

# City of Mandurah Local Planning Policy

## LPP1 Residential Design Codes Policy

**Final  
September 2018**

*Policy provisions no longer in effect due to the Planning and Development (Local Planning Schemes) Regulations have been revoked. This version has not been formally amended, but provided for reference purposes only.*

## Record of Adoption

Stage	Document Version & Date	Approval Date
Draft for Council Adoption	Version 1 June 2009	16 June 2009
Final	Version 1 May 2010	25 May 2010

## Schedule of Modifications

No	Summary of the Modification	Document Version & Date	Approval Date
1	Renumbered Policy to LPP1 Reformatted and Updated to reflect LPS (Deemed Provisions) Reformatted to Reflect 2015 R-Codes	Version 2 July 2015	28 July 2015 (Advertising)
		Version 3 August 2017	8 August 2017
1A	Minor Adjustments to Text to Reflect Operative Requirements	Version 4 June 2018	13 September 2018

## Background

This modified policy replaces Local Planning Policy No 10 – Residential Design Codes Provisions and has been reformatted to suit the *Planning and Development (Local Planning Schemes) Regulations 2015* and the 2015 R-Codes.

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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 3.1 – 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 also acknowledge that applications with proposals that 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 variations 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.

### 1.3 Application of the Policy

- (a) This Local Planning Policy is prepared, advertised and adopted pursuant to Schedule 2, Part 2, Division 2 of the Deemed Provisions for Local Planning Schemes ('*Deemed Provisions*').
- (b) Clause 3(5) and Clause 67(g) of the Deemed Provisions for Local Planning Schemes 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 Dwellings and Grouped Dwellings (Part 5 of the R-Codes)

Policy Reference	Acceptable Deemed-to-Comply Criteria
<b>2.1 Street Setback</b> (R-Codes: 5.1.2)	<p><b>Primary Street:</b></p> <ul style="list-style-type: none"><li>(a) The average setback to the primary street is permitted to be reduced by 10 per cent;</li><li>(b) Eaves are permitted to encroach 1.0m into the minimum setback;</li></ul> <p><b>Secondary Street:</b></p> <ul style="list-style-type: none"><li>(c) 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"><li>• The wall being setback a minimum of 3.0m from a side boundary, and,</li><li>• The roof and gutter being setback a minimum of 0.5m from the secondary street boundary.</li></ul></li><li>(d) For lots R12.5 and higher, a patio with an overall length of 9.0m or less is permitted to have supporting posts up to a secondary street boundary subject to:<ul style="list-style-type: none"><li>• 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</li><li>• Setback a minimum of 3.0m from a side boundary; and,</li><li>• A 1.8m high fence, either solid or visually permeable, must be installed on the secondary street side of the posts.</li></ul></li></ul> <p><b>Corner Truncations:</b></p> <ul style="list-style-type: none"><li>(e) For lots R12.5 and higher, a minimum setback of 1.0m is permitted to a corner truncation.</li></ul>

**Policy Reference**

**Acceptable Deemed-to-Comply Criteria**

**2.2 Lot Boundary Setback**  
(R-Codes: 5.1.3)

**Boundary Setback**

- (a) For lots R20 and higher:
  - 1.2m for wall height 3.5m or less with major openings (length does not apply);
  - 1 m for wall height 3.5m or less without major openings (length does not apply).

*Note: A roof eave must be setback a minimum of 0.5m from a lot boundary unless protected by a boundary wall.*

**Walls Up to a Lot Boundary**

- (b) For lots R20 and higher, more than one wall up to a lot boundary is permitted subject to each wall adjoining a different property;
- (c) For lots R12.5-R17.5, one wall built up to a lot boundary is permitted in accordance with R20 requirements (C3.2ii);
- (d) Walls up to a lot boundary are permitted up to the minimum setback required from the primary street specified by the Deemed to Comply requirements of the R-Codes.  
*For example: boundary wall at 3m for R20 and 2m for R40;*
- (e) Nib feature walls (e.g. front façade) with a maximum width of 0.35m and a maximum height of 3.5m are excluded from wall height average.

