

1. Introduction

The City of Rockingham Town Planning Scheme No.2 requires that unless otherwise provided for in the Scheme, all residential development is to be dealt with by the Residential Design Codes ("R-Codes") and is to conform with the R-Codes.

The purpose of this Planning Policy is to set out the objectives and policy provisions which the 'Council' shall have regard to in the assessment and determination of applications for Development Approval and/or a Building Permit, that seek to apply the 'Design Principles' of the R-Codes.

2. Background

The R-Codes incorporate a performance-oriented approach, which includes 'deemed-to-comply' provisions and 'design principles'. For instances where a proposal does not comply with the 'deemed-to-comply' provisions, a proposal may be approved if the relevant 'design principles' are satisfied. Design Principles provide different ways of achieving acceptable design outcomes, if consistent with the objectives of the R-Codes.

3. Policy Application

This Policy:

- (a) varies certain Deemed-to-Comply provisions applying to all residential development to which the R-Codes apply;
- (b) augments the R-Codes by providing additional Deemed-to-Comply provisions; and
- (c) does not exempt compliance with other requirements of the R-Codes, the City of Rockingham Town Planning Scheme No. 2, other City Policies and the Building Code of Australia.

Any variations to the Deemed-to-Comply requirements of the R-Codes will be dealt with in the assessment of an application for a Building Permit and applications for Development Approval.

This Planning Policy complies with the scope of Local Planning Policies that may vary or replace the Deemed-to-Comply provisions set out in Part 5 of the R-Codes.

Planning Policy No.3.3.22 - *Medium-Density Single House Development Standards - Development Zones* (R-MD Codes) outlines acceptable variations to the Residential Design Codes (R-Codes) for medium-density Single Houses in Development Zones. This Planning Policy 3.3.20 does not apply to areas where the R-MD Codes are included in approved Structure Plans, as shown in Appendix 2 of Planning Policy 3.3.22.

4. Policy Objective

The objectives of this Planning Policy are as follows:

- (a) To promote the orderly and proper development of land by making suitable provisions relating to the design and siting of residential development.
- (b) To secure the privacy and amenity of the locality through appropriate development requirements.
- (c) To vary the Deemed-to-Comply provisions of the R-Codes and augment the R-Codes by providing additional variations in the circumstances described in the policy statement.

5. Policy Statement

- 5.1 Where a proposal meets as relevant the following alternative Deemed-to-Comply provisions, the City will consider the Design Principles relating to that aspect of the development under the R-Codes as being satisfied, without the need for consultation with adjoining/adjacent owners.
- 5.2 Where a proposal for a Single House or two Grouped Dwellings, including any outbuildings meets the additional Deemed-to-Comply provisions of this policy, and/or the Deemed-to-Comply provisions of the R-Codes, the proposal will not require Development Approval (clause 6.1.2(c) of TPS2).

5.3 Where a proposal as relevant does not meet all of the following alternative Deemed-to-Comply provisions, the City will consider the proposal at its discretion, in accordance with the relevant Design Principles under the R-Codes, having regard to Clause 2.5.1 of the R-Codes.

5.4 Design Element 5.1.2, C2.2 and Table 1- Secondary Street Setbacks

Existing Deemed-to-Comply provisions:	Alternative Deemed-to-Comply provisions:
In areas coded R15 – R35, buildings set back 1.5m from the secondary street boundary.	For Grouped Dwellings and Single Houses in areas coded R15 and higher, flat roofed and pitched roofed patios and carports with wall lengths not exceeding 9.0m and wall heights not exceeding 2.7m may be setback a minimum of 0.5m from the secondary street boundary. Eaves not to project into the 0.5m setback.
In areas coded R40 and higher, buildings setback 1m from the secondary street boundary.	

