

Local Planning Policy No.14

Residential Development



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1. Policy Objectives:

The Objectives of this Policy are to:

- 1.1 Provide greater guidance in the application of the R-Codes deemed-to-comply provisions to suit the development circumstances in the City of Kwinana.
- 1.2 Encourage design and development that makes more effective use of space where this does not detract from the streetscape character and the amenity of adjoining properties.
- 1.3 Ensure design and development protects visual privacy and solar access for adjoining properties.
- 1.4 Ensure development is designed to contribute positively to the streetscape

2. Policy Application:

- 2.1 This Policy applies to all residential development within the 'Residential' zone. This Policy does not apply within the 'Special Residential' zone.
- 2.2 Development is taken to comply with a deemed-to-comply provision of the R-Codes if the development complies with the relevant provision set out in 'Policy Provisions' (Section 4) of this Policy.
- 2.3 Where development does not comply with a provision 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 2.5 (Part 2) of the R-Codes.

3. Definitions:

Deemed-to-comply provision - has the same meaning given in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*

R-Codes - means State Planning Policy 7.3 - Residential Design Codes Volume 1

Residential development - means all development to which the R-Codes apply as defined in clause 1.4 (Part 1) of the R-Codes

The **bolded** words and expressions used in this Policy have the same meaning given in the R-Codes

4. Policy Provisions:

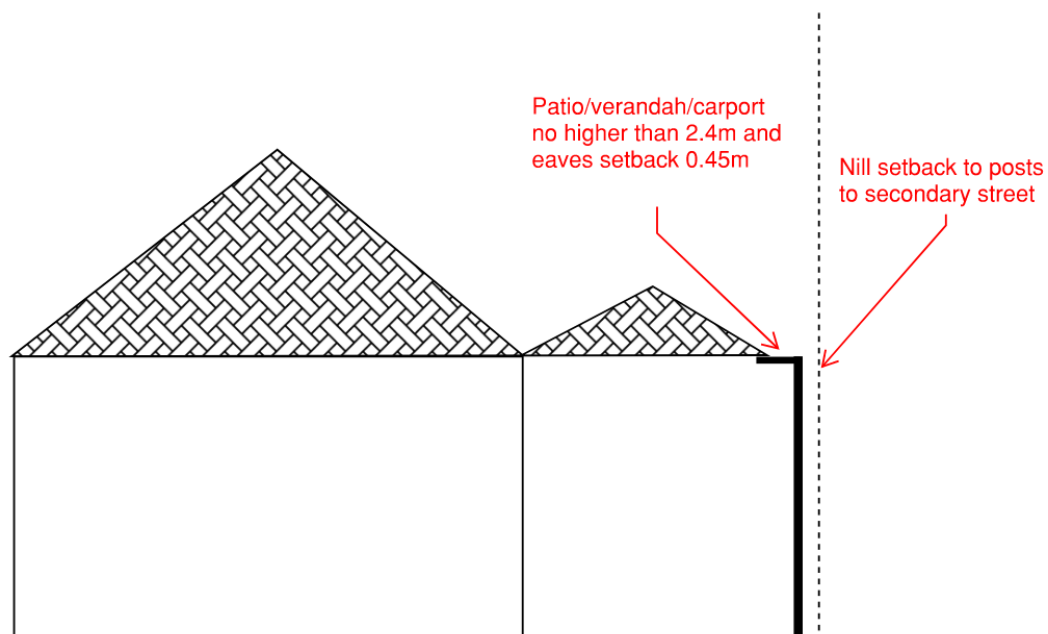
The following provisions amend the deemed-to-comply provisions of the R-Codes subject to compliance with the requirements set out below:

4.1 CLAUSE 5.1.2 - STREET SETBACK

- a) As per R-Codes with the following addition to C2.2:

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 2.4m in **height**; is located behind the **primary street setback**; and has eaves, gutters and roofs set back at least 450mm from the boundary.

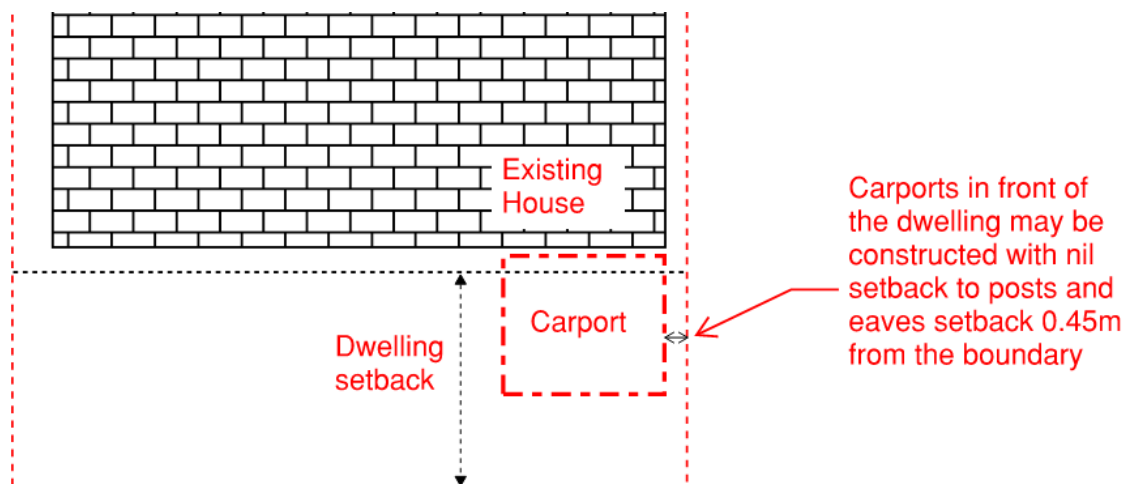
Refer to Figure 1 below:



4.2 CLAUSE 5.1.3 - LOT BOUNDARY SETBACK

- a) As per R-Codes with the following addition to C3.1:
- i) for **patios, verandahs, carports** or equivalent **unenclosed** structures, the **lot boundary** setbacks may be reduced to 750mm where the structure is not more than 2.7m in **height**; is located behind the **primary street setback**; and has eaves, gutters and roofs set back at least 750mm from the lot boundary.
 - ii) Clause 5.1.3 C3.1(ii) includes **carports** where the structure is not more than 10m in length and 2.7m in **height**; is set back in accordance with clause 5.2.1 C1.2; and has eaves, gutters and roofs set back at least 450mm from the lot boundary.

Refer to Figure 2 below:



4.3 CLAUSE 5.2.1 - SETBACK OF GARAGES AND CARPORTS

- a) As per R-Codes with the following amendment to C1.4:

the setback of **carports** from the **secondary street** boundary may be reduced as per clause 5.1.2 C2.2 (Refer to provision 4.1 of this Policy).

4.4 CLAUSE 5.2.4 - STREET WALLS AND FENCES

- a) As per R-Codes with the following addition to C4.1:

The visually impermeable height of a front fence located immediately above a retaining wall is to include the **height** of the retaining wall, measured from the primary street side, with the exception of a retaining wall approved through a plan of subdivision.

b) Acceptable materials for front fences are as follows:

- **1.2m or less:** brick, masonry, timber, painted metal sheeting.
- **Above 1.2m:** brick, masonry, limestone pillars with timber, wrought iron or metal tubing infill.

4.5 CLAUSE 5.3.7 - SITE WORKS

a) As per R-Codes with the following amendment to C7.1:

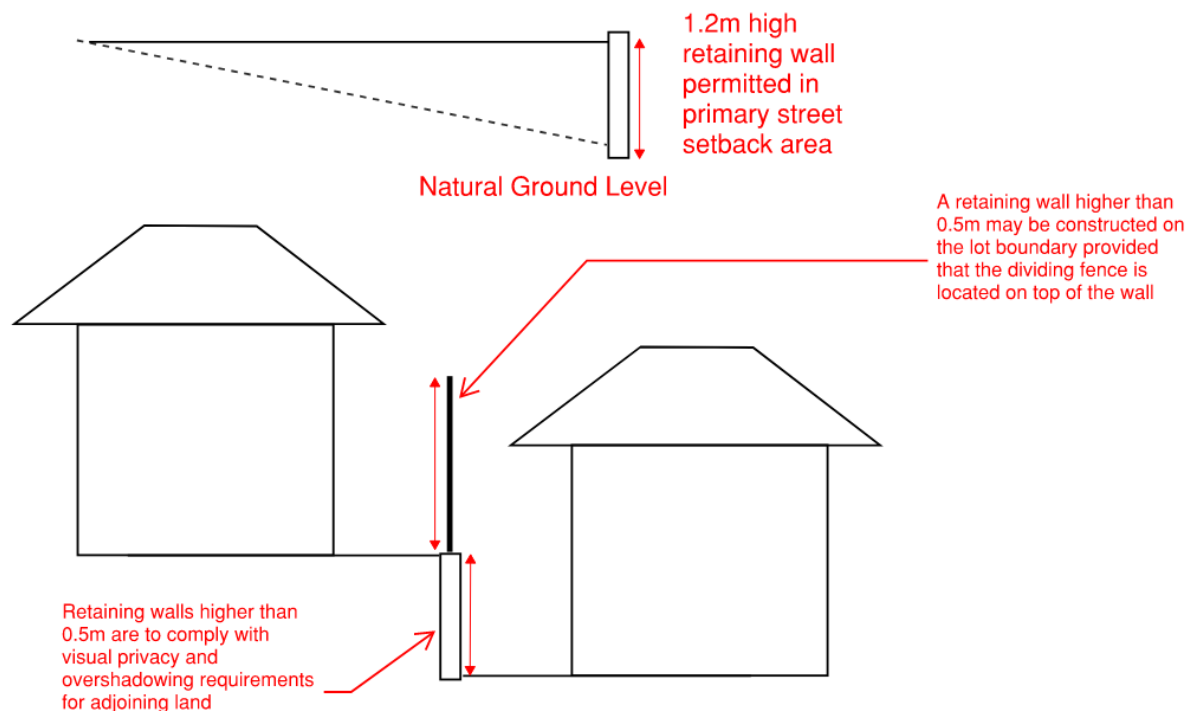
Retaining **walls** and fill between the **street boundary** and the **street setback** is permitted up to 1.2m above the **natural ground level**.

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 (Refer to provision 4.4 of this Policy).

b) As per R-Codes with the following addition to C7.2:

Retaining **walls** and fill 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 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 of the R-Codes.

Refer to Figure 3 below:



5. References:

Name of Policy	Local Planning Policy No. 14 - Residential Development (LPP14)
Date of adoption and resolution No #	13/11/2002 #203
Review dates and resolution No #	27/09/2006 #519 28/04/2010 #105 11/07/2012 #163 23/02/2022 #065
Legal authority	This is a Local Planning Policy prepared under Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015
Directorate	City Regulation
Department	Statutory Planning Department
Related documents	City of Kwinana Local Planning Scheme No.2 and No.3 Planning and Development (Local Planning Schemes) Regulations 2015 State Planning Policy 3.7 - Residential Design Codes Volume 1 (R-Codes)