**Open Sided Structures (R12.5 and higher)**

Open structures constructed with the supporting posts located up to one side boundary and eaves setback at least 0.5m are permitted to:

- (f) A maximum length of 18.0m for one open sided structure subject to no other walls up to the same boundary;
- (g) An aggregate length of 18.0m on a boundary inclusive of the length of any existing or other wall up to the same boundary;
- (h) The height of poles/piers/posts of an open structure shall be consistent with R-Codes 5.1.3, C3.2.

**2.3 Open Space**  
(R-Codes: 5.1.4)

█ [REDACTED]

Policy Reference	Acceptable Deemed-to-Comply Criteria
<b>2.4 Building Height</b> (R-Codes: 5.1.6)	(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.  <i>Note: Reference should be made to Clause 2.12 of this Policy with regard to measurement of height.</i>
<b>2.5 Street Walls and Fences</b> (R-Codes: 5.2.4)	<b>Porticos and Entry Gates</b> (a) Materials used are to comply with the City of Mandurah Fencing Local Law 2015. (b) Walls permitted to a maximum height of 2.4m, width of 3m, and height of 3.5m; and (c) Materials to be consistent with the dwelling or front fence (including any roof); and (d) Minimum setback of 3m from side boundaries and 1m from corner truncations;
<b>2.6 Outdoor Living Areas</b> (R-Codes: 5.3.1)	<div style="background-color: black; height: 15px; width: 100%;"></div> <div style="background-color: black; height: 15px; width: 10%; margin-left: 20px;"></div> <div style="background-color: black; height: 15px; width: 100%;"></div> <div style="background-color: black; height: 15px; width: 60%; margin-left: 20px;"></div>
<b>2.7 Site Works</b> (R-Codes: 5.3.7)	(a) 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
<b>2.8 Building Design</b> (R-Codes: 5.4)	(a) Sea containers and transportable buildings are permitted for use as a dwelling, outbuilding, habitable room extension / addition or otherwise 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 will complement the existing dwelling; (b) Second hand cladding materials may only be used where the final finish is of equal quality and durability to that of new material.  <i>Note: Outbuildings are to be clad in materials consistent with an outbuilding in a residential area</i>



Policy Reference	Acceptable Deemed-to-Comply Criteria
<p><b>2.9 Outbuildings</b> (R-Codes: 5.4.3)</p>	<ul style="list-style-type: none"> <li>■ [REDACTED]</li> <li>■ [REDACTED]</li> <li>■ [REDACTED]</li> <li>■ [REDACTED]</li> <li>■ [REDACTED]</li> <li>■ [REDACTED]</li> <li>■ [REDACTED]</li> <li>■ [REDACTED]</li> </ul> <p><u><i>Outbuildings on vacant 'Residential' lots</i></u></p> <p><i>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:</i></p> <ul style="list-style-type: none"> <li>• <i>A temporary approval in accordance with Clause 70 of the Deemed Provisions for a period of 12 months; and</i></li> <li>• <i>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.</i></li> </ul>
<p><b>2.10 Utilities and Facilities</b> (R-Codes: 5.4.5)</p>	<p>[REDACTED]</p>
<p><b>2.11 Ancillary Dwellings</b> (R-Codes: 5.5.1)</p>	<p>[REDACTED]</p>

**Policy Reference****Acceptable Deemed-to-Comply Criteria****2.12 Wall Height,  
Roof Height,  
Wall on Boundary  
Height**

The height of a wall is to be calculated from the greater of either:

- The natural ground level as determined by the R-Codes, or
- On a canal property, the level of the flat part of the lot created at the time of subdivision as determined by the City, or
- 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