5.5 Design Element 5.1.3, C3.2- Building up to a Lot Boundary

Existing Deemed-to-Comply provisions:	Alternative Deemed-to-Comply provisions:
In areas coded R20 and R25, walls built up to a lot boundary behind the street setback line. The street setback line in areas coded R20 and R25 is 6m from the primary street.	In areas coded R20 and R25, garage walls may be built up to a lot boundary, a minimum of 4.5m from the primary street.

5.6 Design Element 5.1.3 - Buildings up to a Lot Boundary

Note: The term 'up to a lot boundary' means a wall, on or less than 600mm, from any lot boundary, other than a street boundary.

Existing Deemed-to-Comply provisions:	Alternative Deemed-to-Comply provisions:
In areas coded R20 and above, walls not higher than 3.5m with an average height of 3m or less, up to a maximum length of the greater of 9m or one-third the length of the balance of the lot boundary behind the front setback, to one side boundary only.	In areas coded R20 and R25, walls not higher than 3.5m with an average height of 3m or less, up to a maximum length of the greater of 9m or one-third the length of the balance of the lot boundary behind the front setback, to two boundaries.
In areas coded R30 and higher, walls not higher than 3.5m with an average height of 3m for two-thirds the length of the balance of the lot boundary behind the front setback, to one side boundary only.	

5.7 Design Element 5.4.3 - Outbuildings

Existing Deemed-to-Comply provisions:	Alternative Deemed-to-Comply provisions:	
Collectively do not exceed 60m ² or 10 percent in aggregate of the site area, whichever is lesser.	In areas coded R5 to R25, collectively do not exceed 75m ² .	
Do not exceed a wall height of 2.4m		Do not exceed a wall height of 2.7m.
Are not within the primary or secondary street setback area and are setback in accordance with Tables 2a and 2b.		Are not within the primary or secondary street setback area. Walls may be built up to a lot boundary behind the street setback, not higher than 2.7m up to a maximum length of the greater of 9m or one-third the length of the balance of the lot boundary behind the front setback, to two boundaries.

6. Application Procedure

Where an application for Development Approval or an application for a Building Permit complies with this policy, an R-Codes approval application form is not required.

7. Authority

This Planning Policy has been adopted by the Council under Clause 4 of the deemed provisions in the Regulations and whilst it is not part of the Town Planning Scheme No.2 and does not bind the Council in respect of any application for Development Approval, the Council is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

8. Interpretations

For the purposes of this Planning Policy, the following terms shall have the same meaning as in Town Planning Scheme No.2:

Council means the Council of the City of Rockingham.

Residential Design Codes (R-Codes) means State Planning Policy 3.1 Residential Design Codes, as amended from time to time.

For the purposes of this Planning Policy, the following term shall have the same meaning as in the Residential Design Codes:

Deemed-to-Comply means a proposal, or a component of a proposal, that complies with the Deemed-to-Comply provisions of the R-Codes, or an adopted local planning policy.

Buildings up to a Lot Boundary means a wall, on or less than 600mm, from any lot boundary, other than a street boundary.

Garage means any roofed structure, other than a carport, designed to accommodate one or more motor vehicles and attached to the dwelling.

Outbuilding means an enclosed non-habitable structure that is detached from any dwelling.

Design Principles means specific design objectives for each element of the R-Codes which are to be met by all residential development in Western Australia and are to be used in the preparation, submission and assessment of proposals for the purpose of determining their compliance with the R-Codes. A proposal is required to demonstrate compliance with Design Principles where it does not satisfy the corresponding Deemed-to-Comply provisions.

9. Consultation

Consultation with neighbours is not required where an application complies with this policy.

10. Delegation

Applications for a Single House or two Grouped Dwellings that comply in all respects with the objectives and provisions of the Planning Policy are Codes Approval exempt and will be determined under delegated authority, pursuant to the Delegated Authority Register.

11. Adoption

This Planning Policy was originally adopted by the Council at its ordinary Meeting held on 24 March 2009.

12. Amendment

This Planning Policy was amended by the Council at its ordinary Meeting held on 22 March 2011 and 25 October 2016.