



Department of Planning,
Lands and Heritage



R-Codes

State Planning Policy 7.3 Residential Design Codes

R-Codes practice notes

September 2021

The Department of Planning, Lands and Heritage acknowledges the traditional owners and custodians of this land. We pay our respect to Elders past and present, their descendants who are with us today, and those who will follow in their footsteps.

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Published by the
Western Australian Planning Commission
Gordon Stephenson House
140 William Street
Perth WA 6000

Locked Bag 2506
Perth WA 6001

Published September 2021

website: www.dplh.wa.gov.au
email: info@dplh.wa.gov.au

tel: 08 6551 8002
fax: 08 6551 9001

National Relay Service: 13 36 77

This document is available in alternative formats on application to the Department of Planning, Lands and Heritage Communications Branch.

Introduction

The *Residential Design Codes* (R-Codes) are a State Planning Policy prepared by the Western Australian Planning Commission (WAPC) under section 26 of the *Planning and Development Act 2005*. The R-Codes outline standards for residential development in Western Australia; and, with the exception of some lot/site or precinct-specific circumstances, they form the basis for the design and assessment of most residential development in Western Australia.

SPP7.3 Residential Design Codes Volume 2 - Apartments (R-Codes Vol. 2)

On the 24 May 2019, R-Codes Vol. 2 became operational, superseding Part 6 of R-Codes Vol. 1. It applies to the development of multiple dwellings in areas coded R40 and above and the multiple dwelling component of mixed use development.

SPP7.3 Residential Design Codes Volume 1 (R-Codes Vol. 1)

The R-Codes Vol. 1 are structured into individual elements that address specific matters regarding the design and assessment of residential development such as height, setbacks and open space. Each design element or 'clause' of the R-Codes Vol. 1 contains 'deemed-to-comply' standards, which set out specific development controls. A proposal that satisfies all 'deemed-to-comply' standards of the

R-Codes Vol. 1 is considered to be compliant and generally does not require development approval, provided the R-Codes Vol. 1 'deemed-to-comply' standards are not altered by different development standards within a local planning scheme, a local planning policy or a local development plan.

In instances where a proposal does not satisfy 'deemed-to-comply' standards, the assessing authority will undertake an assessment against the corresponding 'design principles' to determine whether the proposal is appropriate. If a decision-maker determines the proposal satisfies the 'design principles' then the application will, in most cases, be approved but may be subject to consultation with an adjoining property owner/s and approval conditions. If a proposal is not considered to satisfy the 'design principles' the decision-maker may request it be modified or refuse the proposal.

Right of review

Where a decision-maker refuses an application or imposes conditions considered unreasonable by the applicant, a right of review exists and an application may be lodged with the State Administrative Tribunal (SAT), under the provisions of the *Planning and Development Act 2005*. Further information about the SAT review process and its application procedures and fees is available online at www.sat.justice.wa.gov.au/

Practice Notes

These Practice Notes address the most common technical matters that arise in the interpretation and implementation of the R-Codes. They aim to provide clarity and certainty to applicants, assessors and decision-makers through consistent application of the R-Codes. They also address general operational matters regarding the status and application of the R-Codes as an important component of the Western Australian planning policy framework. Words **bolded** in these Practice Notes are defined in the R-Codes.

The Practice Notes do not form part of the R-Codes and may be updated from time to time as a supplement to the R-Codes Explanatory guidelines.

R-Codes


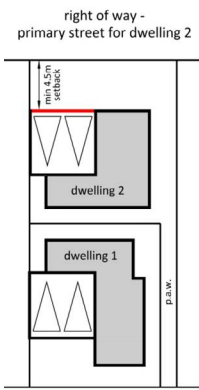
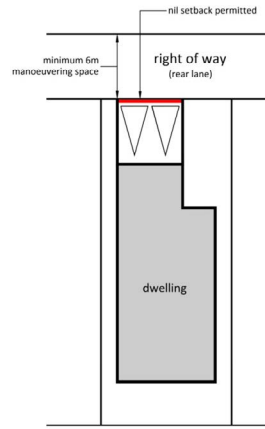
State Planning Policy 7.3 Residential Design Codes – practice notes

