

Local Planning Policy No 1

Residential Development



May 2022

Record of Adoption

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1	<ul style="list-style-type: none"> Renumbered Policy to LPP1 Reformatted and Updated to reflect Schedule 2 to the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Reformatted to Reflect 2015 R-Codes 	Version 2 July 2015	28 July 2015 (Advertising)
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1A	Minor Adjustments to Text to Reflect Operative Requirements	Version 4 June 2018	13 September 2018
2	Major Review Arising from 2021 R-Codes (Vol 1)	Version 5 January 2022 Version 5A May 2022	25 January 2022 (Advertising) 24 May 2022



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1. Introduction

1.1 Policy Objectives

The objectives of this Local Planning Policy are to:

- (a) Provide further interpretation of the Residential Design Codes in the assessment of residential developments.
- (b) Provide the basis for consistent assessment and decision making.

1.2 Background

State Planning Policy 7.3 – Residential Design Codes (R-Codes) includes provisions for decision-makers to prepare local planning policies to replace certain development standards of the R-Codes where a specific local need arises.

The R-Codes acknowledge that applications which do not satisfy the deemed-to-comply provisions of the R-Codes may need to rely more specifically on local housing requirements and design objectives. This policy provides flexibility and clear direction to relevant deemed-to-comply provisions of the R-Codes to assist in their implementation.

This policy should be read in conjunction with the R-Codes, including Explanatory Guidelines and Practice Notes that provide a guide for assessment.

This version of Local Planning Policy No 1 – Residential Development replaces the September 2018 version of the Policy in accordance with Clause 6(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015* Deemed Provisions.

1.3 Application of the Policy

- (a) This Local Planning Policy is prepared, advertised and adopted pursuant to Part 2 Division 2 of the *Deemed Provisions for Local Planning Schemes (as set out in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2)* 'Deemed Provisions.
- (b) Clause 3(5) and Clause 67(g) of the of the Deemed Provisions for state that the local government is to have due regard to a local planning policy in making a determination under the local planning scheme and applications for development approval.
- (c) Development approval will not be required for a single dwelling that complies with the provisions of this policy (and all other deemed-to-comply requirements of the R-Codes), in accordance with Clause 61(4)(c) of the Deemed Provisions.



2. Single and Grouped Dwellings (Part 5 of the R-Codes)

Policy Reference	Acceptable Deemed-to-Comply Criteria
2.1 Street Setback	Secondary Street <ul style="list-style-type: none">(a) For lots R12.5 and higher, walls with an overall length of 9.0m or less are permitted to be setback 1.0m subject to:<ul style="list-style-type: none">• The wall being setback a minimum of 3.0m from a side boundary, and,• The roof and gutter being setback a minimum of 0.5m from the secondary street boundary. (b) For lots R12.5 and higher, a patio with an overall length of 10m or less is permitted to have supporting posts up to a secondary street boundary subject to:<ul style="list-style-type: none">• A maximum height of post and beam up to the boundary being 2.7m above the existing ground level on the property and the roof and gutter being setback a minimum of 0.5m from the secondary street boundary; and• Setback a minimum of 3.0m from a side boundary; and,• A 1.8m high fence, either solid or visually permeable, must be installed on the secondary street side of the posts.
2.2 Lot Boundary Setback	Walls up to a Lot Boundary: <ul style="list-style-type: none">(a) For lots R12.5-R17.5, walls built up to a lot boundary are permitted in accordance with R20 requirements (R-Codes clause C3.2ii);
2.3 Building Height	<ul style="list-style-type: none">(a) Category B of Table 3 is applicable where the R-Code Density is R30 and lower;(b) Category C of Table 3 is applicable where the R-Code Density is R35 and higher;(c) Skillion or Flat Roofs (as determined by the City) are assessed as per the Concealed Roof Requirements of Table 3.



