major opening unless screened. A5.4 Where Multiple Dwellings are served by stairs only, stairs are provided so that for normal access purposes no more than two dwellings at each floor level are served by each staircase. A5.5 Access above ground level to all Multiple Dwellings is totally protected from the weather.

3.6 ELEMENT 6 – SITE WORKS

Retaining the Natural Topography

Historically, until the 1960s, when slab-on-the-ground construction became the norm, housing was constructed without much interference to the natural slope. External walls were simply built up from footings at ground level, and steps up to the dwelling or verandah floor level from the garden at front and/or rear of the dwelling were common.

However, from the 1960s onward, it has been standard practice to construct buildings on prepared, level sand pads. In turn this has led to the need for more extensive cut and fill, and for retaining walls. Significant changes are often made to the natural levels.

Nevertheless, the natural topography, whether flat or undulating, is still discernible in the rise and fall of the buildings, along the street or across it.

Variations in topography make an important contribution to local character. In many locations, too, the topography allows views out of the locality. These views are highly valued and can only be optimised, that is, shared by the maximum number of dwellings, by respecting the natural topography and maintaining a consistent scale in building.

Topography also has an effect on the potential for privacy and overlooking, which is an issue dealt with in Element 8.

It is desirable that the development of land avoids major interference with the natural or pre-existing site levels, thereby preserving the natural topography. For these purposes, "natural ground level" means the level of land before original development occurred or that resulting from the pre-existing development. Because much of the State's housing was built before accurate contour mapping was available, it is often not possible to know precisely the levels that preceded development. In these cases, it may be necessary to refer to other evidence in order to establish, as closely as possible, the relevant levels.

Changes of Topography at Subdivision

In cases where the original subdivision process itself involved changes from the natural levels, the relevant levels to take are those established at subdivision, prior to buildings being erected. These levels are often accompanied by retaining walls at boundaries. Where this occurs, the walls are to be regarded in the same light as natural topographical features. Changes of level at re-subdivision should be treated the same as changes of the level of development.

Excavation and Retaining Walls

Excavation below natural level is not usually as visually obtrusive as filling above natural level. Consequently, excavation behind the street setback line is normally acceptable.

Development below natural ground level only rarely affects neighbouring sites – although it may be necessary to take account of the location of essential services particularly where protected by a registered easement. By contrast, filling above natural ground level, especially where, as is normal, it results in replacing a natural slope with level ground and retaining walls, is usually visually prominent. As such, care needs to be taken with the materials and design of a public space or neighbouring property.

In addition, any significant filling of land is likely to create overlooking and possibly exacerbate overshadowing. For these reasons, retaining walls should be treated as though they were building walls, and set back from property boundaries accordingly.

Site Works Requirements

Objective

To preserve the sense of the natural topography of the site and locality with a view to the protection of streetscape and the amenity of adjoining properties.

Performance Criteria	Acceptable Development
New development should meet these criteria:	Development that complies with the following is deemed to meet the relevant Performance Criteria: **Notes:** i. Retaining walls that are provided as part of subdivisional development, or part of a previous dwelling, to establish base levels for lots, are excluded from these requirements. For the purposes of the Codes, such walls are regarded as natural features. ii. In view of the potential impact on adjoining properties, and the desirability for retaining walls to be built on the boundary rather than set back a small distance, Council approval in accordance with the Performance Criteria should be sought where a retaining wall higher than 0.5m retains a level area that is accessible, or potentially accessible, for use as an outdoor living area. Retaining walls higher than 0.5m only meet the Acceptable Development requirements where: • the retaining wall is set back in accordance with the requirements for a major opening with a wall height 2.4m in addition to the height of the retaining wall; or • the retained area is screened to prevent views of neighbouring property and is set back in accordance with the requirements for a wall height of 1.8m without major openings in addition to the height of the retaining wall.

Performance Criteria	Acceptable Development
3.6.1 Excavation or Fill	
P1 Development that retains the visual impression of the natural level of a site, as seen from the street or other public place, or from an adjoining property.	A1.1 Excavation or filling between the street alignment and building, or within three metres of the street alignment, whichever is the lesser, not exceeding 0.5m, except where necessary to provide access for pedestrians or vehicles, or natural light for a dwelling. A1.2 Excavation or filling within the perimeter of the external walls of a building – limited only by compliance with building height limits. A1.3 Excavation within a site and behind a street setback line – no limit. A1.4 Filling behind a street setback line and within one metre of a common boundary: • not more than 0.5m above the natural level at the boundary; or • retained in accordance with A2.
3.6.2 Setback of Retaining Walls	
P2 Retaining walls designed or set back to minimise the impact on adjoining property.	A2 Retaining walls set back from common boundaries in accordance with the setback provisions of Table 1, Table 2 and Figure 3.

3.7 ELEMENT 7 – BUILDING HEIGHT

Introduction

Until relatively recently, nearly all housing throughout the State was single-storeyed. Two-storey detached houses were relatively rare, and two-storey terrace houses, common in Melbourne and Sydney, even rarer.

Prior to the 1960s and 1970s, the largest residential buildings were the larger detached two-storey houses and the inter-war flat buildings. These latter, most of which still remain, are generally two storeys in height, with the tall ceiling heights of the period. They are usually modest in size, occupying sites of around 1,000sqm in area and containing four to six, occasionally eight, dwellings.

It was not until the late 1960s that the first significant changes of scale occurred, encouraged by the General Residential (GR) Codes. These encouraged the building of two new types of flats:

- two and three-storey walk-ups or "straight eights", so called because, although not tall, they tended to be lengthy, with balcony access; and
- high-rise flats, often rising above 10 storeys because of the economics of providing lifts and because the GR-Codes allowed plot ratios to increase as site cover reduced.

Both forms required larger setbacks, including street and side setbacks, than the houses they replaced. The former changed the scale and vertical rhythm of the existing streetscapes, by creating a horizontal form. The latter changed the scale simply by virtue of their height, and, in the case of "slab" blocks, by their massive bulk. These remain the most intrusive elements in many residential localities.

From the mid 1970s, two-storey houses have become more common, especially in more affluent housing areas, in the inner suburbs of Perth and in coastal locations where ocean views are sought after.

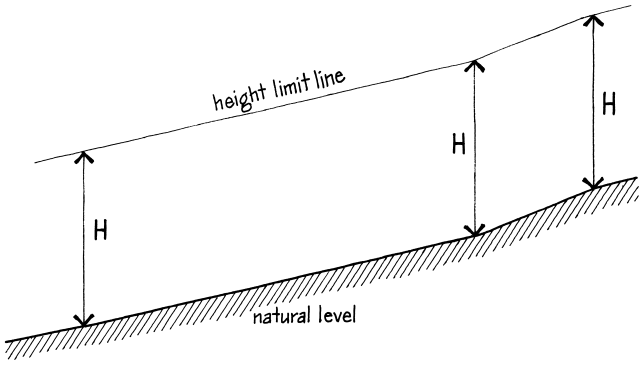
At the same time large blocks of flats, especially high-rise flats with external balcony access, have given way to more sophisticated apartment buildings and two-and three-storey town houses.

Measuring Building Height

The Codes provide a standard method of height measurement designed to reduce ambiguity and confusion.

Building height is relatively simple to measure and administer as a control. There are two basic measures that can be used, one being height in storeys and the other height in metres. The former has problems of definition – what is a storey? – and also can vary, depending on ceiling heights. For the purpose of the Codes, the measure used in Table 3 is height in metres.

For administrative simplicity, limits are often taken from a single point – usually the level at the centre, or centroid, of the site or averaged over a site. However, that lacks precision and can lead to unintended outcomes. Hence the Codes refer to the height of the structure at any point above the natural ground level immediately below that point. This distinguishes it also from the measurement of the height of walls for the purposes of setbacks, where the height is measured from natural ground level at points on the boundary corresponding to the wall in question. In the first case, the concern is about the general impact on the locality. In the second case the concern is about the specific impact on the adjoining property.

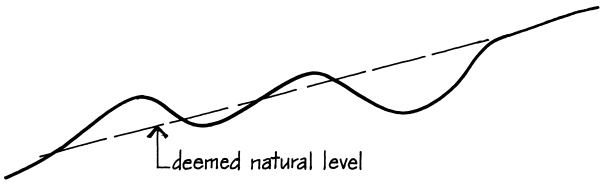


Measuring height

Determining Natural Ground Level

Most building sites have reasonably constant slopes. However, there are cases where the terrain is irregular, being either:

- fractured, so as to vary significantly from one point to another; or
- convex, humped or containing an isolated high point or points; or
- concave, or hollowed at one or more places.



Deemed natural ground level shown in broken line

In these cases commonsense and sound design principles dictate that the "natural" contours should be interpreted so as to modify or smooth out such anomalies.

It has become common practice to provide level sites with boundary retaining walls at subdivision. In these cases, the levels so established at subdivision are deemed to be natural ground levels.

In accordance with the definitions:

- height shall be measured from the natural level immediately below the relevant point on the wall or roof;
- "natural ground level" may be taken as the levels resulting from development carried out as an approved part of a land subdivision or as the result of a pre-existing development; and
- minor projections such as chimneys, TV aerials, satellite dishes and vent pipes are exempted.

Common Height Limits

It is common for Councils to impose height limits on residential development in order to maintain consistency of streetscapes, and to minimise conflict over privacy and loss of views. Provisions vary between municipalities, but there is a trend towards controls aimed at restricting development to two storeys, or the equivalent in absolute heights. However, there is a lack of consistency between Councils in terms of how building height is measured and the precise limits imposed. For these reasons, it is desirable for the Codes to incorporate height controls to function in the absence of suitable Scheme provisions or Local Planning Policies.

Regulation of building height is fundamental to streetscape, and the appropriate limits should be determined on a local streetscape basis. The Codes establish an objective set of height limits that correspond approximately to one, two and three-storey heights. A default provision establishes Category B – corresponding to two storeys – as a limit in the absence of a Local Planning Policy.

A Council may adopt Category A or Category C for all or parts of its district as an alternative requirement through the adoption of a Local Planning Policy. A Council may also adopt Category A or C for specific types of development – such as rear battleaxe dwellings – through its Local Planning Policies.

Views

Obtaining and keeping views is a significant issue. Because views are an important part of the amenity enjoyed by people in certain areas, designers should take into account the desirability of protecting views enjoyed by neighbours and, in some cases, modify the design of dwellings accordingly.

While the Codes cannot guarantee the protection of views, Councils may exercise a degree of control by primary and secondary street setbacks and height controls – enhanced by Local Planning Policies as permitted under Element 2 and Element 7 respectively.

Building Height Requirements

Objective

To ensure that the height of buildings is consistent with the desired scale in a given locality.

Performance Criteria	Acceptable Development
New development should meet these criteria:	Except where otherwise provided for in an adopted Local Planning Policy development that complies with the following is deemed to meet the relevant Performance Criteria:

3.7.1 Building Height

P1 Building height consistent with the desired height of buildings in the locality, and to recognise the need to protect the amenities of adjoining properties, including, where appropriate:

- adequate direct sun to buildings and appurtenant open spaces;
- adequate daylight to major openings to habitable rooms; and
- access to views of significance.

A1.1 Buildings which comply with Table 3 for Category B area buildings, except where stated otherwise in a Local Planning Policy or equivalent.

