

Policy

Residential Development



Residential Development

To detail the Deemed Acceptable Development Standards to meet the Performance Criteria to comply with the Residential Design Codes for residential development.

Adopted:	13/11/2002 #203
Last reviewed:	27/09/2006 #519 28/04/2010 #105 11/07/2012 #163
Legal Authority:	Local Government Act Section 2.7 – The Role of Council Town Planning & Development Act S.5AA Town Planning Schemes No.2 & No.3 Residential Design Codes of Western Australia (R-Codes)

Policy:

In addition the Residential Design Codes, when considering a building licence application for Single Residential Development, the following will be the City of Kwinana's Deemed Acceptable Development Standard in accordance with the Performance Criteria:

(Please Note: All text in bold is existing R-Codes text, with explanations of Deemed Acceptable Development Standard in italics.)

ELEMENT 1 – HOUSING DENSITY

3.1.1 Site Area Requirements

As per R-Codes.

3.1.2 Additional Site Area Requirements/Concessions

As per R-Codes.

3.1.3 Variation to the Minimum Site Area Required

As per R-Codes.

(Council has no discretion to vary any of the requirements in Element 1.)

ELEMENT 2 - STREETScape

3.2.1 Setback of Buildings Generally

As per R-Codes with the following addition:

- On those lots under 440m² and not subject to a Detailed Area Plan, the average front setback may be reduced to 4 metres.

(Adjacent to the neighbourhood centre is a number of smaller lots, the development requirements should be in accordance with the higher density requirements.)

3.2.2 Minor incursions into Street Setback Area

As per R-Codes.

3.2.3 Setback of Garages and Carports

As per R-Codes with the following addition:

- On those lots under 440m² and not subject to a Detailed Area Plan, garages capable of housing 2 vehicles may be constructed with a setback of 4 metres.

(Garages are permitted to be constructed to 3 metres where the vehicles area parked parallel to the road. The smaller lots adjacent to the neighbourhood centre in Bertram, where developable area is at a premium should be permitted to have slightly reduced requirements but generally requiring the dwelling to be the primary street focus.)

3.2.4 Surveillance of the Street

As per R-Codes.

3.2.5 Street Walls and Fences

As per R-Codes with the following addition:

Acceptable materials for front boundary fencing is as follows:

- 1.2m or less: brick, masonry, timber, painted metal sheeting.
- 1.2m to 1.8m: brick, masonry, limestone within timber, wrought iron or metal tubing infill.

3.2.6 Sightlines at Vehicle Access Points and Street Corners

As per R-Codes.

3.2.7 Building Design

For carports and garages to be located within the street setback, the design and materials used should be comparable to the dwelling with a minimum carport standard of metal posts and metal roof where the house is not brick construction and brick garages.

(By requiring that structures within the primary street setback match the dwelling, a high standard of appearance of streetscape will be maintained.)

3.2.8 Garage Doors

As per R-Codes.

3.2.9 Appearance of Retained Dwelling

As per R-Codes with the following interpretation:

- The equivalent maintenance standard shall be of materials or appearance matching the rest of the development.

(By requiring that the older dwellings, particularly those of non-brick construction, are upgraded during the redevelopment of a site, the appearance of the area will improve.)

ELEMENT 3 – BOUNDARY SETBACKS

3.3.1 Buildings Setback from the Boundary

As per R-Codes with the following interpretation of ‘natural ground level’:

- Where the floor level is more than 0.5m above natural ground level but the site is retained on the boundary with the fence on top of this retaining the natural ground level is deemed to be the top of the retaining wall.

(The Privacy section of the R-Codes attempts to ensure that buildings built up above ground level do not overlook adjoining properties. The construction of the boundary fence on top of the retaining wall will ensure that privacy is maintained when the floor level is above the neighbouring lot.)

