



# Local Planning Policy 6.1.1 – Variations to the R-Codes

## 1. Introduction

This is a Local Planning Policy prepared under Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 and in accordance with Part A of State Planning Policy 7.3 Residential Design Codes Volume 1 2024 (R-Codes). This Policy may be cited as Local Planning Policy 6.1.1 – Variation to the R-Codes, and LPP 6.1.1.

Part A, clauses 3.2.3a and 3.2.3b of the R-Codes details the deemed-to-comply provisions that can be amended or replaced by a Local Planning Policy. This Policy varies a number of deemed-to-comply provisions of Part B (relating to Single Houses coded R40 and below, and Grouped Dwellings coded R25 and below) and Part C (relating to Single Houses coded R50 and above, and Grouped Dwellings coded R30 and above) of the R-Codes. This Policy should be read in conjunction with the R-Codes Volume 1 2024.

## 2. Objectives

- To specify local provisions which amend or replace deemed-to-comply provisions of the R-Codes to suit the local circumstances of the Shire of Harvey.

## 3. Policy Scope

- This Policy applies to all residential development in the Shire of Harvey.

## 4. Policy

The deemed-to-comply provisions of the R-Codes Volume 1 2024 apply, except as specified in the subsequent clauses.

### 4.1 Site Works and Retaining Walls

(1) The deemed-to-comply provision **C7.2** of **Part B, Clause 5.3.7** is **replaced** with the following:

C7.2 Retaining walls, fill and excavation within the site and behind the required street setback to comply with Table 4.

**Table 4 – Setback of site works and retaining walls**

| Height of site works and/or retaining walls | Required minimum setback              |
|---|---------------------------------------|
| 1.5m or less                                | 0m                                    |
| More than 1.5m                              | 0m (with adjoining landowner support) |

- (2) The deemed-to-comply provision **C3.5.2** of **Part C, Clause 3.5** is replaced with the following:

C5.3.2 Retaining walls and fill within the site and behind the street setback to comply with Table 3.5a.

**Table 3.5a – Setback of retaining walls and fill**

| Height of retaining walls and fill | Setback required                      |
|------------------------------------|---------------------------------------|
| 1.5m or less                       | 0m                                    |
| More than 1.5m                     | 0m (with adjoining landowner support) |

## 4.2 Outbuildings

- (1) The deemed-to-comply provision **C3** of **Part B, Clause 5.4.3** is replaced with the following:

C3 Outbuildings associated with a dwelling site address:



- i. In areas coded R15 to R25, the standards for medium outbuildings (A. Medium outbuildings); or
- ii. In areas coded R10 and lower, the standards for large and multiple outbuildings (B. Large and multiple outbuildings).

|  |   |
|--|---|
| <b>(A) Medium outbuildings</b>             | <ul style="list-style-type: none"> <li>(i) individually or collectively does not exceed 120m<sup>2</sup> in area;</li> <li>(ii) does not exceed a wall height of 3m and ridge height of 4.5m;</li> <li>(ii) not located within the primary or secondary street setback area; and</li> <li>(iv) does not reduce open space and outdoor living area requirements in Table B.</li> </ul>                     |
| <b>(B) Large and multiple outbuildings</b> | <ul style="list-style-type: none"> <li>(i) individually or collectively does not exceed a maximum floor area of 10% of the site area;</li> <li>(ii) does not exceed a wall height of 3m and ridge height of 4.5m;</li> <li>(ii) not located within the primary or secondary street setback area; and</li> <li>(iv) does not reduce open space and outdoor living area requirements in Table B.</li> </ul> |

- (2) Variations to the deemed-to-comply provision **C3** may be permitted where the outbuilding does not exceed a wall height of 3.6m and a ridge height of 5.1m where the applicant can demonstrate to the local government that:
- The increase in height is warranted on the basis of a reasonable need being demonstrated that is related to the domestic use of the property.
  - The increase in height will not create an adverse impact on the amenity of adjoining properties.
  - Where the local government has determined that adjoining land may be impacted, the proposal has been advertised to those owners.
- (3) When determining an application for development approval under subclause (2), the local government will consider any comments received from adjoining landowners and will balance those comments with its technical opinion in the exercise of judgement and discretion.

## 5. Strategic objective

The policy aligns to the following strategic objective:

|   |  |
|---|--|
|   | <p><b>Protected natural environment</b><br/>Adopting a range of management practices to protect, conserve and rehabilitate the biodiversity of the natural environment.</p>  |
|  | <p><b>Effective civic leadership</b><br/>Effective civic leadership is visionary and influential. It means listening to the community, balancing competing demands, making fair decisions and acting with integrity.</p> |

## 6. Definitions

- Nil.

## 7. Legislation

- *Planning and Development Act 2005.*
- Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 Deemed Provisions (Part 2).
- Shire of Harvey’s Local Planning Scheme No. 2.
- State Planning Policy 7.3 – Residential Design Codes Volume 1 2024

|                     |                                  |            |        |
|---------------------|----------------------------------|------------|--------|
| Responsible officer | Director Sustainable Development |            |        |
| Responsible team    | Planning                         |            |        |
| Responsible area    | Planning Services                |            |        |
| Version control     | Date                             | Resolution | Number |
| Version 1           | 28/05/2024                       | Resolution | 24/99  |