Policy Reference	Acceptable Deemed-to-Comply Criteria
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2.4 Outbuildings

- (a) For lots greater than 600 square metres, a 60m² outbuilding plus 2.5m² for every 100m² of land area in excess of 600m² is permitted;
- (b) Where R-Code Density is R10 and higher, a wall height of 3m and building height of 4.2m is permitted;
- (c) Where R-Code Density is R5 and lower, a wall height of 4m and building height of 5m is permitted;
- (d) A "lean to", carport or similar structure that is open on at least two full sides and not less than 50% of its perimeter is excluded when calculating the area of an outbuilding
- (e) Where R-Code Density is R2 and R2.5, setback to side and rear boundaries is assessed against Table 2a (replacing Table 1);
- (f) External walls of outbuildings having materials and colours consistent with the dwelling and/or in the immediate area;
- (g) Walls with a height of 2.4m or greater must not have a raw material finish such as fibre cement, zincalume or uncoloured metal finish;
- (h) Sea containers and/or similar structures are permitted for use as an outbuilding subject to being clad in materials consistent with the standard of materials already established within the locality, and where there is an existing dwelling on the property, in materials that complement the existing dwelling.

Outbuildings on vacant 'Residential' lots:

Where it is proposed that an outbuilding be erected on a vacant property, an application for development approval must be submitted and may be approved subject to:

- *A temporary approval in accordance with Clause 70 of the Deemed Provisions for a period of 12 months; and*
- *A condition being imposed that the owner be required to construct a new dwelling on the lot within 12 months of the approval, or remove the outbuilding and clear the property of all materials and building debris.*



Policy Reference	Acceptable Deemed-to-Comply Criteria
2.5 Wall Height	<p>The height of a wall is to be calculated from the greater of either:</p> <ul style="list-style-type: none">(a) The natural ground level as determined by the R-Codes, or(b) On a canal property, the level of the flat part of the lot created at the time of subdivision as determined by the City.(c) The minimum finished ground level (i.e. minimum floor level minus 150mm) to achieve the required flood protection level required by the Building Codes of Australia and recommended by the Department of Water and Environmental Regulation.



3. Canal Lots

In addition to the provisions provided in Part 2 of this Policy, the following provisions outline acceptable alternatives to the deemed-to-comply criteria of the Residential Design Codes or provide clarifications and/or interpretations of the provisions of the local planning scheme as they apply to lots with a boundary adjoining a canal:

Policy Reference	Acceptable Deemed-to-Comply Criteria
3.1 Street Setback	(a) A side loaded garage is permitted to be setback 1.5m, subject to the wall facing the street incorporating at least two unobscured windows consistent with the size and design of other windows in the dwelling facing the street.
3.2 Lot Boundary Setback	Walls up to a Lot Boundary: (a) Lot boundary length that is used to calculate the length of a wall up to a lot boundary includes the section of the boundary that extends into the water (where applicable).
3.3 Visual Privacy	(a) The canal setback (6m) shall be treated as the “street setback” for the purpose of applying visual privacy setback requirements. <i>Note: The Visual Privacy requirements do not apply to the portion of the property between the canal setback (6m) and the canal wall.</i>
3.4 Canal Setbacks	(a) A dwelling and structures (except swimming pools and retaining walls) are required to achieve a 4m minimum and 6m average setback to the canal wall. The exceptions are Port Mandurah Stage 1 and Waterside Estates, which shall maintain a minimum 6m setback to the canal wall. (b) Decks are permitted to be setback minimum of 1.0m from the canal, subject to being no higher than 0.5m above the established flat level of the lot (as determined by the City) and the floor level being no more than 1.5m above the top of the canal wall, otherwise a minimum setback of 2.0m applies. (c) Properties with two boundaries adjoining a canal require one primary canal frontage to achieve the 6.0m minimum or average specified by the Scheme, with the secondary canal frontage(s) to achieve

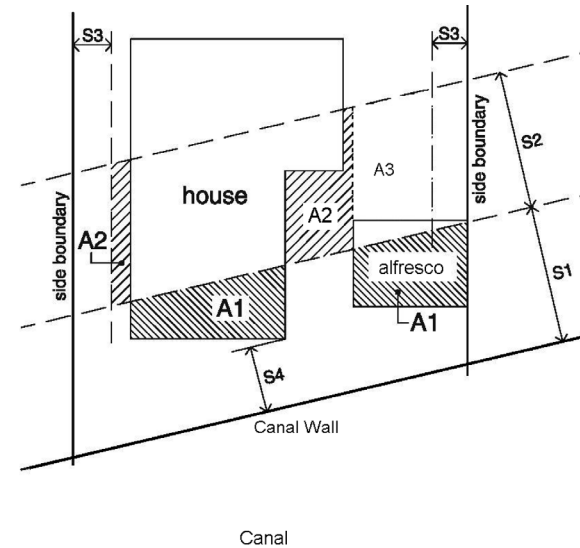
the 4.0m minimum requirement (no average required). The primary and secondary canal frontage is at the discretion of the City.