3.3.2 Buildings on the Boundary

As per R-Codes with the following additions to A2:

- Garages constructed in front of the building setback may be built up to the side boundary.’
- Carports may be constructed with posts on the boundary and eaves at 500mm from the side boundary.
- Patios may be constructed so that both posts and eaves are 750mm from the side boundary.
- Patio may be constructed with posts on a secondary street boundary and eaves are 500mm from the boundary provided that the roof height does not exceed the fence by more than 600mm.
- Patios less than 9m in length, may be constructed so that posts (steel, brick, concrete, masonry & stone) are on the boundary and eaves are no closer 500mm from the boundary subject to a letter of support from the neighbour.
- Patios longer than 9m in length or with timber posts, which are proposed to be located with reduced setbacks may be supported subject to the development

meeting with Performance Criteria of the R-codes and a letter of support from the neighbour.

Should the floor level be more than 0.5m above natural ground level, the building shall comply with the requirements of Sections 3.3.1 & 3.8.1 of the R-Codes.”

(Given that the R-Codes allow walls to be built to the boundary behind the building setback, the construction of garages and carports on the boundary in front of the building setback will not result in any further impacts, as is in accordance with the previous practice. Within Bertram on the smaller lots, the development on the southern boundary should be in accordance with the higher density requirements. The use of patios have potential to impact on the amenity and privacy of adjoining dwellings, as such should be setback from the boundary.)

On receipt of an application to construct a wall or posts on the boundary, Council will, subject to the approval of the application, notify to the adjoining landowner.

Any proposal to vary the side/rear setbacks that does not comply with the Acceptable Standards as specified by the R-Codes or the Deemed Acceptable Standards as specified by this policy, should be referred to the neighbour(s) for comment in accordance with the requirements of the R-Codes prior to further consideration.

ELEMENT 4 – OPEN SPACE

3.4.1 Open Space Provision

As per R-Codes with the following addition:

- On those lots under 440m² and not subject to a Detailed Area Plan, where the dwelling meets a reduced front average setback of no more than 5 metres, and where the open space/courtyard is located on the northern side of the lot, the minimum open space requirement may be reduced to no less than 40%.

(The new R-Codes do not adequately address the development requirements of smaller lots.)

3.4.2 Outdoor Living Areas

As per R-Codes.

3.4.3 Balconies for Multiple Dwellings

As per R-Codes.

3.4.4 Communal Open Space

As per R-Codes.

3.4.5 Landscaping Requirements

As per R-Codes.

ELEMENT 5 – ACCESS AND CAR PARKING

3.5.1 On-site Parking Provision

As per R-Codes with the following measurement interpretation (see also attached plan):

- The length of a carport or garage shall be measured from the external point of the piers or wall.
- The width of a carport/garage shall be measured from the internal distance from the pillars or wall.
- Car parking bays provided in tandem including bays within carports or garages shall meet minimum bay width and length requirements as detailed in the Residential Design Codes (2002).
- Car parking bay dimensions shall not include or be measured from building eaves.

(Council has previously encountered a number of builders seeking to construct undersized carports and garages, which have often required the construction of unsightly extensions at a later date.)

3.5.2 Off-site Parking

As per R-Codes.

(Any application to construct vehicle parking bays off-site would need to be considered on its merits, with extensive justification provided by the proponent. Council would generally require that parking be provided on site.)

3.5.3 Design of Parking Spaces

As per R-Codes.

3.5.4 Vehicular Access

As per R-Codes except A4.3, where the following addition will be included:

Driveways

- no closer than 6m to an intersection, where outside the truncation area and away from any services and traffic calming.

(The addition to the R-Codes allows for the separation of driveways from essential services and traffic calming devices.)

3.5.5 Pedestrian Access

As per R-Codes.

ELEMENT 6 – SITE WORKS

3.6.1 Excavation or Fill

As per R-Codes except A1.1, where the following addition will be included:

- Council will support the retaining within the front setback to a maximum of 1.2m.

Applications for higher walls will need to demonstrate a need and how the site will retain a natural level from the street, and should be considered by Council.