Query/matter	Response/interpretation
How are the R-Codes given effect?	The R-Codes are a State Planning Policy prepared by the Western Australian Planning Commission (WAPC) under Part 3 of the <i>Planning and Development Act 2005</i> . The R-Codes and any subsequent amendments are introduced into local planning schemes under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> (refer Schedule 1, part 4, clause 25).
Who is responsible for determining and implementing the R-Codes?	<p>The R-Codes are standards for the control of residential development, which are included by reference into ('read into') local planning schemes. The determination of proposals under the R-Codes (and hence the implementation of the R-Codes) generally lies with the relevant local government (or local government officers delegated to act on their behalf). In some cases however, the WAPC, DevelopmentWA or a Development Assessment Panel (DAP) may be the decision-maker.</p> <p>The R-Codes Vol. 1 also relate to subdivision of land. There is an inextricable link between lot size (Table 1), frontage requirements and other requirements of the R-Codes Vol. 1 and WAPC subdivision policy. Responsibility for subdivision approval lies solely with the WAPC, although local government has a significant advisory role in the process. R-Codes Vol. 1 matters must be considered by proponents and assessors when preparing and assessing development proposals intended or with future potential to be subdivided (for example, applications for grouped or aged/dependent persons' dwellings).</p>

R-Codes clause	Query/matter	Response/interpretation	Diagram/illustration (where relevant)
R-Codes Vol. 1 1.5 Explanatory Guidelines	What is the role of the Explanatory Guidelines and the Practice Notes and how do they differ?	<p>The WAPC has prepared the R-Codes Explanatory Guidelines in consultation with decision-makers and stakeholders to give context to R-Codes Vol. 1 standards and guidance, and assist in the interpretation and assessment of proposals. The Explanatory Guidelines should be considered in the determination of proposals but should not be rigidly applied nor fetter discretion.</p> <p>While both the R-Codes Explanatory Guidelines and Practice Notes are supplementary to the R-Codes Vol. 1, the Explanatory Guidelines provide a comprehensive guide for the assessment of residential development against all R-Codes Vol. 1 'deemed-to-comply' and 'design principles'. In comparison, the Practice Notes seek to address specific technical queries and matters regarding the interpretation of certain 'deemed-to-comply' standards of the R-Codes Vol. 1 that are regularly the subject of application uncertainty and consequential assessment and determination inconsistency. Clarification of these queries/matters through the Practice Notes aims to improve understanding and application consistency for applicants, assessors and decision-makers.</p>	
R-Codes Vol. 1 2.2 Single house approvals	Does the erection or extension of a single house require development approval?	<p>In accordance with Schedule 2, clause 61 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, the erection or extension of a single house, ancillary dwelling, outbuilding, external fixtures, boundary wall or fence, patio, pergola, verandah, deck, garage, carport or swimming pool that satisfies the 'deemed-to-comply' provisions of the R-Codes Vol. 1 does not require development approval, unless the development is located in a place that is a heritage-protected place.</p> <p>If a proposal for a single house does not satisfy a 'deemed-to-comply' requirement/s of the R-Codes Vol. 1, the decision-maker will require an application for development approval and payment of a fee to process that application.</p> <p>Development approval may be required where a proposal does not comply with any applicable requirement of a scheme, structure plan, local development plan or local planning policy that modifies the deemed-to-comply provisions of the R-Codes.</p>	
	How is compliance with the R-Codes Vol. 1 determined for development proposals subject to a certified application for a building permit?	<p>If a single house requires development approval, then this approval must be obtained prior to submitting a certified application for a building permit. A permit authority must not grant a building permit where development approval is required but has not been obtained. If development approval is not required, the local government would need to establish that the development proposal satisfies all 'deemed-to-comply' requirements of the R-Codes Vol. 1 prior to issuing a building permit.</p>	
R-Codes Vol. 1 2.5 Exercise of judgement	How do decision-makers exercise judgement to determine if approval should be granted to a proposal which does not meet R-Codes Vol. 1 'deemed-to-comply' standards?	<p>'Exercise of judgement' is linked to 'discretion'. Judgement and discretion are exercised by the decision-maker on individual (case-by-case) merit – applying a combination of relevant facts, circumstances and applicable laws and policies to guide decision-making.</p> <p>Guidance on how judgement or discretion is to be exercised is outlined in the R-Codes Vol. 1, the R-Codes Explanatory Guidelines, local planning schemes, local planning policies and should be applied in conjunction with broad planning and administrative law principles. Schedule 2, clause 67 of the Regulations sets out the matters to be considered in determining a development application.</p> <p>Local planning policies can also provide clarification/guidance for the R-Codes Vol. 1 'design principles' by clearly outlining the parameters where discretion would be favourably exercised by the decision-maker.</p> <p>The Development Assessment Panel Practice Notes: Making Good Planning Decisions guidelines on making good planning decisions are available to assist Development Assessment Panels and are recommended for use by other decision-makers to help in the assessment and determination of development applications.</p>	