TABLE 3 – Maximum Building Heights(i) Area

	Category		
	A	B	C
Top of external wall (roof above) (ii)	3m	6m	9m
Top of external wall (concealed roof)	4m	7m	10m
Top of pitched roof (iii)(iv)	6m	9m	12m

Notes:

i. Category B will apply unless a Local Planning Policy requires the application of Area A (generally single level development) or Area C (development on three levels) or an alternative standard.

ii. Gable walls above eaves height:

- less than 9m long: exempted
- greater than 9m long: add one third of the height of the gable, between the eaves and the apex of the gable wall, to the eaves height.

iii. Applies to ridges greater than 6 m long. Short ridges: add 0.5m height for each 2m reduction in length.

iv. Applies to roof pitches up to 25 degrees. In some localities steeper pitches may be required and greater height permitted in accordance with the provisions of the Scheme or Local Planning Policy.

3.8 ELEMENT 8 - PRIVACY

Introduction

The protection of privacy – meaning primarily the prevention of windows and outdoor living areas being overlooked by neighbours – has become a significant issue in recent years. It has been the inevitable consequence of the trend towards larger houses, especially of two or more storeys on smaller lots, and in former backyards. It is recognised that side setbacks alone cannot, realistically, be deemed to achieve adequate standards of privacy, because the setback distances required to achieve privacy are much greater than those provided in the Codes. Indeed it is inconceivable that any practical setback, even on a large lot, could achieve absolute visual privacy. The setbacks need, in many cases, to be complemented by thoughtful design, and supplemented by various screening measures.

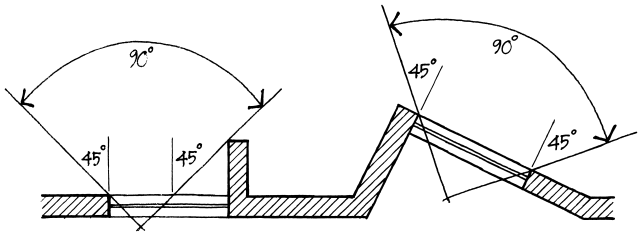
Privacy is, to a large degree, a subjective and changing concept. Consequently, it must be understood that absolute privacy cannot be expected in all cases. Often, a high level of privacy may be achievable only at too high a cost, in terms of orientation, access to winter sunshine, security or some other desirable objective. Nevertheless, a reasonable level of privacy can usually be achieved through good design.

Sources of Overlooking

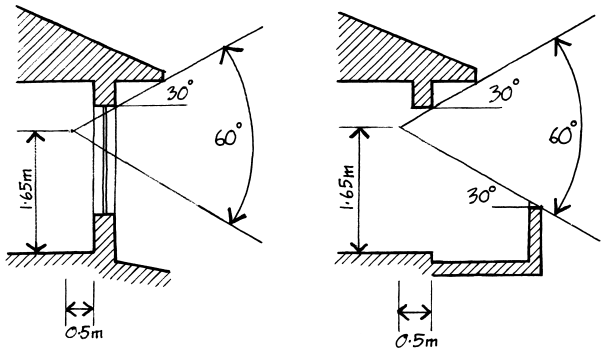
Overlooking from areas that are at or close to natural ground level is not normally problematic, as it can be prevented by a boundary fence or wall. Where the floor or ground level is raised by more than approximately 0.5m, however, the height of wall required for effective screening - often more than 2.4m – becomes excessive, and other measures become necessary.

Overlooking and the Cone of Vision for Privacy Design

The impact of a particular development on the privacy of a neighbouring property can be assessed by applying a cone of vision at any point where a person is likely to be able to look onto that property, as illustrated.



Cone of vision - horizontal component



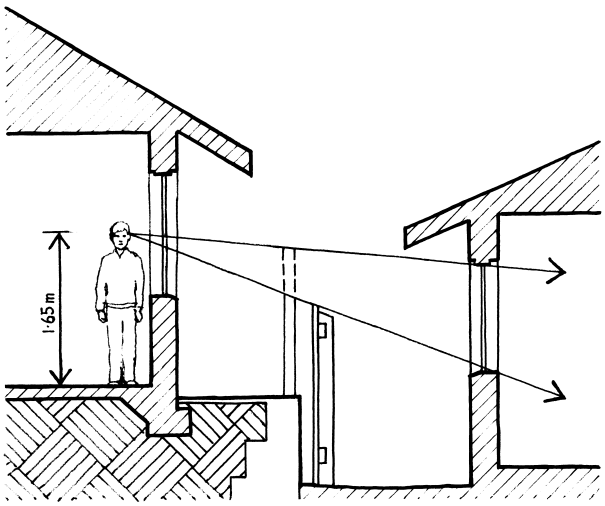
Cone of vision - vertical component

The relevance of the horizontal component of a cone of vision is readily apparent. Application of the vertical component is often more significant, especially for overlooking from upper levels of buildings. Often it will show that upper level windows of dwellings on elevated sites will have an outlook above and beyond, and not into, an adjoining property.

A space could be considered to be overlooked if people carrying out normal day-to-day activity within it fall within the cone of vision as applied from a neighbouring property, and within a given distance.

The concept of a cone of vision is a useful tool also for design of screening devices.

For the purposes of assessing setbacks and privacy provisions all balconies, verandahs, terraces and other outdoor living areas raised more than 0.5m above natural ground level should be regarded as habitable rooms with a wall height of 2.4m above the floor level. All such areas, together with active indoor spaces, should be designed to minimise overlooking of neighbouring properties.



Increased fence height may prevent overlooking

Overlooking from bedrooms and studies which may be occupied infrequently, mainly at night, without noise, and by relatively few people – is more easily tolerated than overlooking from active areas.

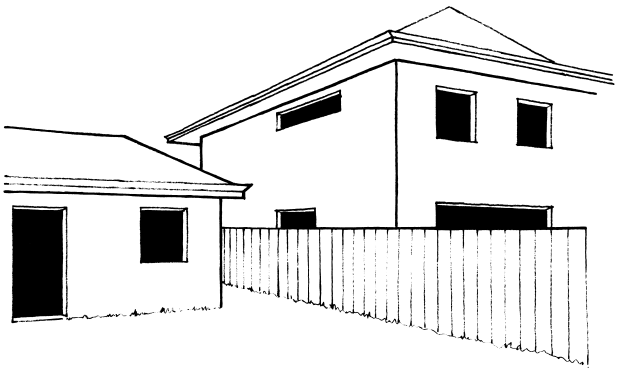
Of most concern are active habitable spaces – for example, living rooms, kitchens, activity rooms, balconies and outdoor living areas – that are at levels higher than 0.5m above natural ground level.

Prevention of Overlooking

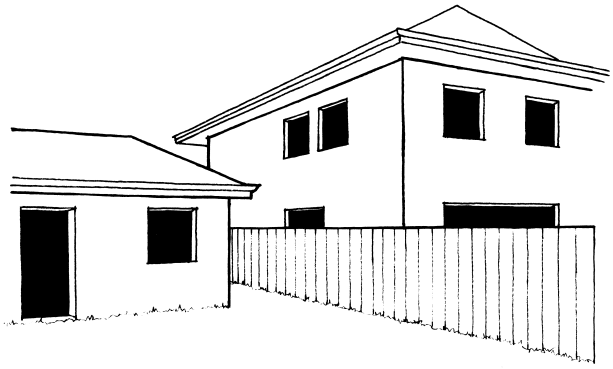
There are four basic ways of preventing or ameliorating overlooking:

- designing windows, balconies, and decks to face away from boundaries with neighbouring properties, especially side boundaries;
- providing greater than normal setbacks, to achieve an effective privacy separation distance;
- providing intervening screening; or
- ensuring that overlooking windows are not transparent or not openable.

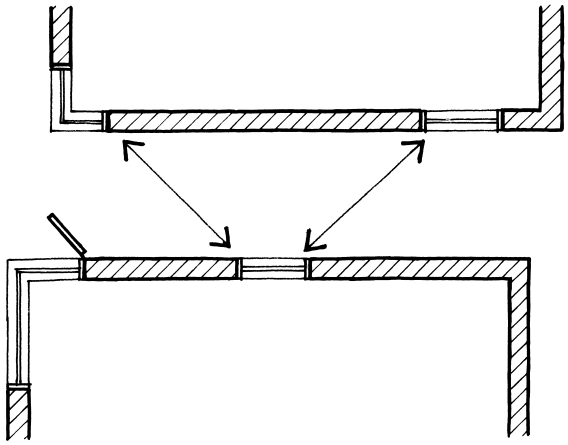
Often the most effective results will come from a combination of these.



Generally acceptable - upper windows face rear garden



Not acceptable - upper windows facing neighbouring property



Off-setting of windows

Taking Neighbouring Properties into Account

The designer and the Council should take into account the effect of the new development on existing or proposed dwellings on adjoining properties.

Design of new development should avoid overlooking into adjacent habitable room windows, especially of living rooms, and of balconies, terraces and other outdoor living spaces.

Where a dwelling has only limited outdoor living space, and especially where its location is fixed (for example, adjacent to indoor living areas), protection from overlooking has high priority. However, protection from overlooking is not necessary for extensive areas of garden, especially where these can provide their own screening, for example with trees.

Privacy Separation Distances

A desirable degree of privacy requires a significant separation between the areas concerned, in most cases greater than the setbacks required under Element 3. In practice, some degree of compromise is necessary.

Because it is not possible to easily predict how a neighbouring site may be developed in the future, privacy separation distances can most realistically be applied between the proposed development and the property boundary, that is, as line of direct sight setbacks. The way in which setbacks should be determined is illustrated in the diagram "Measuring setbacks using the cone of vision".

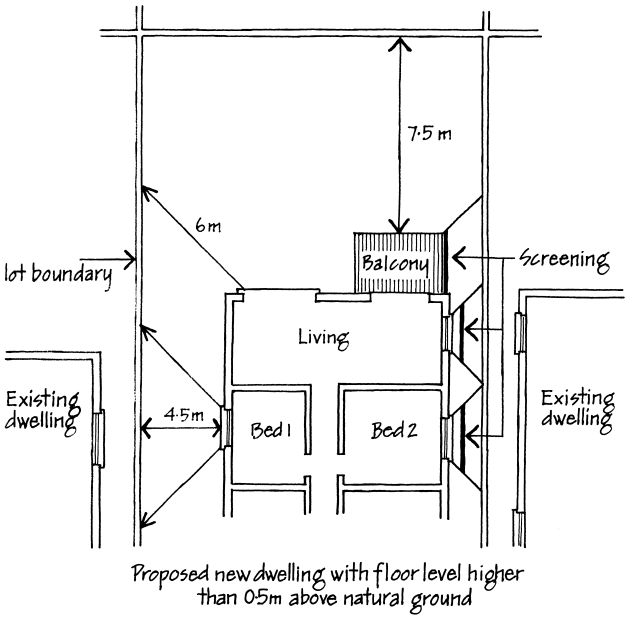
The Codes provide a set of privacy setbacks, based on these considerations, to operate in the absence of detailed and acceptable consideration of the use and development of affected properties. These are set out as Acceptable Development provisions, which do not require the discretion of the Council. For that reason, they are conservative, providing a relatively high level of protection from overlooking.

In many cases, a more effective, more mutually beneficial outcome can be achieved through the application of good design, directed at meeting the Performance Criteria.

Acceptable point-to-point privacy distances can be calculated by aggregating the privacy setbacks of the Acceptable Development provisions.

In the case of active habitable spaces, including outdoor living areas, balconies, etc. an effective privacy separation distance would be of the order of 15m or more. Clearly, this is not realistically achievable. An acceptable compromise setback, where intervening screening is not provided, would perhaps be of the order of 7.5m.

In the case of bedrooms, a lesser setback of 4.5m should be appropriate.