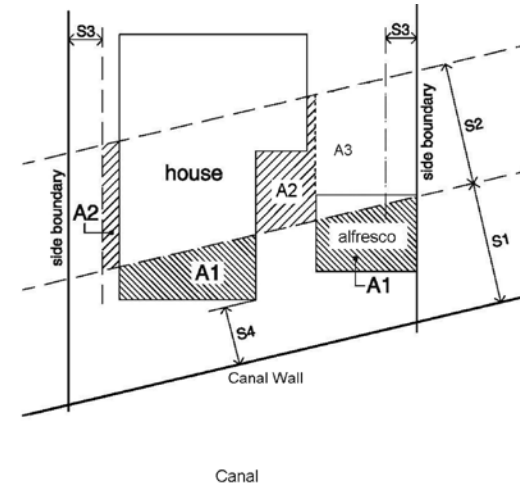
In addition to the provisions provided in Part 2 of this Policy, the following provisions outline acceptable alternatives to the deemed-to-comply criteria of the Residential Design Codes or provide clarifications and/or interpretations of the provisions of the local planning scheme as they apply to lots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

Policy Reference	Acceptable Deemed-to-Comply Criteria
<b>3.1 Street Setback</b> (R-Codes 5.1.2)	(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.
<b>3.2 Lot Boundary Setback</b> (R-Codes: 5.1.3)	<b>Walls Up to a Lot Boundary</b> (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).
<b>3.3 Visual Privacy</b> (R-Codes 5.4.1)	<div style="background-color: black; height: 15px; width: 100%;"></div> <div style="background-color: black; height: 15px; width: 100%;"></div> <div style="background-color: black; height: 15px; width: 100%;"></div> <div style="background-color: black; height: 15px; width: 100%;"></div>
<b>3.4 Canal Setbacks</b> (Scheme 3: 4.11.3.4)	(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.*

**3.5 Pergolas** [REDACTED]

Unroofed pergolas (no roof cover of any form other than timber slats spaced a minimum of 500mm apart and/or shade cloth) [REDACTED] (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:

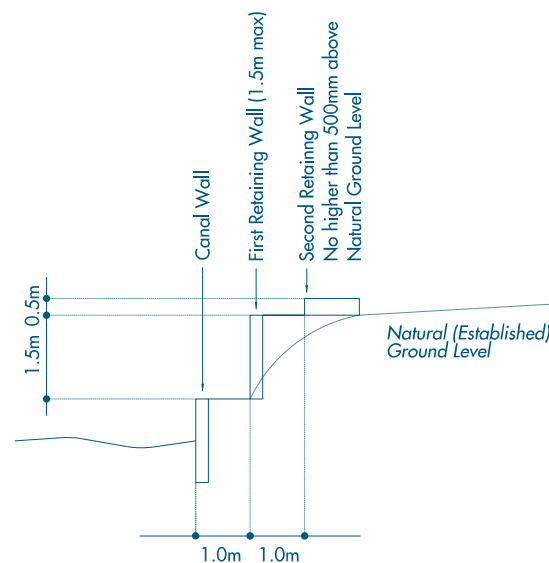
- (a) A maximum of one structure (i.e. pergola [REDACTED]) per lot, limited to a maximum width of 50% of the width of the lot at the location of the structure; and
- (b) Setback 1m minimum from a side boundary.

## Policy Reference

## Acceptable Deemed-to-Comply Criteria

### 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.

### 3.7 Storerooms/ Undercrofts/ Balconies At Ground Level

- (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.
- (b) Size / Specifications shall be as follows:
- Minor (less than 5 square metres):**
- 1.5m minimum setback from canal wall
  - 1.5m maximum depth
  - 1.5m maximum height
  - Accessible primarily from outside of storeroom only

## Policy Reference

## Acceptable Deemed-to-Comply Criteria

### Small (5-10 square metres):

- 1.8m minimum ceiling height;
- 3m minimum canal setback;
- 50% maximum width of lot;
- Sanitary facilities are not permitted (W/C, shower etc.).