Note: *The canal average setback shall be calculated using the same method as is used for the street setback average as provided in Clause 5.1.2 (C2.1) of the R-Codes, except that the area behind structures is not included;*

Legend

- S1 Canal Setback (typically 6m)
- S2 Distance behind the canal setback equal to S1
- S3 1m side setback
- S4 Minimum Canal setback (typically 4m)

- A1 Area of building forward of the canal setback
- A2 Compensating area behind the canal setback
- A3 Area behind open structures not included in compensating area



Note: *The setback of a building from the waterway face of the canal wall is to be measured from either:*

- (i) *The external wall of the building; and*
- (ii) *A supporting pillar/post of a verandah, patio or balcony; and*
- (iii) *The edge of a cantilevered balcony that has a floor level more than 500mm above the natural ground level.*



Policy Reference	Acceptable Deemed-to-Comply Criteria
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3.5 Pergolas

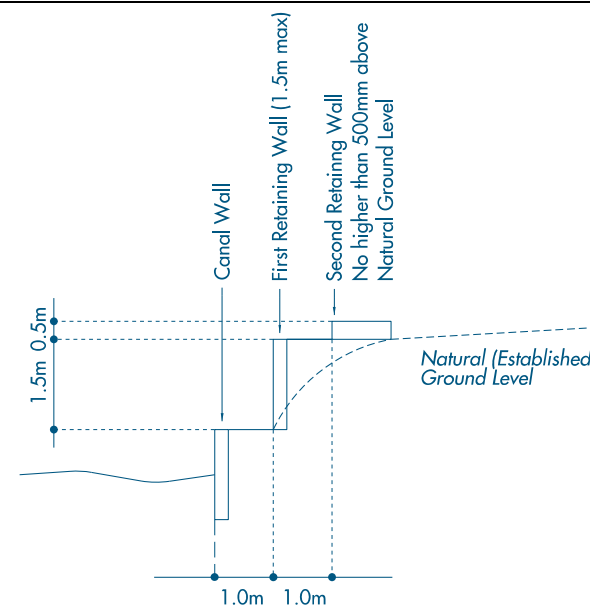
Unroofed pergolas (no roof cover of any form other than timber slats spaced a minimum of 500mm apart and/or shade cloth, with a maximum height of 3.5m) shall be setback a minimum of 3m from the canal wall and will not be included in the canal setback subject to:

- (a) A maximum of one structure per lot, limited to a maximum width of 50% of the width of the lot at the location of the structure; and
- (b) Setback 1m minimum from a side boundary.

3.6 Retaining Walls

(a) Retaining walls are permitted to a 1m minimum canal setback subject to:

- (i) First retaining wall adjacent to the canal having a maximum height of 1.5m and minimum setback 1.0m from the canal;
- (ii) Second retaining wall in from the canal having a maximum height of 0.5m above the Natural (Established) Ground Level and minimum setback of 2.0m from the canal;



(b) Terracing of walls to be used as a feature for landscaping to break up large retaining wall faces and to improve the amenity from the canal waterway.

Note The 'Natural (Established) Ground Level' is defined as

- (i) The level of the flat part of the lot created at the time of subdivision as determined by the City of Mandurah, or
- (ii) The minimum finished ground level (i.e. minimum floor level minus 150mm) to achieve the required flood protection level required by the Building Codes of Australia and recommended by the Department of Water and Environmental Regulation.