Measuring setbacks using the cone of vision

Privacy Screening

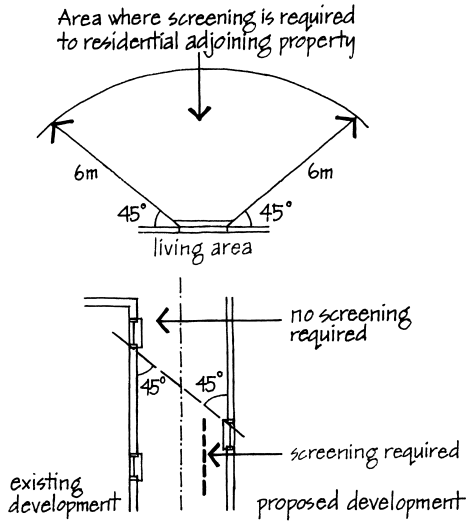
Where privacy separation setback distances cannot be achieved or, as is often the case, it is inefficient to implement them, some form of screening will usually be effective.

Privacy screening can occur in various forms, including:

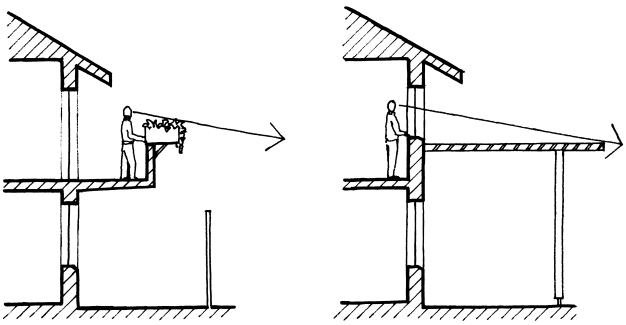
- vegetation;
- permanent elements such as fences, balustrades, louvres, etc; and
- translucent or opaque (i.e. non-transparent) glazing.

Screening may be perforated to some degree to allow the circulation of air, provided it meets the objective of protecting visual privacy. A reasonable test of this is whether the screening prevents

recognition of persons or the precise nature of private activity. Perforations should constitute no more than about 20 per cent of the total surface area.



Horizontal screening



Establishing where vertical screening required

In many cases, it is desirable and possible to provide screening that allows a distant view while preventing nearby overlooking. Various forms of horizontal screens, for example pergolas, may be most suitable for this purpose.

Where screening is proposed as an alternative to setbacks it should be provided where openings or outdoor living areas on an adjoining property lie within the line of sight of the cone of vision as calculated by application of the diagrams on p77.

Placing screens on fences may require neighbour approval under the *Dividing Fences Act 1961*.

Building to Boundaries

Privacy may be enhanced, for both the development and its neighbour, by building a dwelling up to the common boundary as provided in Element 3. This automatically eliminates any problem of overlooking from that wall, and in most cases allows more freedom of design on the site to ensure privacy for outdoor living areas and windows. However, care needs to be had for other aspects, especially the possibility of overshadowing neighbouring dwellings or outdoor living areas.

Acoustic Privacy

Prevention of noise transmission is not as simple as prevention of visual intrusion, since line of sight screening is not very effective acoustically, although it can assist in some cases.

Where the privacy setback distances cannot be achieved, modified separation distances coupled with solid wall screening – for example, a brick wall at the common boundary – may be satisfactory. In general, living rooms should be oriented towards front and rear garden areas, rather than towards side boundaries.

It is desirable to carefully design, locate and screen common noise sources, such as air conditioning units and swimming pool pumps. In general, these should not be located within the side setback areas, although no Acceptable Development provisions on this matter have been included in the Codes.

Care should be taken in the internal arrangement of bedrooms and living rooms within dwellings to ensure that they are not located adjacent to garages, carports or accessways.

Privacy Requirements

Objective

To ensure a reasonable level of visual and acoustic privacy for both new development and adjoining residents.

Performance Criteria	Acceptable Development
New development should meet these criteria:	Development that complies with the following is deemed to meet the relevant Performance Criteria: **Notes:** i. Line of sight setback distances shall be measured by application of the cone of vision set out in the explanatory text; ii. line of sight setback distances include the width of any adjoining right-of-way, communal street or battleaxe access leg or the like; and iii. these provisions apply only where the adjoining affected land is zoned to allow for residential development.
3.8.1 Visual Privacy	
P1 Avoid direct overlooking between active habitable spaces and outdoor living areas of the development site and the habitable rooms and outdoor living areas within adjoining residential properties taking account of: • the positioning of windows to habitable rooms on the development site and the adjoining property; • the provision of effective screening; and • the lesser need to prevent overlooking of extensive back gardens, front gardens or areas visible from the street.	A1 Major openings to active habitable spaces or their equivalent which have a floor level more than 0.5m above natural ground level and positioned so as to overlook any part of any other residential property behind its street setback line, to comply with at least one of the following: i. are set back, in direct line of sight within the cone of vision, from the boundary a minimum of: • 4.5 metres in the case of bedrooms; • 6.0 metres in the case habitable rooms other than bedrooms; and • 7.5 metres in the case of unenclosed outdoor active habitable spaces (balconies, decks, verandahs and the like); or ii. are provided with permanent vertical screening to restrict views within the cone of vision from any major opening of an active habitable space; or iii. are provided with permanent horizontal screening or equivalent, preventing direct line of sight within the cone of vision to ground level of the adjoining property if closer than 25m to the opening or equivalent.

3.9 ELEMENT 9 – DESIGN FOR CLIMATE

Introduction

The State encompasses a variety of regions, with different climates, ranging from temperate in the south-west to hot-arid in the interior to hot-humid in the north. Consequently, it is not possible to lay down a uniform set of climatic design requirements for residential development. It is possible, however, to express general guidelines and principles. Also, because the great majority of new development occurs in, or close to, the Perth Metropolitan Region, there is some value in basing guidelines on Perth.

Accordingly, much of what follows applies most directly to the Perth Metropolitan Region, and appropriate adjustments need to be made for other regions.

While specific Acceptable Development requirements for solar access are not provided in the Codes, solar access guidelines have been included in the Explanatory Text and may be taken into account in the consideration of applications according to the Performance Criteria.

Codifying Climate-Sensitive Design

In terms of residential development, the three main aims of climate-sensitive design are to reduce energy consumption, optimise on-site solar access, and protect solar access for neighbouring properties.

However, it is difficult to translate these aims into development provisions. This is not because the issues are subjective but because conditions vary greatly from one situation to another, making it difficult to establish universally valid rules. To give an obvious example, a narrow east-west oriented lot on the south side of a development site, especially where the terrain slopes toward the south, is highly vulnerable to being overshadowed, even by a relatively low building set back from the common boundary. By contrast, where lots are oriented north-south, even tall buildings built up to the common boundary have little potential for overshadowing. In other cases, the shadows cast may largely fall on blank walls or roofs.

Developed from a map produced by the Bureau of Meteorology

Source: ABC Board Energy Efficiency Zones Map 2002

Climatic Zones in Western Australia

These factors should be taken into account by the architect or building designer, whether designing a Single House or a large Multiple Dwelling complex.

Because it is impossible to adequately codify and enforce good design practice, the Codes deal with the issues in three ways:

- by setting out the relevant factors for design of a development;

- by setting down conservative Acceptable Development limits to overshadowing, which should be satisfactory for most developments, especially for Single Houses in the Medium Density Codes; and
- by encouraging designers and Councils to utilise the performance approach in difficult or complex cases.

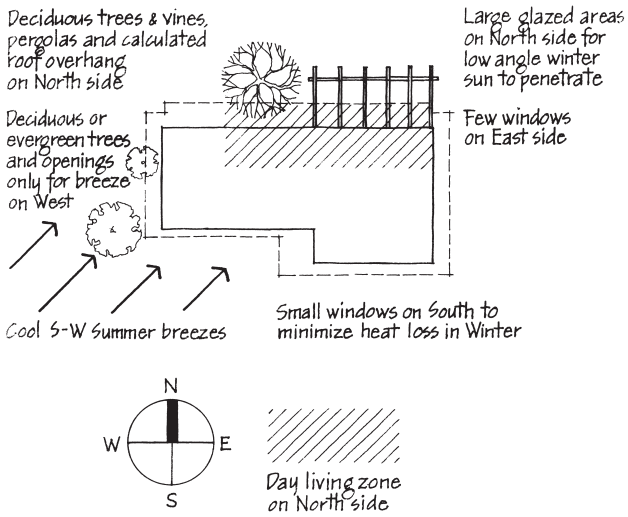
Design for Climate: Energy Conservation and Comfortable Living

Much of the State enjoys a climate admirably suited to outdoor living and comfortable living indoors, summer and winter.

The important factors to take into account for the temperate south-west, and southern regions of the State, including the Perth Metropolitan Region, and also much of the state with hot dry climates (generally zones 4, 5 and 6 on the map on page 82) are:

- The sun is further north in winter than in summer, and its angle is much lower. This means that a simple, properly calculated, north-facing roof overhang will allow the winter sun in and keep the summer sun out.
- Dwellings should be laid out so that at least one living area (preferably the one used most of the day) faces north or within 15 degrees of north. An outdoor living area is also best located on the north side of the dwelling.
- Pergolas with removable awnings or deciduous vines can be designed to provide solar access for desired times in the winter while excluding solar access for desired times in summer. So will pergolas with correctly angled blades, called solar pergolas.
- The sun is most fierce in summer in the afternoon. At this time it comes from the west or west-south-west, so areas of glass facing in that direction should be avoided. Protect the dwelling with trees or vines (preferably deciduous, so as to allow in the sun in winter), pergolas or verandahs.
- The morning sun comes more directly from the east in summer, but will generally have moved to the north and then west before the ambient temperature rises. Therefore east-facing walls are not as critical as west facing, but the use of glass should still be kept to a minimum, unless screened.
- The sun never hits the south face of a dwelling in winter: large areas of glass on the south will allow heat to escape in winter.
- Cooling breezes in summer come to the Swan Coastal Plain from the south-west; design should allow for letting these in while protecting windows from the sun, and avoiding crowding shrubs so close that they will hinder breezes.

All of these factors need to be verified for their relevance to other regions. For example, sun angles vary significantly with latitude, and the time and direction of cooling breezes varies with proximity to the ocean and other factors. In the hot humid regions thorough ventilation (and hence space around buildings) and shade are more important than solar penetration in winter.



Some principles for the siting of a dwelling in the temperate zone

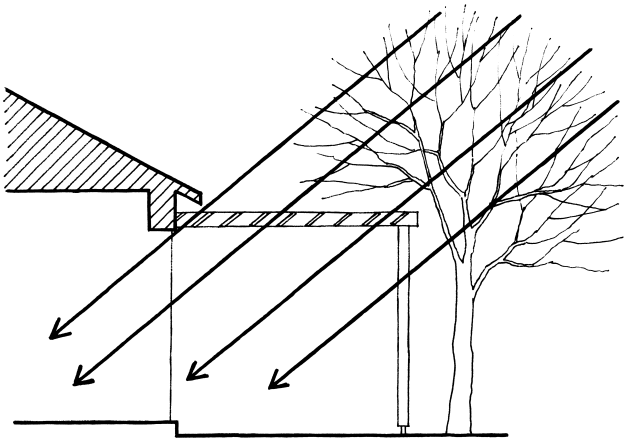
Achieving Solar Access on Site

The shape and orientation of lots sometimes make it difficult to achieve optimum layout of a development. Sometimes this may also conflict with the principle of dwellings facing the street. Often a compromise will have to be made.