### Medium to Large (greater than 10 square metres):

- 2.1m minimum ceiling height;
  - 4m minimum canal setback except 6m minimum applies in Port Mandurah Stage 1, Waterside Canals;
- (c) The minimum finished floor level permitted for non-habitable undercroft stores is 1.14m Australian Height Datum (AHD);
- (d) Where floor areas are greater than 20m<sup>2</sup>, 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;
- (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.
- (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.

### 3.8 Fencing

- (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 at least one visually permeable panel provides surveillance of the entry to the dwelling.
- (b) Site boundary fences located within 6.0m of the canal wall must comply with the requirements for fences located within the street setback area specified by the R-Codes. (Note: restrictive covenants may also apply)

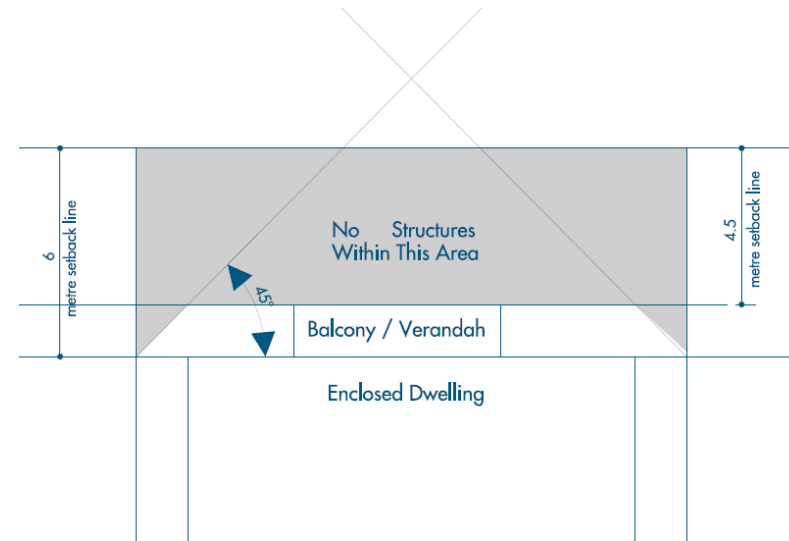
## 4. Lots Adjoining Foreshore Reserves

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 (RMD Codes)

These provisions will apply in Structure Plan areas where the plan identifies that the relevant RMD 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):

Policy Ref R-Code Reference	Acceptable Deemed to Comply Criteria			
	RMD-25	RMD-30	RMD-40	RDM-60
<b>5.1 Street Setbacks and Front Fences</b> (R-Codes 5.1.2 & 5.2.4)	<ul style="list-style-type: none"> <li>3m minimum no average</li> <li>1.5m to porch/veranda (no max length)</li> <li>1.5m minimum to secondary street</li> </ul>	<ul style="list-style-type: none"> <li>2m minimum (no average)</li> <li>1.5m to porch/ veranda (no max length)</li> <li>1m minimum to secondary street</li> </ul>		<ul style="list-style-type: none"> <li>2m minimum no average</li> <li>1m to porch/veranda (no max length)</li> <li>1m minimum to secondary street</li> </ul>
	<ul style="list-style-type: none"> <li>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</li> </ul>			
<b>5.2 Lot Boundary Setback</b> (R-Codes 5.1.3)	<ul style="list-style-type: none"> <li>1.2m for wall height 3.5m or less with major openings</li> <li>1m for wall height 3.5m or less without major openings</li> </ul>			
<b>5.3 Walls to Boundary</b> (R-Codes 5.1.3)	To both side boundaries subject to: <ul style="list-style-type: none"> <li>2/3 maximum length to one side boundary;</li> <li>1/3 max length to second side boundary for wall height 3.5m or less.</li> </ul>		To both side boundaries subject to: <ul style="list-style-type: none"> <li>No maximum length to one side boundary;</li> <li>2/3 max length to second side boundary for wall height 3.5m or less.</li> </ul>	<ul style="list-style-type: none"> <li>No maximum length to both side boundaries.</li> </ul>



