

Local Planning Policy No.14

Modified R-Codes Deemed to Comply Provisions



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Legal authority	This is a Local Planning Policy prepared under Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015
Directorate	Development and Sustainability
Related documents	City of Kwinana Local Planning Scheme No.2 and No.3 <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> State Planning Policy 3.7 - Residential Design Codes Volume 1 (R-Codes)

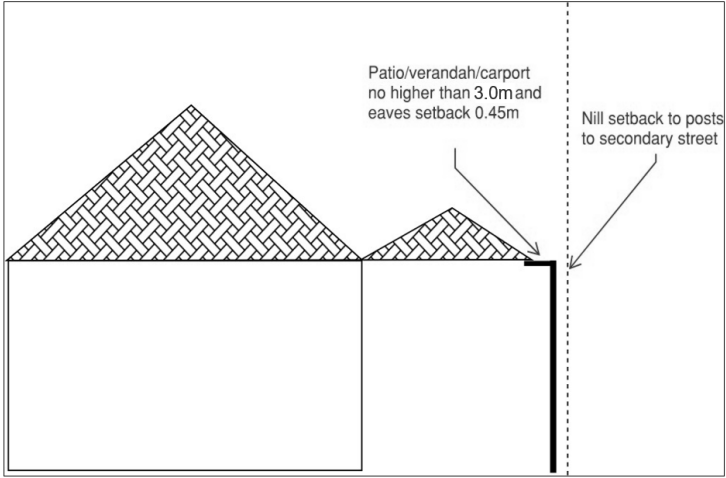
1. Policy Purpose:

The purpose of this Policy is to modify 'deemed-to-comply' provisions of the R-Codes with alternative provisions that respond to local development and housing trends and objectives.

2. Policy Application:

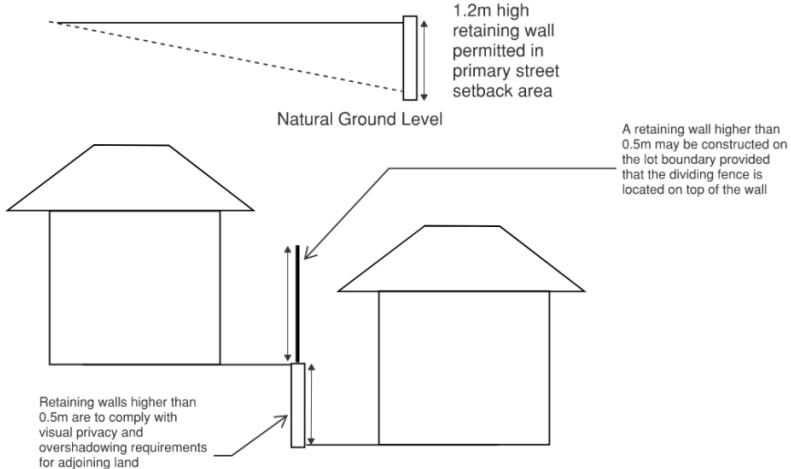
- 2.1 This Policy applies to all residential development subject to Volume 1, Part B of the R-Codes within the 'Residential' zone, including land zoned residential by a Local Structure Plan. This Policy does not apply within the 'Special Residential' zone.
 - 2.2 If development complies with the modified deemed-to-comply provisions of **Table 1**, the development may be exempt from the need for development approval, pursuant to cl. 61(2) of the Deemed Provisions.
 - 2.3 Where development does not comply with a modified deemed-to-comply provisions of this Policy, the development is to be assessed against the relevant design principles of the R-Codes and the Objectives of this Policy, having due regard to clause 2.2.2 (Part A) of the R-Codes.
3. If a modified deemed-to-comply provision of this Policy is inconsistent with another equivalent provision of a local development plan, the provision that is less onerous prevails, and the other provision, to the extent of the inconsistency, is of no effect.

Table 1: Modified Deemed-to-Comply Provisions

R-Code Clause	R-Code Deemed to Comply Provision	Modified Deemed to Comply Provision
5.1.2 Street Setback	C2.2 Buildings set back from the secondary street boundary in accordance with Table B .	<p>As per the R-Codes with the following addition to C2.2:</p> <p>For patios, verandahs, carports or equivalent unenclosed structures, the secondary street boundary setback may be reduced to nil to the posts where the structure is not more than 3m in height; is located behind the primary street setback; and has eaves, gutters and roofs set back at least 450mm from the boundary (Figure 1).</p> <p>The reduced setback for a carport permitted above is only applicable where vehicle access is from the primary street and the secondary street is effectively the side boundary for the carport. If the carport gains vehicle access from the secondary street, the building setback of Table B applies.</p> <p><i>Figure 1.</i></p> 