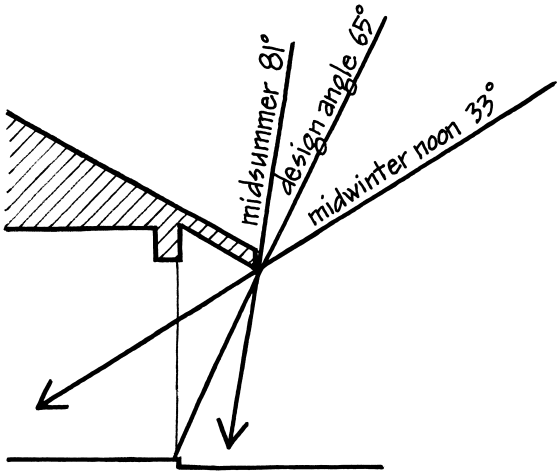
It should be Council practice to assist where necessary by making concessions in particular cases, especially by modifying side setbacks to allow solar

access, provided that neighbours' privacy or solar access is not affected. These concessions may include building up to a side boundary.

In other cases, the only available private north-facing open space may be within the street setback area. The Codes recognise this, for example by modifying the provision for fencing in the street setback area to allow for private outdoor living space.



Solar pergola and deciduous trees



Calculated eaves overhang on north side, Perth

Protecting Solar Access for Neighbouring Properties

Development should be designed so that it does not seriously affect solar access for neighbours. In most cases, this means avoiding very tall walls close to southern boundaries, so that excessive shadows are not cast across the north-facing areas adjacent. In some cases, overshadowing by west or east-facing walls may also be important.

As with overlooking, but even more so, the potential for a building to overshadow a neighbouring site, or be overshadowed itself, varies enormously from case to case.

The variables are several and complex:

- the density of development (determined in the first place by the R-Code);
- the height of buildings – existing and proposed;
- the position of buildings – existing and proposed – in relation to boundaries;
- the orientation of the development site and its neighbours, that is, the relative position of the sun;
- the relevant dimensions and shape of the development site and of affected neighbouring sites; and
- the degree and orientation of slope of the land.

It is clear that the sites most vulnerable to overshadowing are narrow east-west orientated sites, on the south side of a development site, especially if they are also lower or on a south-facing slope. In such cases, even a relatively low building may cast mid-winter shadow over a greater proportion of the site than allowed under 3.9.1.

In other cases a shadow cast by a proposed building may exceed the allowable limits in theory, but in practice may simply be casting a shadow onto a boundary wall or roof or both, with minimal adverse effect.

A shadow may not exceed the limit but may fall over the only available outdoor living area, or living room window, of an adjoining house.

Calculation of Overshadowing

The assessment of the shadow cast by a building at midday on 21 June is straightforward. The methodology for determining the shade so cast is to be found in the *Sunshine and Shade in Australasia*, Phillips, R.O., Commonwealth Scientific and Industrial Research Organisation (Australia), Division of Building Construction and Engineering. CSIRO. Canberra, ACT 1992. Reference should be made to the specific tables in this document.

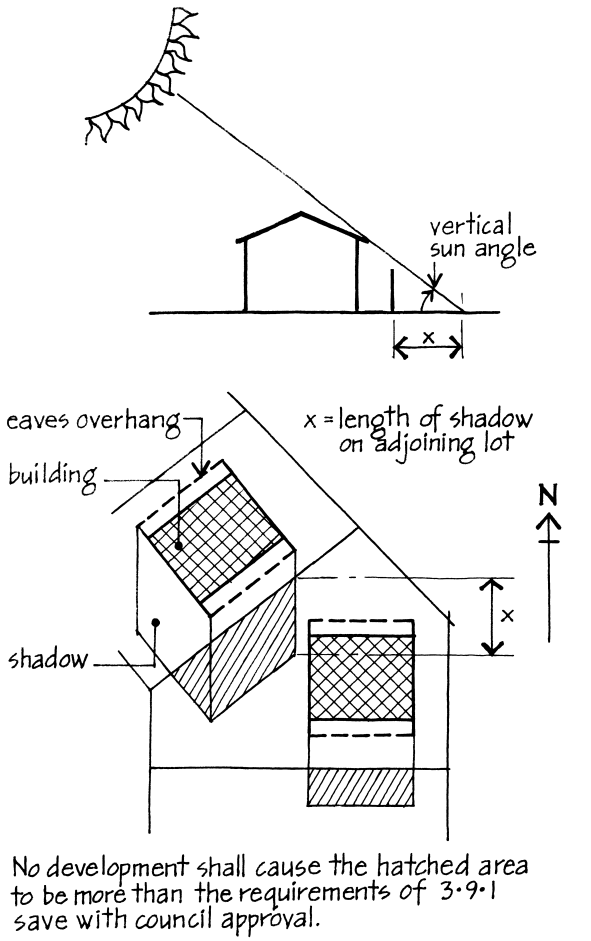
In general terms the shadow cast is calculated by:

- selecting the vertical sun angle from the following chart that lists the major urban centres from Albany to Wyndham; and
- transposing the length of shadow onto the site plan, taking care to correctly orientate the building and allow for the slope of the land, if any.

City/ Town	Latitude (S)	Vertical Sun Angle
Albany	35	31
Perth	32	33
Kalgoorlie	31	35
Geraldton	28	38
Carnarvon	25	42
Port Hedland	20	47
Broome	18	49
Wyndham	15	52

Reflective Roofs

Reflective roofs are useful and effective in reducing the heat absorbed by a dwelling. Very highly reflective roofs, however, such as new Zincalume metal roofing, may sometimes cause glare and discomfort to neighbours. In some situations, it may be desirable or necessary to use a material or finish (such as Colorbond) in a light but less reflective colour.



Calculation of overshadowing

Energy-Efficient Design

The Commission has made provision for improved energy efficient lot design in *Liveable Neighbourhoods Edition 2,* June 2000. Further development of solar access provisions relating to the placememt and orientation of dwellings on lots will be promoted in future refinements of the Codes. For guidance on the requirements of energy efficient design principles and minimum construction standards, reference should be made to the Building Code of Australia.

Water-Sensitive Urban Design

Water-sensitive urban design is recognised as an important aspect of environmental conservation and ecologically sustainable development. It is critical to land subdivision and development, but important also in relation to development of individual sites.

Important aspects that should be taken into account are:

- managing water balance by encouraging groundwater recharge;
- ensuring that the quality of water leaving a site is acceptable; and
- encouraging water conservation, including, where feasible, re-use of stormwater and minimisation of mains supply water on gardens.

At this stage, widespread re-use of suitable waste water (so-called "grey water") is not feasible, but dual water systems may be feasible in future. It is possible, however, to contain stormwater on site in almost all residential developments, ensuring both recharge of groundwater and the avoidance of discharge into public drainage systems. Exceptions to this will be in:

- areas where soil conditions make on-site absorption unfeasible;
- some inner-city areas where the density of development precludes on-site disposal; and
- areas where the intensity and duration of precipitation makes significant on-site absorption impractical.

Design for Climate Requirements

Objective

To optimise comfortable living and facilitate ecologically sustainable development

Performance Criteria	Acceptable Development
New development should meet these criteria:	Development that complies with the following is deemed to meet the relevant Performance Criteria:
3.9.1 Solar Access for Adjoining Sites	
P1 Development designed with regard for solar access for neighbouring properties taking account the potential to overshadow: • outdoor living areas; • major openings to habitable rooms; • solar heating devices; or • balconies or verandahs.	A1 Notwithstanding the boundary setbacks in Element 3, development in Climatic Zones 4, 5 and 6 of the State shall be so designed that its shadow cast at midday, 21 June onto any other adjoining property does not exceed the following limits: • on adjoining properties coded R25 and lower – 25% of the site area; • on adjoining properties coded R30 to R40 inclusive – 35% of the site area; • on adjoining properties coded R-IC or higher than R40 – 50% of the site area. **Note:** In this context "site area" refers to the surface of the adjoining lot without regard for any building on it but taking into account its natural ground levels.
3.9.2 Stormwater Disposal	
P2 Stormwater contained within the site whenever possible.	A2 All water draining from roofs and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site where climatic and soil conditions allow for the effective retention of stormwater on-site.

3.10 ELEMENT 10 – INCIDENTAL DEVELOPMENT

Introduction

Incidental development encompasses development incidental to but either an essential or a frequently occurring feature of residential development. In this category are included:

- outbuildings
- ancillary facilities; and
- external fixtures.

Outbuildings

All outbuildings could, in theory, be regarded as buildings and made to comply with the same design guidelines as the main building or buildings. But Australia, at least, has a long tradition of backyard sheds, workshops, garages and other buildings, including outside laundries and toilets, and these have always been regarded in a different light to the houses they serve. The tradition is changing because contemporary living standards have led to the demise of the outside laundry and toilet, in part because the spacious quarter acre block has long since given way to smaller and smaller lots, and also because urban lifestyles have changed. People view their backyards differently.

Nevertheless, there is a case for relaxed standards for some outbuildings. The criteria should be that they do not detract from the essential functions of private open space, the visual amenity of neighbours or the streetscape. This means that any outbuilding that is to be exempt from the standards of the dwelling should be:

- relatively small in area;
- relatively low in height;
- sited so as to preserve the use and amenity of open space;
- set back sufficiently from boundaries;
- confined to Single Houses and Grouped Dwellings; and
- excluded from street setback areas.

Other common private garden or backyard constructions – pergolas, cubby houses and play fixtures, and dog kennels are examples – have not been included in the definition of "Building" and are therefore exempted from planning control.

While outbuildings of less than 60sqm in area (or 10% of the site which ever is the lesser) and no more than 2.4m in wall height are Acceptable Developments, they are still required to be sited in accordance with the side setback requirements of Element 3 and the open space requirements of Table 1.

Ancillary Facilities Generally

For the purposes of the Codes, incidental facilities fall into two categories:

- essential facilities, such as clothes drying, general storage and rubbish bin storage;
- optional facilities, such as a tennis court, swimming pool, gymnasium, gazebo, security gate or below-ground car parking.

These facilities appear not to be problematic in the case of Single Houses, except possibly on very small lots. They can, however, be critical to the amenity of communal developments. Adequate provision for such facilities should be mandatory in all Grouped and Multiple developments.

External Fixtures

External fixtures includes items attached to (or emerging from) buildings, including:

- television, radio, other antennae and satellite dishes;
- plumbing vents and pipes;
- solar panels;
- external hot water heaters; and
- air conditioners.

TV antennas and plumbing vents above the roof and roof-water downpipes are accepted as minor, but others may have greater potential to detract from amenity and streetscape, and should be subject to planning control.

Incidental Development Requirements

Objective

To ensure that (a) outbuildings and fixtures attached to buildings do not detract from the streetscape, or the amenity of the development or that of adjoining residents; and (b) adequate provision is made for incidental facilities serving residents' needs.

Performance Criteria	Acceptable Development
New development should meet these criteria:	Development that complies with the following is deemed to meet the relevant Performance Criteria:
3.10.1 Outbuildings	
P1 Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.	A1 Outbuildings that: i. are not attached to a dwelling; ii. are non-habitable; iii. do not exceed 60sqm in area or 10 per cent in aggregate of the site area, whichever is the lesser; iv. do not exceed a wall height of 2.4m; v. do not exceed ridge height of 4.2m; vi. are not within the primary street setback area; vii. do not reduce the amount of open space required in Table 1; viii. are set back in accordance with Element 3; and ix. comply with the siting and design requirements for the dwelling, but do not need to meet rear setback requirements of Table 1.
3.10.2 External Fixtures	
P2 External fixtures that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.	A2.1 Television aerials of the standard type, essential plumbing vent pipes above the roof line and external rainwater downpipes. A2.2 Other external fixtures that: i. are not visible from the primary street; ii. are designed integrally with the building; or iii. are located so as not to be visually obtrusive.