Policy Reference	Acceptable Deemed-to-Comply Criteria
3.7 Storerooms/Undercrofts/ Balconies At Ground Level	<p>(a) Undercroft storage areas and cantilevered balconies or similar structures are excluded when calculating the rear average setback, where the roof or ground level above the store or floor level of a cantilevered balcony is a maximum of 500mm above the natural (established) ground level of the lot.</p> <p>(b) Size / Specifications shall be as follows:</p> <p>Minor (less than 5 square metres):</p> <ul style="list-style-type: none">• 1.5m minimum setback from canal wall• 1.5m maximum depth• 1.5m maximum height• Accessible primarily from outside of storeroom only <p>Small (5-10 square metres):</p> <ul style="list-style-type: none">• 1.8m minimum ceiling height;• 3m minimum canal setback;• 50% maximum width of lot;• Sanitary facilities are not permitted (W/C, shower etc.). <p>Medium to Large (greater than 10 square metres):</p> <ul style="list-style-type: none">• 2.1m minimum ceiling height;• 4m minimum canal setback except 6m minimum applies in Port Mandurah Stage 1, Waterside Canals; <p>(c) The minimum finished floor level permitted for non-habitable undercroft stores is 1.14m Australian Height Datum (AHD);</p> <p>(d) Where floor areas are greater than 20m², a Notification under Section 70A of the Land Transfer Act is required confirming that the store has been constructed at a level that is subject to flooding and is for non-habitable purposes only;</p> <p>(e) Certification from a professional engineer is required where a building (including retaining walls, pools etc.) is located within 6m of the canal wall to confirm that the structure will not impact on the structural integrity of the canal wall.</p> <p>(f) Any building or incidental structure with a floor level greater than 500mm below the natural ground level shall be setback a distance equal to the depth of the building below the natural ground level.</p>



Policy Reference	Acceptable Deemed-to-Comply Criteria
3.8 Fencing	<p>(a) Front fences are permitted to incorporate infill panels of solid construction, provided that the width of the solid fence does not exceed 50% of the street frontage and provided that surveillance of the entry to the dwelling and from at least one window of a habitable room is achieved.</p> <p>(b) Site boundary fences located within 4.0m/6.0m of the canal wall must comply with the requirements for fences located within the street setback area specified by the R-Codes.</p> <p><i>(Note: restrictive covenants may also apply).</i></p>



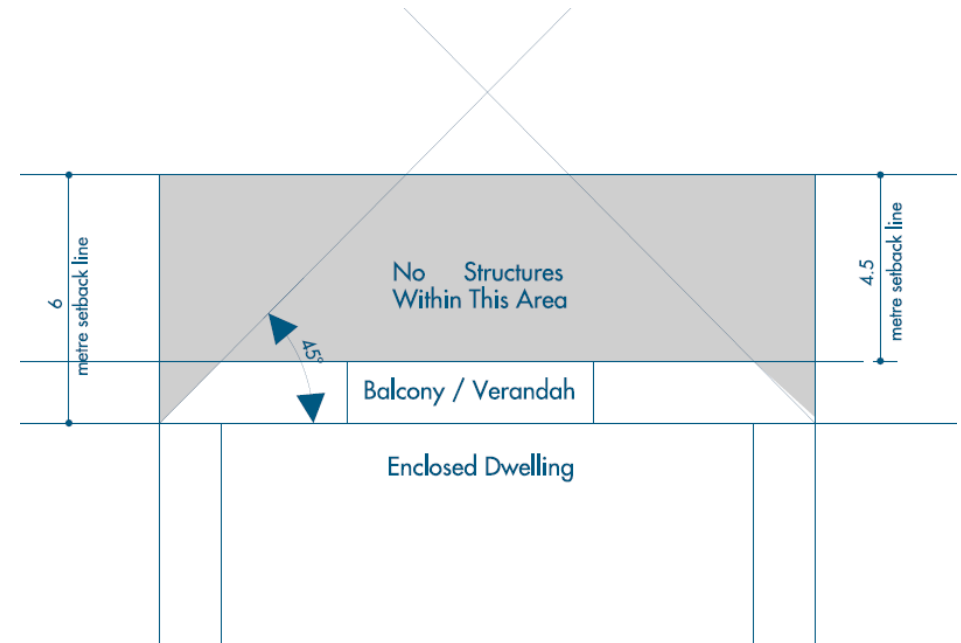
4. Lots Adjoining Foreshore Reserves

The following provisions outline clarification and/or interpretations of the provisions of the local planning scheme as they apply to lots with boundaries adjoining foreshore reserves:

- (a) Where a lot abuts onto a foreshore reserve, the minimum setback to a dwelling shall be 4.5m to an open balcony, verandah and/or the like, and 6m to the main building.

A 45-degree visual truncation shall be maintained from adjoining properties at the 6m setback line.