Policy Ref R-Code Reference	Acceptable Deemed to Comply Criteria			
	RMD-25	RMD-30	RMD-40	RDM-60
<b>5.4 Open Space</b> (R-Codes 5.1.4)	<ul style="list-style-type: none"> <li>An outdoor living area (OLA) with an area of 10% of the lot size or 20m<sup>2</sup>, whichever is greater, directly accessible from a habitable room of the dwelling and located behind the street setback area</li> <li>At least 70% of the OLA must be uncovered and includes areas under eaves which adjoin uncovered areas</li> <li>The OLA has a minimum 3m length or width dimension</li> <li>No other R-Codes site cover standards apply</li> </ul>			
<b>5.5 Garage Setback and Width and Vehicular Access</b> (R-Codes 5.2.2, 5.3.3 and 5.3.5)	<p><b>Rear load</b></p> <ul style="list-style-type: none"> <li>0.5m garage setback to laneway</li> </ul> <p><b>Front load</b></p> <ul style="list-style-type: none"> <li>4.5m garage setback from the primary street and 1.5m from a secondary street</li> <li>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</li> <li>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:               <ul style="list-style-type: none"> <li>Garage setback a minimum of 0.5m behind the building alignment</li> <li>A major opening to a habitable room directly facing the primary street</li> <li>An entry feature consisting of a porch or veranda with a minimum depth of 1.2m; and</li> <li>No vehicular crossover wider than 4.5m where it meets the street</li> <li>Lots with a frontage less than 10.5m or not compliant with above require single or tandem garaging</li> </ul> </li> </ul>			
<b>5.6 Parking</b> (R-Codes 5.3.3)	<ul style="list-style-type: none"> <li>As per R-Codes</li> </ul>	<ul style="list-style-type: none"> <li>As per R-Codes</li> </ul>	<ul style="list-style-type: none"> <li>As per R-Codes</li> </ul>	<ul style="list-style-type: none"> <li>One on-site bay where dwelling has two bedrooms or less</li> </ul>

Policy Ref R-Code Reference	Acceptable Deemed to Comply Criteria			
	RMD-25	RMD-30	RMD-40	RDM-60
<b>5.7 Overshadowing</b> (R-Codes 5.4.1)	<ul style="list-style-type: none"> <li>No maximum overshadowing for wall height 3.5m or less</li> <li>No maximum overshadowing for wall height greater than 3.5m where overshadowing is confined to the front half of the lot.</li> <li>If overshadowing intrudes into rear half of the lot, shadow cast does not exceed 25%</li> </ul>	<ul style="list-style-type: none"> <li>No maximum overshadowing for wall height 3.5m or less</li> <li>No maximum overshadowing for wall height greater than 3.5m where overshadowing is confined to the front half of the lot.</li> <li>If overshadowing intrudes into rear half of the lot, shadow cast does not exceed 35%</li> </ul>	<ul style="list-style-type: none"> <li>No maximum overshadowing for wall height 3.5m or less</li> <li>No maximum overshadowing for wall height greater than 3.5m where overshadowing is confined to the front half of the lot.</li> <li>If overshadowing intrudes into rear half of the lot, shadow cast does not exceed 35%</li> </ul>	<ul style="list-style-type: none"> <li>No maximum overshadowing</li> </ul>
<b>5.8 Privacy</b> (R-Codes 5.4.2)	<ul style="list-style-type: none"> <li>R-Codes clause 5.4.1 C1.1 applies, however the setback distances are: <ul style="list-style-type: none"> <li>3m to bedrooms and studies;</li> <li>4.5m to major openings to habitable rooms other than bedrooms and studies and</li> <li>6m to unenclosed outdoor active habitable spaces</li> </ul> </li> </ul>			<ul style="list-style-type: none"> <li>No privacy provisions apply</li> </ul>