Performance Criteria	Acceptable Development
	A2.3 Antennas, satellite dishes and the like not visible from the street.
3.10.3 Essential Facilities	
P3 Provision made for external storage, rubbish collection/storage areas, and clothes-drying areas that is: • adequate for the needs of residents; and • without detriment to the amenity of the locality.	A3.1 An enclosed, lockable storage area, constructed in a design and material matching the dwelling, accessible from outside the dwelling, with a minimum dimension of 1.5m with an internal area of at least 4sqm, for each Grouped or Multiple Dwelling. A3.2 Where rubbish bins are not collected from the street immediately adjoining a dwelling, there is provision of a communal pick-up area or areas which are: i. conveniently located for rubbish and recycling pick-up; ii. accessible to residents; iii. adequate in area; and iv. fully screened from view from the primary or secondary street. A3.3 Multiple Dwelling developments: • provided with an adequate area set aside for clothes-drying, screened from view from the primary or secondary street; or • clothes drying facilities screened from public view provided for each Multiple Dwelling.

Part 4 - Special Provisions

4.1 SPECIAL PURPOSE DWELLINGS

Introduction

The Codes encompass three kinds of special purpose dwellings:

- Ancillary Accommodation;
- Aged or Dependent Persons' Dwellings; and
- Single Bedroom Dwellings.

Special purpose dwellings may require discretionary approval under the relevant Scheme.

Ancillary Accommodation

To encourage diversity in accommodation types, and to provide a means for extended families to live in proximity but with autonomy, the Codes provide for "Ancillary Accommodation", sometimes referred to as a "granny flat". This is essentially an independent additional dwelling, which may or may not be physically attached, on the same lot as a Single House.

Such dwellings are limited in size to 60sqm and are required to meet the normal Codes requirements, such as provision for open space.

Aged or Dependent Persons' Dwellings

The intention of this provision is to encourage the development of small-scale specialised housing within local communities, as an alternative to larger scale, relatively segregated complexes.

Because Aged or Dependent Persons' Dwellings are generally smaller than conventional dwellings, and the occupants do not usually have a high car ownership ratio, the Codes under Clause 3.1.3 allow the reduction of the site area by one third of that provided for by the code applying to the site, together with reduced car parking standards.

To prevent these concessions from being abused – for example as a back door way of increasing density for standard housing without re-coding an area – the concessions are subject to three constraints:

- there is a limit on the size of such dwellings;
- they must be purpose-designed;
- they are subject to a legal agreement to restrict occupancy.

The design must incorporate or allow for future incorporation of features that are required to serve the special needs of aged or dependent persons, for example: ramps and wider doorways and passageways to accommodate wheelchairs; hand-rails in bathrooms and toilets, etc.

It is important that dwellings designated as Aged or Dependent Persons' Dwellings are designed to allow for "ageing in place" whereby dwellings cater for an individual to remain in their chosen place of residence even though their physical and sensory abilities may change over their life span, with certain minimum standards, as set out in appropriate Australian standards, that are part of the original construction or can be introduced with relative ease. In particular this would include designs with minimum use of levels and stairs, adequate passageways and door widths, roofed car parking spaces, accessible utilities and slip resistant floors for kitchens, laundries, bathrooms and toilets as described in the Australian Standard for Adaptable Housing (AS 4299). (Standards Association of Australia [1995] AS 4299 - 1995 *Adaptable Housing*). This would result in such dwellings being more flexible to accommodate the changing needs of older people.

In addition, it is necessary to stipulate an age threshold of 55 in the case of Aged Persons' Dwellings. There is no constraint, however, on the dwelling type – the concessions apply equally whether they involve Single Houses or Grouped or Multiple Dwellings.

It is also not necessary that the whole of any particular development comprise special purpose dwellings, or even consist of the same type of dwelling. It is possible, if unlikely, for a development to comprise a mix, for example, of Aged Persons' Single Houses, standard Grouped Dwellings, and Dependent Persons' Multiple Dwellings.

Single Bedroom Dwellings

This type of dwelling is designed to accommodate the one or two-person households that now make up over half of all households in Western Australia. Because dwellings of this nature result in a low population density per dwelling unit, do not generate the same demands for car parking as two or three-bedroom dwellings, and result in less building bulk, the Codes allow the same concessions as for Aged or Dependent Persons' Dwellings. There are, however, no constraints on the age of occupants and there is no requirement for special facilities.

Special Purpose Dwellings Requirements

Objective

To ensure that dwellings for special needs can be provided within normal residential areas.

Performance Criteria	Acceptable Development
New development should meet these criteria:	Development that complies with the following is deemed to meet the relevant Performance Criteria:
4.1.1 Ancillary Accommodation	
P1. Ancillary dwellings that accommodate the needs of large or extended families without compromising the amenity of adjoining properties.	A1. An additional dwelling or independent accommodation associated with a Single House and on the same lot where: i. the sole occupant or occupants are members of the family of the occupiers of the main dwelling; ii. the lot is not less than 450sqm in area; iii. the open space requirements of Table 1 are met; iv. there is a maximum plot ratio area of 60sqm; and v. one additional car space is provided.
4.1.2 Aged or Dependent Persons' Dwellings	
P2. Dwellings that accommodate the special needs of the elderly or physically dependent persons and are designed to allow for "ageing in place" taking into account: • the proportion of dwellings designed to meet Australian Standards for Dependent Persons Dwellings; • the location of the site in relation to public transport and convenience shopping; • the topography of the locality in which the site is located; and • the demand for aged and dependent persons' accommodation.	A2. Dwellings for the purposes of aged and dependent persons that comply with the following: i. a maximum plot ratio area of: • in the case of Single Houses or Grouped Dwellings – 100sqm; • in the case of Multiple Dwellings – 80sqm; ii. a minimum number of five dwellings within any single development; iii. all dwellings to incorporate the standards set out in AS 4299 (Adaptable Housing) to the Adaptable House class B standard. iv. at least one wheelchair-accessible parking space for the exclusive use of each wheelchair-accessible dwelling provided; v. visitors' car spaces at the rate of one per four dwellings, with a minimum of one space; and

Performance Criteria	Acceptable Development
	vi. at least one occupant is a disabled or physically dependent person or aged over 55, or is the surviving spouse of such a person, and the owner of the land agrees to enter into a legal agreement, binding the owner, his heirs and successors in title requiring that this provision be maintained.
4.1.3 Single Bedroom Dwellings	
P3. Dwellings that provide limited accommodation, suitable for one or twopersons.	A3. Single Bedroom Dwellings with a maximum plot ratio floor area of 60sqm.

4.2 MIXED-USE DEVELOPMENT

Introduction

Mixed-use developments have become more acceptable possibly as a result of:

- the significant increase in interest in inner-city living;
- the continuing influence of immigrants, from countries where different traditions have prevailed; and
- the strong encouragement given to mixed-use development by Liveable Neighbourhoods.

Mixed-use developments:

- provide enhanced security, through extended hours of activity and occupation, for both residential and commercial components and, for that matter, the streets on which they are located;
- optimise the use of on-site car parking, through reciprocal use of car spaces;
- optimise the use of and economic return from land;
- provide opportunities for living and working in the same building;
- encourage social interaction; and
- have the potential to provide affordable housing, especially rental housing.

Use of Codes for Mixed-Use Development

The Codes are primarily designed for residential development. The provisions in the Codes for mixed-use development may need to be augmented by specific provisions and standards in the Scheme to ensure a compatible relationship between uses, and an acceptable residential environment.

It should also be noted that the residential environment of dwellings in a mixed-use development is likely to be subject to varying expectations regarding amenity than if it was an area solely comprised of dwellings. Occupants are normally prepared to accept some loss of amenity in the mixed-use areas because of other advantages, such as better access to facilities that arise from such accommodation.

Accordingly, provisions or standards for mixed-use developments should not seek to impose too "high" a standard so as to discourage the concept of mixed-use development and it is likely that a greater reliance on Performance Criteria would be appropriate to address local needs and the range of possible developments.

Mixed-use developments involve the residential components being built above the commercial components. Typical examples are:

- dwellings/apartments above shops, offices, showrooms or cafes; and
- dwellings and offices above shops, cafes, etc.

These dwellings will normally be Multiple Dwellings, as defined in the Codes.

Where the Scheme applies density codings to non-residential areas the provisions of Table 1 would apply. However, the plot ratio requirements of Table 1 should be applied to both residential and non-residential components, with the exception of ground level non-residential floor space, to avoid the over-building of a site.

Mixed-Use Development Requirements

Objective

To ensure that a reasonable standard of residential amenity is maintained for dwellings that are provided in conjunction with commercial or other non-residential uses.

Performance Criteria	Acceptable Development
New development should meet these criteria:	Development that complies with the following is deemed to meet the relevant Performance Criteria:
4.2.1 Dwellings in Mixed-Use Development	
P1 Dwellings combined with non-residential uses on the same site that provide comparable standards of amenity to other Multiple Dwellings taking account of the need to: • satisfy streetscape objectives; • provide open space in accordance with resident needs; and • provide car parking to satisfy reciprocal requirements of residents and other users.	A1 The dwelling component of a mixed-use building developed in accordance with: i. the relevant provisions, if any, of the Scheme; or ii. where Multiple Dwellings are permissible under the Scheme but no R-Code is designated for the site, in accordance with the Multiple Dwelling requirements of the R-60 Code; and iii. to the extent that the Scheme allows, subject to the following: • minimum street setback – nil; • other boundary setbacks – as in Table 1; • walls on boundary for 2/3 of boundary behind street setback up to 6m height; • on-site car parking – as for Multiple Dwellings; may be reduced to one per dwelling where on-site parking required for other users is available outside normal business hours; • open spaces generally – nil; • communal open space – nil; • outdoor living area – all dwellings required to have a balcony, or ground floor open space, not less than 1.5m depth and a minimum area of 4sqm; and • plot ratio – as provided in Table 1, in addition to any ground level non-residential floor space.

4.3 INNER-CITY HOUSING

Inner-City housing embraces:

- the immediate fringe of Central Business Districts and commercial centres, where residential development competes with commercial development and may predominate; and
- the central, essentially commercial, heart of the city centre, encompassing the main office, retail and associated precincts, where residential development, other than hotels, is largely incidental.

The Characteristics of Inner-City Areas

There is a difference in kind between suburban and inner-city housing that springs not merely from the physical conditions of the inner-city areas, but also from the different lifestyle aspirations, attitudes and expectations of those who choose, or are obliged, to live in inner-city areas.

As compared with suburban areas, the inner-city areas tend to be characterised by:

- higher densities of development;
- higher land values and (often) rentals;
- greater diversity of residential development, including hostels or lodging houses, apartments and rental flats;
- greater diversity of land use generally, including mixed land uses;
- closer proximity and easy accessibility to a much wider range of cultural, entertainment, public and commercial facilities and services;
- more diverse, accessible and frequent public transport;
- often higher levels of traffic and traffic noise;
- more restricted and (often) expensive car parking for residents and visitors;
- lesser facilities for school age children; and
- lesser sporting facilities.

The Residential Needs of Inner-City Areas

Because of the range of public and private housing, the access to a variety of employment, cultural and entertainment facilities and the fact that such areas attract recent migrants, inner-city households tend to be more diverse than most suburban areas. Notably there are a higher proportion of singles and couples than in the general population and a wider range of incomes and socio-economic groups.

The residential development needs that arise from this are equally diverse and include:

- a very limited need for large houses in relatively large grounds or for suburban-standard Single Houses; but
- a significant need for medium to high density "town houses", with small gardens, the full range of multiple dwellings (flats or apartments), from cheap bedsitters to spacious penthouses, serviced apartments, lodging houses and hostels and aged persons' housing.

Some of these dwelling types – notably those characterised as Residential Buildings in town planning schemes – will probably require separate development provisions in the Scheme. In general, the scope of the R-IC Code will, however, cover all relatively self-contained dwellings, including serviced apartments. Hotel suites may be treated as Single Bedroom Dwellings in some schemes.