(A number of the existing properties within Kwinana, particularly in Leda, Medina & Parmelia, require earthworks within the front setback. Earthworks at the median property level reduce the cost of development. Given that a 1.2m high front fence may be constructed within the front setback, a retaining wall up to that height will not result in any further adverse impact on the streetscape. Only open fencing will be permitted on top of this retaining wall as per 3.2.5 (A5).)

3.6.2 Setback of Retaining Walls

As per R-Codes except A2 where the following addition is included

- A retaining wall higher than 0.5m may be constructed on the boundary provided that the boundary fence is to be located on top of the wall.
- Retaining walls higher than 2.0m are to be considered by Council with the proponent adequately demonstrating that the wall will not result in overlooking or overshadowing of the neighbouring property.

(The construction of the boundary fence on the retaining wall will ensure that the privacy of the adjoining dwelling is not compromised. Larger walls, proposed to be constructed on the boundary should not result in adverse impacts to neighbouring properties and should be considered by Council.)

ELEMENT 7 – BUILDING HEIGHT

3.7.1 Building Height

As per R-Codes.

ELEMENT 8 – PRIVACY

3.8.1 Visual Privacy

As per R-Codes with the following interpretation of 'natural ground level':

- Where the floor level is more than 0.5m above natural ground level but the site is retained on the boundary with the fence on top of this retaining the natural ground level is deemed to be the top of the retaining wall.

(The Privacy section of the R-Codes attempts to ensure that buildings built up above ground level do not overlook adjoining properties. The construction of the boundary fence on top of the retaining wall will ensure that privacy is maintained when the floor level is above the neighbouring lot.)

ELEMENT 9 – DESIGN FOR CLIMATE

3.9.1 Solar Access

As per R-Codes.

3.9.2 Stormwater Disposal

As per R-Codes.

ELEMENT 10 – INCIDENTAL DEVELOPMENT

3.10.1 Outbuildings

As per R-Codes except

1. A1(iii) where the following will apply:
 - within R5 (Special Residential) - that do not exceed 100sqm (maximum 75m² enclosed area) in area and as per Council's Development within the Special Residential Zone Policy 3.3.9.
 - within R12.5/20 & R20 zones - that do not exceed 60sqm in aggregate area.
 - within R25 and above - that do not exceed 60sqm or 10% in aggregate of the site area, whichever is the lesser.

(The lot sizes within the R5 (Special Residential) Zone are larger than normal and can accommodate larger outbuildings, whilst the smaller lots should only have smaller sheds.)

2. A1(iv) where the following addition will be included:
 - do not exceed a wall height of 2.4m or does not exceed a wall height of 3 metres where the outbuilding complies with the following:
 - is setback is a minimum of 1 metre from the boundary,
 - the wall length is 9m or less,
 - is constructed of neutral non-reflective materials or matches the existing dwelling, and
 - does not utilise second-hand materials in its construction.

(To house a boat or the like, a shed may need to have walls greater than 2.4m in height. Sheds with higher walls should be located the standard distance from the boundary and be constructed to a higher standard.)

3.10.2 External Fixtures

As per R-Codes except A2.3 where the following addition is included:

- Antennae, satellite dishes and the like not visible from the street, except where the satellite dishes is of a neutral and non-reflective materials, not used to transmit and with a diameter less than 1.2 metres.

(This will allow for the installation of the standard pay television satellite dishes which do not detract from the amenity or streetscape.)

3.10.3 Essential Facilities

As per R-Codes.

OTHER MATTERS:

1. Applications for variation of the Acceptable Development Standards or Council's Deemed Acceptable Development Standards will be made in the form as required by the Residential Design Codes.
2. Notwithstanding the applications to amend building setbacks, where an application does not comply with the Acceptable Development Standards or Council's Deemed Acceptable Development Standards, and where in the opinion of the Manager Planning/Building Services the application is likely to impact on the amenity of the nearby residents, the application will be advertised in accordance with the requirements of the R-Codes prior to consideration under the relevant Performance Criteria of the Codes.