R-Code Clause	R-Code Deemed to Comply Provision	Modified Deemed to Comply Provision
<p>5.1.3 Lot Boundary Setback</p>	<p>C3.1 ii</p> <p>Buildings which are set back in accordance with the following provisions, subject to any additional measures in other elements of the R-Codes:</p> <p>...</p> <p>ii. For carports, patios, verandahs or equivalent structures, the lot boundary setbacks in Table B and Tables 2a and 2b may be reduced to nil to the posts where the structure:</p> <ul style="list-style-type: none"> • Is not more than 10m in length and 2.7m in height; • Is located behind the primary street setback; and • Has eave, gutters and roofs setback at least 450mm from the lot boundary. <p><i>Note: Pillars and posts with a horizontal dimension of 450mm by 450mm or less do not constitute a boundary wall.</i></p>	<p>C3.1 ii is replaced with the following:</p> <p>Buildings which are set back in accordance with the following provisions, subject to any additional measures in other elements of the R-Codes:</p> <p>...</p> <p>ii. For carports, patios, verandahs or equivalent structures, the lot boundary setbacks in Table B and Tables 2a and 2b may be reduced to nil where the structure:</p> <ul style="list-style-type: none"> • Is not more than 3m in height; • Is located behind the primary street setback; and • Has eave, gutters and roofs setback at least 450mm from the lot boundary. <p><i>Note: C3.1 i, iii to vi are not varied by this Policy.</i></p>

R-Code Clause	R-Code Deemed to Comply Provision	Modified Deemed to Comply Provision
5.2.4 Street Walls and Fences	<p>C4.1 Front fences within the primary street setback area that are visually permeable above 1.2m of natural ground level, measured from the primary street side of the front fence (refer Figure 12).</p>	<p>Replacement C4.1. Front fences within the primary street setback area that are visually permeable above 1.2m of natural ground level, measured from the lot side of the front fence.</p> <p>Additional C4.3. Front fences are to be constructed of the following materials:</p> <ul style="list-style-type: none"> • Brick, masonry, limestone, timber or painted metal sheeting up to 1.2m in height; • Pillars of brick, masonry or limestone, with timber or metal tubing/slats as infill above 1.2m in height.
5.3.7 Site Works	<p>C7.1 Retaining walls, fill and excavation between the street boundary and the street setback, not more than 0.5m above or below the natural ground level, except where necessary to provide for pedestrian, universal and/or vehicle access, drainage works or natural light to a dwelling.</p>	<p>Replacement C7.1 Retaining walls, fill and excavation between the street boundary and the street setback, not more than 1.2m above or below the natural ground level, except where necessary to provide for pedestrian, universal and/or vehicle access, drainage works or natural light to a dwelling.</p> <p><i>Note: Front fences located on top of the retaining wall are to be visually permeable as per the deemed-to-comply provisions under clause 5.2.4 (including as modified by this Policy).</i></p>

R-Code Clause	R-Code Deemed to Comply Provision	Modified Deemed to Comply Provision														
	<p>C7.2 Retaining walls, fill and excavation within the site and behind the required street setback to comply with Table 4.</p> <p>Table 4 Setback of site works and retaining walls</p> <table border="1" data-bbox="474 528 1131 842"> <thead> <tr> <th>Height of site works and/or retaining walls</th> <th>Required minimum setback</th> </tr> </thead> <tbody> <tr> <td>0.5m of less</td> <td>0m</td> </tr> <tr> <td>1m</td> <td>1m</td> </tr> <tr> <td>1.5m</td> <td>1.5m</td> </tr> <tr> <td>2m</td> <td>2m</td> </tr> <tr> <td>2.5m</td> <td>2.5m</td> </tr> <tr> <td>3m</td> <td>3m</td> </tr> </tbody> </table>	Height of site works and/or retaining walls	Required minimum setback	0.5m of less	0m	1m	1m	1.5m	1.5m	2m	2m	2.5m	2.5m	3m	3m	<p>Replacement C7.2 Retaining walls, fill and excavation behind the required street setback and on a lot boundary is permitted up to 2m above the natural ground level at the lot boundary provided that:</p> <ul style="list-style-type: none"> the dividing fence is located immediately above, and the fill/retaining satisfies the deemed-to-comply provisions for visual privacy under clause 5.4.1 and overshadowing under clause 5.4.2 (refer Figure 2). <p><i>The Notes under C7.2 continue to apply to these replacement provisions.</i></p>  <p><i>Figure 2.</i></p>
Height of site works and/or retaining walls	Required minimum setback															
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R-Code Clause	R-Code Deemed to Comply Provision	Modified Deemed to Comply Provision				
5.4.3 Outbuildings	C3 <table border="1" data-bbox="472 300 1133 403"> <tr> <td data-bbox="472 300 685 403">B. Large and multiple outbuildings</td> <td data-bbox="685 300 1133 403">iii. does not exceed a wall height of 2.4m;</td> </tr> </table>	B. Large and multiple outbuildings	iii. does not exceed a wall height of 2.4m;	Partially modified C3 <table border="1" data-bbox="1155 304 1951 408"> <tr> <td data-bbox="1155 304 1368 408">B. Large and multiple outbuildings</td> <td data-bbox="1368 304 1951 408">iii. does not exceed a wall height of 3m;</td> </tr> </table> <p data-bbox="1155 448 2085 515"><i>Note: All other deemed-to-comply requirements remain as per R-Codes.</i></p>	B. Large and multiple outbuildings	iii. does not exceed a wall height of 3m;
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