Residential Amenity

The concept of amenity for inner-city living is different from that for suburban living. While all residents have a need and desire for the fundamentals of light, air, space and privacy, this differs between suburban and inner-city localities. In suburban areas – the main focus of the Codes – a major source of amenity is the space that surrounds the locality and the dwellings. In the inner city, it is equally likely to be the external facilities, and the opportunities and choices these bring that create the amenity.

Building Conversions to Residential Use

Buildings in the inner city may be adapted and converted for purposes that are different from those for which they were originally designed, for example, the conversion to residential of redundant

warehouses, factories and even office buildings. It is not feasible to apply the standards and provisions that may apply to new residential development to such residences, in particular those relating to external space. Where the buildings have heritage significance, it is even more important to adopt a flexible approach to standards.

Accordingly the R-IC Code allows for relaxation of standards to facilitate such conversions.

Issues and Principles for Development Control

Consideration of these factors leads to a different set of principles and issues driving development control of inner-city residential development that may be summarised as follows:

- built form and urban design considerations, rather than density of dwellings, should strongly influence the extent of development;
- the overall form created by residential buildings should not be remarkably different from that of other buildings in the same streetscape or city block;
- the relationship between development of private land and the public domain, especially city streets, should relate to the public domain;
- privacy for dwellings at street level should give way to mutual surveillance and visual and other interaction across the interface between the street and the development;
- street setbacks should be minimal, except where urban design considerations dictate otherwise;
- carparking may be limited in accordance with general transport and carparking policies for the inner-city areas;
- private open space in the form of balconies, roof terraces and the like is desirable, but not always essential;
- communal open space and recreational or social facilities are desirable where they fit the needs of residents, but not always essential;
- adequate provision for natural light and ventilation should be made to all dwellings;
- solar access for dwellings is desirable but not essential;
- development requirements should be flexible to allow conservation of heritage buildings, and conversion of buildings generally, to residential use, consistent with basic safety and health standards;
- visual privacy generally may be of less importance than for suburban development;
- solar access for the public domain, especially for small parks and public squares, is of greater importance;
- space between buildings at the street interface is not usually an imperative and may be visually undesirable; and
- acoustic privacy is essential, although this is largely a building construction matter; noise control between dwellings is essential, although external noise is part of the environment.

Appropriate Areas for Inner-City Residential Development

Inner-city areas are often mixed-use areas where residential development may not be the predominant use.

Ultimately, definition of the inner-city area for the purposes of the Codes will fall to the relevant local government, based on its assessment of the most appropriate code to achieve the desired outcome for the area.

Local Planning Policies

Inner-city housing areas vary significantly. Consequently, the Codes are intended to be supplemented by Local Planning Policies or Scheme provisions for particular precincts or areas to address matters in the Codes that are unsuited to local conditions. Where no such policies or provisions exist, the Codes take effect by default.

Variations to the Codes for density (minimum site area and plot ratio provisions of Table 1) should be incorporated in the Scheme rather than in Local Planning Policies.

The incorporation of the R-IC Code will require a Scheme amendment and should be contingent on the preparation of a Local Planning Policy or Special Control Area for each area coded R-IC to address the performance criteria of the Codes.

Inner-City Housing Requirements

Objective

To ensure that residential development in the inner-city areas coded R-IC occurs in ways that:

- are consistent with the density and built form for the predominant development of the locality;
- contribute positively to the streetscape of which they are part;
- contribute positively to street activity;
- are consistent with general car-parking provisions and transport policies for the locality;
- provide high standards of amenity and on-site facilities for residents;
- encourage the conversion of existing buildings to residential use;
- encourage sustainable design principles;
- encourage the conservation of heritage buildings and places.

Performance Criteria	Acceptable Development
New development should meet the Performance Criteria set out elsewhere in the Codes, except as modified below:	Subject to the provisions of a Local Planning Policy or Special Control Area, development in accordance with the Acceptable Development provisions set out elsewhere in the Codes, and the following requirements:
4.3.1 Housing Density and Built Form	
P1.1 Consistency with the density and intensity of use desired for the locality generally, including other significant land uses.	A1 i. Development of Single Houses, Grouped Dwellings, and Multiple Dwellings in accordance with Table 1.
P1.2 Consistency with the height, bulk and space around buildings similar to those applying to commercial buildings in the precinct or locality.	ii. Development of serviced apartments or other self-contained residential suites within a building such that the plot ratio of the building does not exceed 1.25, excluding any associated non-residential ground floor uses.
P1.3 Buildings converted from non-residential to residential use so as to ensure that basic safety and health of residents is not compromised.	
4.3.2 Streetscape	
P2.1 Buildings designed to: • complement the desired character of the streetscape and locality or precinct; • face the street and other public spaces; • promote physical interaction between the building and pedestrians at street level; • minimise vehicle crossovers; • conceal on-site parking from view from the public domain; • have entrances on to the street; and	

Performance Criteria	Acceptable Development
• provide visual interest at the street face, especially at street level.	
P2.2 Buildings designed to provide surveillance of the public domain and communal spaces, and safe and well lit access and entryways between dwellings and other uses and the public domain.	
4.3.3 Boundary Setbacks	
P3 Buildings designed in the context of the common theme within each street and/or street block in respect of side setbacks and the extent of boundary walls.	
4.3.4 Open Space	
P4 Open space provided in accordance with the needs of residents, for private and communal (recreational and social) purposes.	
4.3.5 Access and Car Parking	
P5.1 Access to car parking that is safe, convenient and compatible with amenity of residents and pedestrians.	
P5.2 Car-parking provision which is consistent with: • car-parking policy and requirements for the precinct or locality generally; • the needs of residents; • the need to avoid adverse impact on traffic management and parking policy generally in the relevant precinct; and • policies relating to reciprocal car-parking provision and the provision of off-site parking.	
P5.3 Provision of safe and comfortable access for pedestrians between communal car-parking areas or public streets and individual dwellings, including: • pedestrian accessways and vehicle accessways; • the extent of cover from the point of entry at the street face to each dwelling; and	

Performance Criteria	Acceptable Development
• adequate nocturnal lighting of pedestrian accessways.	
4.3.6 Site Levels	
P6 Development that retains the visual impression of the natural level of a site, as seen from the street or other public place, or from an adjoining property.	
4.3.7 Height and Bulk	
P7 Consistency with the height, bulk and general setback of buildings desired for the street and/or street block.	
4.3.8 Privacy	
P8 Major openings and private balconies located so as to minimise overlooking of the indoor and outdoor living areas of adjoining properties.	
4.3.9 Design for Climate	
P9 Provision of adequate direct sun to habitable rooms and open space on the development site and appropriate protection of solar access to adjoining sites and the public domain.	
4.3.10 Incidental Development	
P10 Appropriate facilities on site to meet the needs of residents, including provision of: • convenient and visually screened areas for service access and bin storage and pick up; • protected areas within or close to dwellings for private storage; • convenient positioning of mail boxes; • provision for clothes drying within dwellings or in secure, visually screened areas; and • communal meeting or recreation areas where appropriate.	

Appendices

APPENDIX 1

CODES APPROVAL APPLICATION FORM

Residential Design Codes of Western Australia

APPLICATION FOR SINGLE HOUSE/OUTBUILDING CODES VARIATION

To: City/Town/Shire of: .....

NOTE: This is not an application for Planning Approval.

Application for Single House/Outbuilding Approval is to be made on this form

IF

an application for Planning Approval is not required under the Town Planning Scheme

AND

the proposed development involves one of the following:

- the exercise of a discretion by the Council under the Residential Design Codes; or
- the exercise of a discretion by the Council under a Local Planning Policy made in accordance with the Town Planning Scheme.

If you are in doubt about whether application should be made on this form, please consult the Council's planning or building officers.

OWNER DETAILS:

Name: .....

Address: ..... Postcode .....

Signature: ..... Date .....

Signature: ..... Date .....

All owners must sign this form or an attachment if there is not sufficient space. State your position where signing on behalf of a company. This application will not proceed otherwise.

APPLICANT DETAILS:

Name: .....

Address: .....

Contact Person: ..... Phone: ..... Fax: ..... Email: .....

Signature: ..... Date: .....

PROPERTY DETAILS:

Lot No: ..... House/Street No: .....

Street Name: .....

Suburb: .....

Location No: ..... Diagram/Plan No: ..... Certificate of Title No: ..... Folio: .....

Nearest Street Intersection: .....

Title Encumbrances (e.g. easements, restrictive covenants): .....

Approximate cost of proposed development: .....

PLEASE FILL IN THE DETAILS ON THE REVERSE

DETAILS OF DISCRETIONARY DECISION(S)

1. Please provide details of each aspect of the proposed development which does not conform to an "Acceptable Development" provision of the Codes or a Local Planning Policy made under the Town Planning Scheme.
2. Please refer to the specific performance criterion or other provision under which the Council's discretionary decision is required and give full reasons in support of your proposal.
3. Attach further information in support if needed.

OFFICE USE ONLY

Accepting officer's initials ..... Date received .....

Council Reference No .....

APPENDIX 2

CODES APPROVAL DECISION FORM

Residential Design Codes of Western Australia

NOTICE OF APPROVAL/REFUSAL TO CODES VARIATION

PROPOSAL: .....

LOCATION: .....

Name of owner of land on which the development is proposed:

Surname/Company Name: .....

Other Name(s): .....

Address: .....

.....

Approval to commence development in accordance with the application for Codes Approval dated

.....

and plans dated .....

is: ☐ APPROVED

☐ APPROVED SUBJECT TO THE FOLLOWING CONDITIONS

☐ REFUSED FOR THE FOLLOWING REASONS

CONDITIONS/REASONS FOR REFUSAL:

.....

.....

.....

.....

.....

.....

Note: Should the applicant be aggrieved by this decision, a right of appeal may exist under the provisions of the *Town Planning and Development Act 1928* (as amended).

This approval is valid for a period of .....

If development is not commenced within this period a fresh approval must be obtained before commencing or continuing the development.

.....

CHIEF EXECUTIVE OFFICER

.....

DATE

APPENDIX 3

ADJOINING PROPERTY OWNER COMMENT ON PROPOSED VARIATION TO THE RESIDENTIAL DESIGN CODES

ADJOINING PROPERTY OWNER DETAILS

Name: .....

Lot No: ..... Street No.: ..... Street Name: .....

Suburb: ..... Postcode: .....

LOCATION OF PROPOSED DEVELOPMENT

Name: .....

Lot No: ..... Street No.: ..... Street Name: .....

Suburb: ..... Postcode: .....

DETAILS OF VARIATION TO WHICH COUNCIL DESCRETION IS REQUIRED AND COMMENT SOUGHT

☐ Plan Attached

OWNER'S COMMENTS

Object/Do not object

.....

.....

.....

.....

.....

.....

.....

.....

Signed: ..... Date: ..... Phone: .....

Print name: .....

Signed: ..... Date: ..... Phone: .....

Print name: .....

Note: The Council in determining the application for a variation under the Residential Design Codes will take into account the comments of adjoining owners. The Council is not obliged to support the views of adjoining owners.