- (b) For the purpose of this provision of the Scheme, a 'foreshore reserve' shall mean land reserved as 'Regional Open Space' in the Peel Region Scheme and as shown on the Scheme Maps.
- (c) The provisions apply unless otherwise varied through a Local Structure Plan and Local Development Plan.
- (d) For clarification, the adjoining figure provides an interpretation of the Scheme development standards.





5. Medium Density Single Houses in Structure Plan Areas (R-MD Codes)

The following provisions will apply in Structure Plan areas where the plan identifies that the relevant R-MD Codes local planning policy applies, providing for acceptable development outcomes as a replacement to the deemed-to-comply criteria of the Residential Design Codes ([Reference Appendix 1 of Planning Bulletin 112/2016](#)).

Appendix 1

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

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

Appendix 1

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

R-Code	Lot type and size	Street setback and front fences		Lot boundary setback		Open space		Garage setback and width and vehicular access		Parking		Overshadowing		Privacy	
		R-Codes	R-MD provision	R-Codes	R-MD provision	R-Codes	R-MD provision	R-Codes	R-MD provision	R-Codes	R-MD provision	R-Codes	R-MD provision	R-Codes	R-MD provision
R-MD – R30	<p><u>Rear load</u> 10m x 30m – 300m²</p> <p><u>Front load</u> 10m x 30m – 300m² 15m x 20m – 300m²</p>	4m	<p>2m minimum, no average</p> <p>1.5m to porch / veranda no maximum length</p> <p>1m minimum to secondary street</p> <p>Front fences within the primary street setback area being a maximum height of 900mm above natural ground level, measured from the primary street side of the front fence</p>	<p><u>Boundary setbacks</u> 1 to 1.5m for wall height 3.5m and less (subject to wall length and major openings)</p> <p><u>Boundary walls</u> 2/3 length one side boundary, maximum 3.5m high and 3m average height</p>	<p><u>Boundary setbacks</u> As per R-MD – R60</p> <p><u>Boundary walls</u> To both side boundaries subject to: 2/3 length to one side boundary, 1/3 max length to second side boundary for wall height 3.5m or less</p>	<p>45% open space (55% site cover)</p> <p>24m² courtyard</p> <p>1/3 required OLA area may be covered</p> <p>Minimum dimension 4m</p>	As per R-MD – R60	<p><u>Rear load</u> Nil – provided laneway is minimum of 6m wide</p> <p><u>Front load</u> 4.5m or 0.5m behind dwelling alignment subject to averaging requirements</p>	As per R-MD – R60	Two on-site bays	As per R-Codes	35% of the adjoining site area	As per R-MD – R40	<p>4.5m to bedrooms and studies</p> <p>6m to all other major openings</p> <p>7.5m to balconies or similar</p>	As per R-MD – R40
R-MD – 25	<p><u>Front load</u> 12.5m x 25m – 312.5m²</p> <p>15m x 25m – 375m²</p> <p>12.5m x 30m – 375m²</p>	6m	<p>3m</p> <p>1.5m to porch / veranda no maximum length</p> <p>1.5m minimum to secondary street</p> <p>Front fences within the primary street setback area being a maximum height of 900mm above natural ground level, measured from the primary street side of the front fence</p>	<p><u>Boundary setbacks</u> 1 to 1.5m for wall height 3.5m and less (subject to wall length and major openings)</p> <p><u>Boundary walls</u> 2/3 length one side boundary, max 3.5m high and 3m average height to one side boundary</p>	<p><u>Boundary Setbacks</u> As per R-MD – R60</p> <p><u>Boundary walls</u> As per R-MD – R30</p>	<p>50% open space (50% site cover)</p> <p>30m² courtyard</p> <p>1/3 required OLA area may be covered</p> <p>Minimum dimension 4m</p>	As per R-MD – R60	<p><u>Rear load</u> Nil – provided laneway is minimum of 6m wide</p> <p><u>Front load</u> 4.5m or 0.5m behind dwelling alignment subject to averaging requirements</p>	As per R-MD – R60	Two on-site bays	As per R-Codes	25% of the adjoining site area	As per R-MD – R40, however if overshadowing intrudes into rear half of the lot, shadow cast does not exceed 25%	<p>4.5m to bedrooms and studies</p> <p>6m to all other major openings</p> <p>7.5m to balconies or similar</p>	As per R-MD – R40