Tables and Figures

TABLE 1 - GENERAL SITE REQUIREMENTS

1 R Code	2 Dwelling Type	3 Minimum Site Area per dwelling (m^2)◆	4 Minimum Lot Area/Rear Battleaxe (m^2)▼	5 Maximum Plot Ratio	6 Minimum Frontage (m)▼	7 Open Space Min. Total (% of site)	Min. Communal (m^2)	Min. O/door Living (m^2)	8 Minimum Setbacks (m) Primary Street	Secondary Street •	Other/rear
LOW DENSITY CODES											
R2	Single House or Grouped Dwelling	Min. 5,000	-	-	50	80	-	-	20	10	10
R2.5	Single House or Grouped Dwelling	Min. 4,000	-	-	40	80	-	-	15	7.5	7.5
R5	Single House or Grouped Dwelling	Min. 2,000	-	-	30	70	-	-	12	6	*/6
R10	Single House or Grouped Dwelling	Min. 875 Av. 1,000	925	-	20	60	-	-	7.5	3	*/6
R12.5	Single House or Grouped Dwelling	Min 700 Av. 800	762.5	-	17	55	-	-	7.5	2	*/6
R15	Single House or Grouped Dwelling	Min. 580 Av. 666	655	-	12	50	-	-	6	1.5	*/6
R17.5	Single House or Grouped Dwelling	Min. 500 Av. 571	587.5	-	12	50	-	36	6	1.5	*
R20	Single House or Grouped Dwelling	Min. 440 Av. 500	540	-	10	50	-	30	6	1.5	*
R25	Single House or Grouped Dwelling	Min. 320 Av. 350	445	-	8	50	-	30	6	1.5	*
MEDIUM DENSITY CODES											
R30	Single House or Grouped Dwelling	Min. 270 Av. 300	420	-	-	45	-	24	4	1.5	*
R35	Single House or Grouped Dwelling	Min. 235 Av. 260	410	-	-	45	-	24	4	1.5	*
	Multiple Dwelling	285	-	0.60	-	50	20	-	4	1.5	*
R40	Single House or Grouped Dwelling	Min. 200 Av. 220	400	-	-	45	-	20	4	1.0	*
	Multiple Dwelling	250	-	0.60	-	50	20	-	4	1.5	*
R50	Single House or Grouped Dwelling	Min. 160 Av. 180	400	-	-	45	-	16	4	1.0	*
	Multiple Dwelling	200	-	0.60	-	50	16	-	4	1.0	*
R60	Single House or Grouped Dwelling	Min. 160 Av. 180	400	0.65	-	45	-	16	4	1.0	*
	Multiple Dwelling	166	-	0.70	-	50	16	-	4	1.0	*
HIGH DENSITY CODES NOTE: All standards for Grouped Dwellings and Single Houses within R80-R160 areas are as for the R60 Code.											
R80	Multiple Dwelling	125	-	1.00	-	60	16	-	4	*	*
R100	Multiple Dwelling	100	-	1.25	-	60	16	-	4	*	*
R160	Multiple Dwelling	62.5	-	2.00	-	60	16	-	4	*	*
R-IC	Single House or Grouped Dwelling	110	-	1.25	-	35	-	12	1.5	*	*
	Multiple Dwelling	125	-	1.50	-	35	16	-	1.5	*	*

Legend

◆ Subject to the variations permitted under clause 3.1.3A3.

▼ Only applies to single houses.

• Secondary street: includes communal street, private street, ROW as street.

- Indicates "not applicable".

* See Table 2 and Figure 3 and Element 3.

Av. – average site area not to be less than.

TABLE 2a – BOUNDARY SETBACKS

WALLS WITH NO MAJOR OPENINGS														
	Wall Length (m)													
	9 or less	10	11	12	13	14	15	16	17	18	19	20	25	Over 30
Wall Height (m)														
3.5 or less*	1	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5
4.0	1.1	1.5	1.5	1.5	1.5	1.5	1.5	1.6	1.6	1.6	1.6	1.7	1.7	1.8
4.5	1.1	1.5	1.5	1.5	1.5	1.6	1.6	1.7	1.7	1.7	1.7	1.7	1.8	2.0
5.0	1.1	1.5	1.5	1.5	1.5	1.6	1.7	1.8	1.8	1.8	1.8	1.9	2.0	2.3
5.5	1.2	1.5	1.5	1.5	1.6	1.7	1.8	1.9	1.9	2.0	2.0	2.1	2.3	2.5
6.0	1.2	1.5	1.5	1.5	1.6	1.8	1.9	2.0	2.0	2.1	2.1	2.2	2.4	2.8
6.5	1.2	1.5	1.5	1.6	1.7	1.9	2.0	2.1	2.1	2.2	2.2	2.3	2.7	3.0
7.0	1.2	1.5	1.5	1.6	1.8	2.0	2.1	2.2	2.2	2.3	2.4	2.5	2.8	3.3
7.5	1.3	1.5	1.6	1.7	1.9	2.1	2.2	2.3	2.3	2.4	2.5	2.6	3.0	3.5
8.0	1.3	1.5	1.6	1.7	1.9	2.1	2.2	2.4	2.4	2.5	2.6	2.7	3.1	3.8
8.5	1.4	1.6	1.7	1.8	2.0	2.2	2.3	2.5	2.6	2.7	2.8	2.9	3.3	4.1
9.0	1.4	1.7	1.7	1.8	2.0	2.3	2.4	2.6	2.7	2.8	2.9	3.0	3.6	4.3
9.5	1.4	1.7	1.8	1.9	2.1	2.4	2.5	2.7	2.8	2.9	3.0	3.2	3.8	4.6
10.0	1.5	1.8	1.9	2.0	2.2	2.4	2.6	2.8	2.9	3.0	3.1	3.3	4.0	4.8

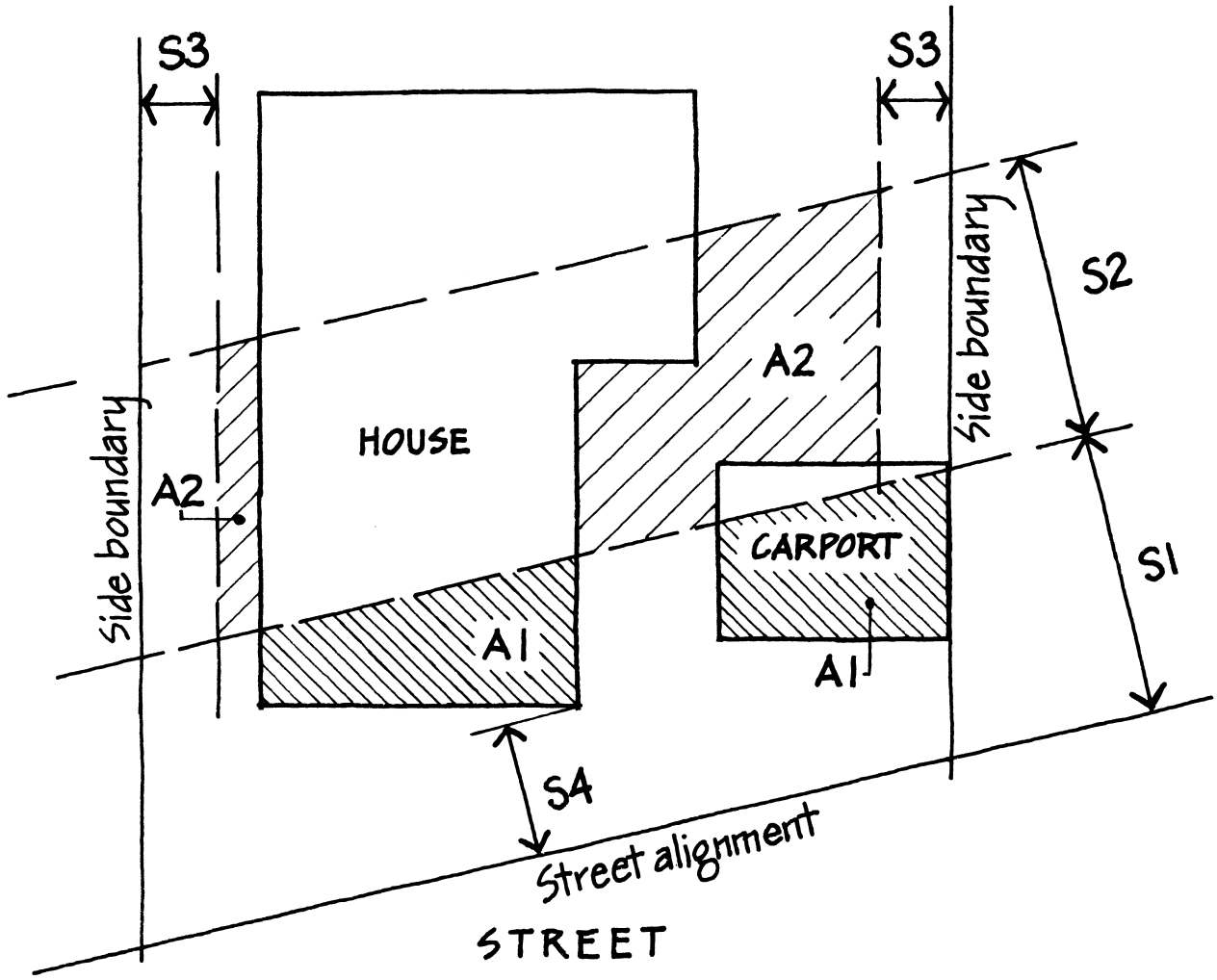
Take the nearest higher value for all intermediate height and length values.
*Possible nil setback in accordance with Clause 3.3.2 of Element 3.

TABLE 2b – BOUNDARY SETBACKS

WALLS WITH MAJOR OPENINGS														
	Wall Length (m)													
	9 or less	10	11	12	13	14	15	16	17	18	19	20	25	Over 30
Wall Height (m)														
3.5 or less	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5
4.0	1.8	2.0	2.2	2.4	2.5	2.7	2.8	3.0	3.1	3.3	3.4	3.6	4.5	5.0
4.5	2.0	2.2	2.4	2.6	2.8	3.0	3.1	3.2	3.4	3.7	3.8	4.0	4.8	5.4
5.0	2.3	2.5	2.6	2.8	3.0	3.2	3.3	3.5	3.7	3.9	4.0	4.2	5.1	5.7
5.5	2.5	2.7	2.9	3.1	3.3	3.5	3.6	3.7	3.9	4.2	4.4	4.6	5.5	6.0
6.0	2.8	3.0	3.1	3.3	3.5	3.8	3.9	4.0	4.2	4.5	4.7	4.9	5.7	6.3
6.5	3.0	3.2	3.4	3.6	3.8	4.1	4.1	4.2	4.4	4.7	4.9	5.2	6.1	6.6
7.0	3.3	3.5	3.7	3.8	4.1	4.3	4.4	4.6	4.8	5.0	5.2	5.5	6.4	7.0
7.5	3.5	3.7	3.9	4.2	4.4	4.6	4.7	4.9	5.1	5.3	5.5	5.7	6.6	7.3
8.0	3.8	4.0	4.2	4.4	4.6	4.9	5.0	5.2	5.4	5.6	5.8	6.0	7.0	7.7
8.5	4.0	4.3	4.5	4.7	4.9	5.2	5.3	5.5	5.7	5.9	6.1	6.3	7.3	8.0
9.0	4.3	4.5	4.7	5.0	5.2	5.4	5.6	5.8	6.0	6.2	6.4	6.6	7.6	8.3
9.5	4.6	4.8	5.0	5.2	5.4	5.7	5.8	6.0	6.2	6.4	6.6	6.9	8.0	8.7
10.0	4.8	5.0	5.2	5.4	5.7	6.0	6.1	6.3	6.5	6.7	6.9	7.2	8.2	9.0

Take the nearest higher value for all intermediate height and length values.

FIGURE 1: STREET SETBACKS



LEGEND

S1 Prescribed street setback distance (Table 1 or average of setbacks either side).

S2 Distance equal to S1.

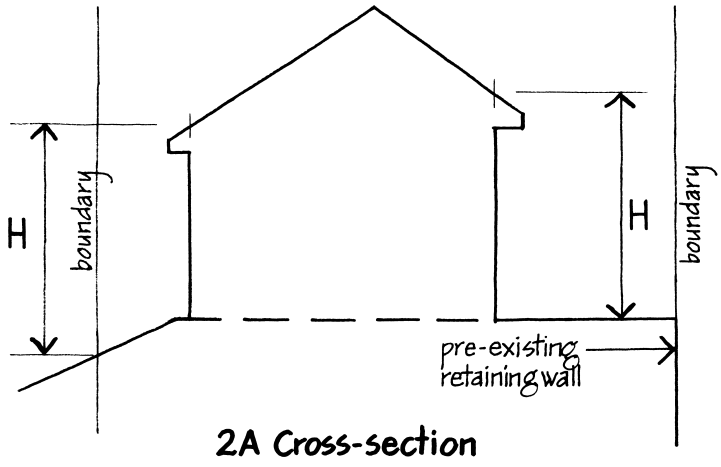
S3 1m where wall of building is less than 3.5m in height and less than 9m in length with no major openings as specified in Table 2a.

S4 Reduced street setback (not less than half of S1).

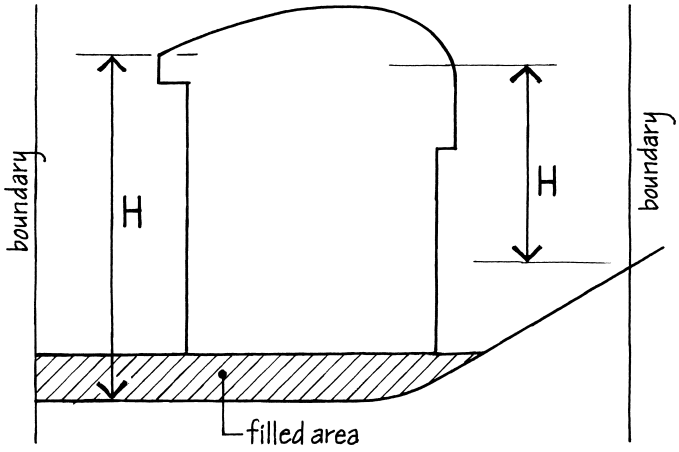
A1 Areas of incursion into street setback area.

A2 Compensating areas behind prescribed street setback area.

FIGURE 2A, 2B AND 2C: MEASUREMENTS OF BOUNDARY SETBACKS

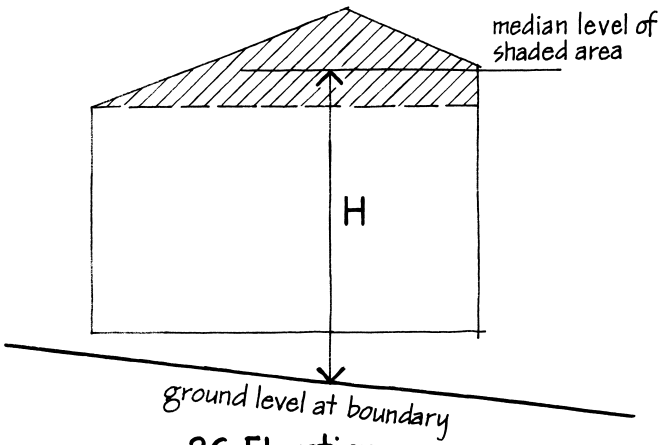


2A Cross-section



2B Cross-section

Measurement of height for purposes of calculating setbacks



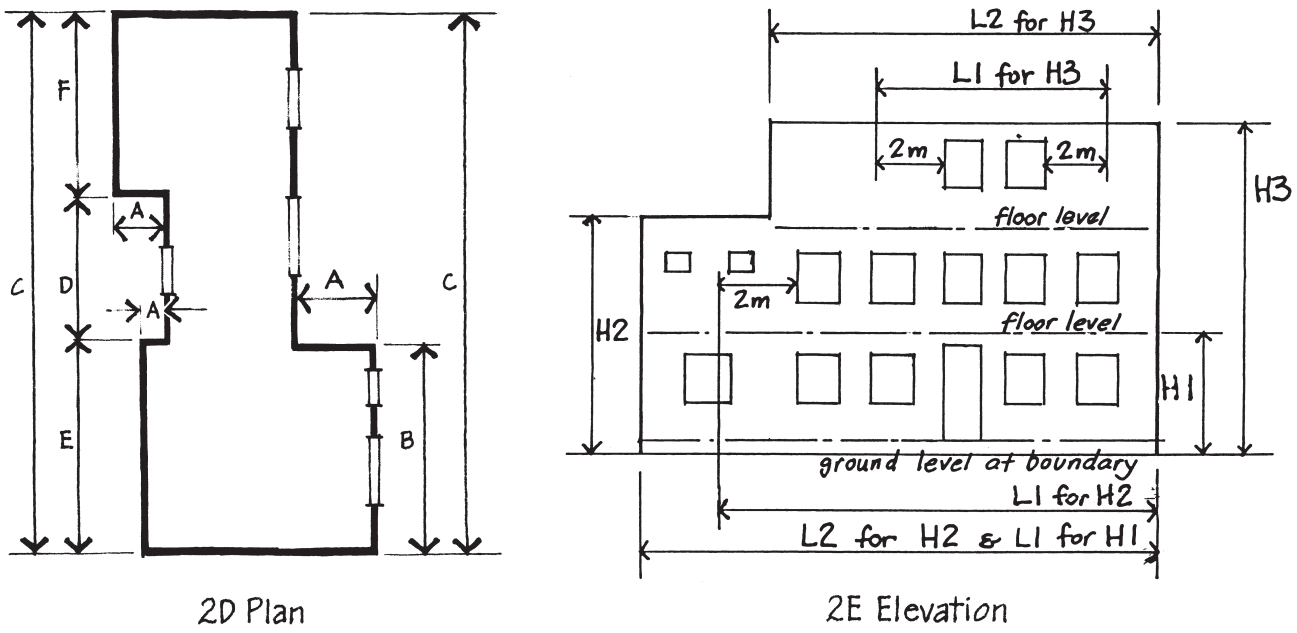
2C Elevation

For the purpose of calculating setbacks "length of wall" means the total horizontal dimension of the side of the building nearest the boundary.

In the determination of setbacks the following rules shall apply:

- In Figure 2A, 2B and 2C wall height (H) is the distance between the natural ground level at the boundary and the highest point immediately above the wall. Where a skillion, curved or irregularly shaped roof occurs (Figures 2B and 2C) the height shall be measured to the median height of that part of the wall rising above the lowest part of the top of the wall.
- In Figure 2A "pre-existing" relates to retaining walls established as part of the subdivision of the land or on the site preceding development.

FIGURE 2D AND 2E: MEASUREMENTS OF BOUNDARY SETBACKS



Measurement of length of wall for calculating setbacks

For the purpose of calculation setbacks, "length of wall" means the total horizontal dimension of the side of the building nearest the boundary. Setbacks shall be determined in accordance with the following:

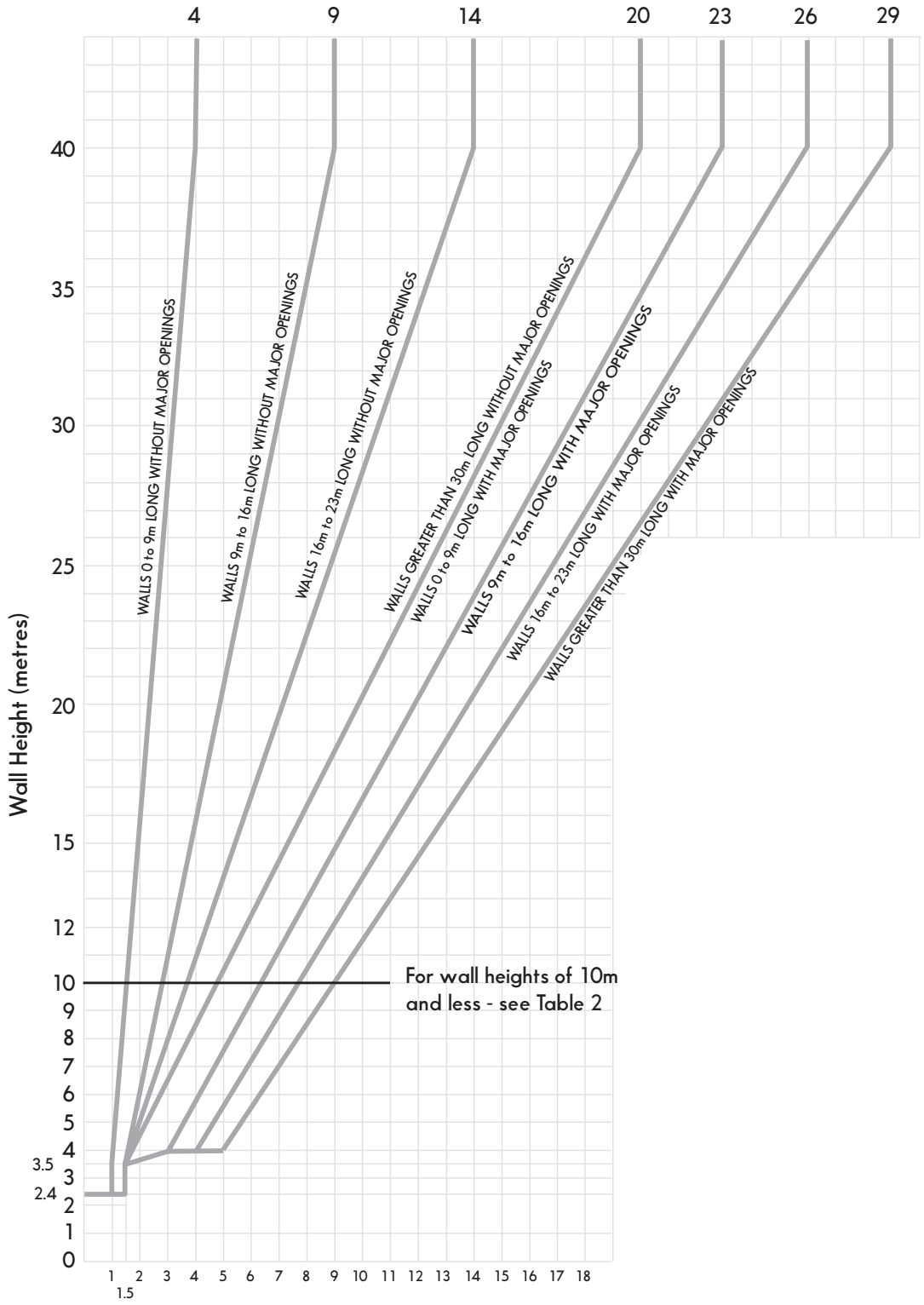
Figure 2D indicates the method for establishing setback measurements under Table 2a and 2b, subject to the privacy requirements of Element 8:

- where "A" is more than three metres, "B" shall be treated as a separate wall, providing that the length "C" shall be the basis for determining the setback of the rest of the side of the building.
- where the side of the building includes two or more portions of a wall without a major opening (such as "E" or "F") their setbacks shall be determined independently of each other provided they are separated from one another by a distance ("D") of more than four metres (in the case of wall heights of six metres or less) and an additional one metre for every three metre increase in height.
- the setback of "D" shall be determined on the basis of the total length ("C").

Figure 2E indicates the setback requirements for walls with major openings at different heights ("H") whereby:

- the length of walls with major openings ("L1") is calculated as the lesser of the actual length of wall or from a point two metres beyond each major opening.
- setback requirements for walls without major openings are shown as "L2" and calculated from Table 2a and Figure 3.

FIGURE 3: BOUNDARY SETBACKS



Notes:

1. Intermediate values for wall heights over 10m are to be obtained by interpolation