R-Codes clause	Query/matter	Response/interpretation	Diagram/illustration (where relevant)
R-Codes Vol. 1 3.1 Applications for planning approval	Which application form do I need for development approval?	If the proposal requires development approval under the local planning scheme, an application for development approval is required to be submitted on a form consistent with Schedule 2, clause 86 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> ('LPS Regulations'). Application forms for development approval can usually be downloaded from the relevant local government website or collected from the local government offices. Queries about obtaining the necessary development application form and application fee should be directed to the relevant local government where the application is to be lodged.	
	What application fee needs to be paid when I lodge an application for development approval?	The relevant application fees are prescribed in the <i>Planning and Development Regulations 2009</i> . The application fee schedule can be accessed online at www.dplh.wa.gov.au . Where determination by a Development Assessment Panel (DAP) is required, a DAP application fee will apply. It is recommended the applicant liaise with the relevant decision-maker to determine the correct application fee prior to submitting the development application. Most local governments list application fees online.	
R-Codes Vol. 1 3.2 Information requirements	Do all the information requirements in the R-Codes Vol. 1 'application information matrix' need to be provided based on the application type?	The matrix clarifies the information required for certain types of development proposals. Only the information noted for the application type is required, although additional information set out in R-Codes Vol. 1 clause 3.3 may also be required if relevant. The matrix provided within the R-Codes supplements Schedule 2, clause 63 of the Regulations which sets out general information requirements when lodging a development application. The applicant is responsible for ensuring all information is accurate before an application is submitted. The provision and accuracy of information in support of a proposal are critical so as not to delay determination. Applications and associated fees should not be accepted by the decision-maker unless all required information is provided. It is recommended the applicant liaise with the decision-maker prior to submitting an application to confirm the information that needs to be submitted.	
R-Codes Vol. 1 4.2 Consultation procedure	Does the decision-maker have to wait until the end of the consultation period before a decision can be made in relation to a proposed development?	Yes. Schedule 2, clause 68, of the LPS Regulations does not allow the decision-maker to determine an application for development approval until the end of the prescribed period for making submissions. The local government must wait until the end of the consultation period to determine an application – even if all notified owners and occupiers of adjoining properties have provided comment on the proposal. Where a proposal does not meet 'deemed-to-comply' requirements and the decision-maker considers the proposal to be unacceptable against the 'design principles', the decision-maker may refuse the proposal without undertaking neighbour consultation or, where warranted, despite neighbour support.	
	Where the applicant undertakes notification under R-Codes Vol.1 clause 4.2.3, how can the decision-maker verify and be satisfied that notification has been properly undertaken?	The decision-maker needs to verify the landowner/occupier of property for which notification is required, has been notified. The decision-maker may accept a registered post receipt as proof the applicant has notified all owners and occupiers of adjoining properties of the proposal. Evidence should also include a copy of the notification/information provided to the adjoining neighbour(s). Some decision-makers however, may not accept registered post receipts and, in the event that the applicant has been unsuccessful in obtaining the neighbours comments, the decision-maker may elect to undertake the neighbour consultation. It is recommended an applicant seeks prior confirmation from the decision-maker that registered post receipts will be acceptable proof of consultation.	

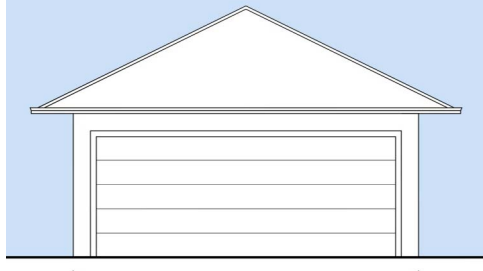
R-Codes clause	Query/matter	Response/interpretation	Diagram/illustration (where relevant)
R-Codes Vol. 1 5.1.1 Site area	Can a decision-maker approve a development proposal with a minimum and average site area per dwelling less than the area required under R-Codes Vol. 1 Table 1?	<p>Yes, but only in very limited circumstances. The decision-maker shall not reduce the minimum or average site area per dwelling requirements set out in R-Codes Vol. 1 Table 1, except as provided for in the R-Codes Vol. 1 or relevant local planning scheme. R-Codes Vol. 1 clause 5.1.1, C1.3 allows for certain site area adjustments depending upon site location (corner sites and battle-axe sites adjoining open areas) and R-Codes Vol. 1 clause 1.4 allows for certain site area reductions depending upon development type (aged or dependent persons' or single bedroom dwellings), new lots granted WAPC subdivision approval and existing lots with areas less than that required in R-Codes Vol. 1 Table 1.</p> <p>In the case of a local government determining a development application that involves the assessment of minimum and average lot sizes, adjustments to the minimum and average lot sizes are only permitted in accordance with R-Codes Vol. 1 clause 5.1.1, C1.3 of the 'deemed-to-comply' criteria.</p> <p>Only the WAPC has discretion – through the subdivision process – to vary lot sizes under the 'design principles' of R-Codes Vol. 1 clause 5.1.1 and WAPC Development Control Policy 2.2 Residential Subdivision.</p>	
	If a minimum site area reduction has been obtained under 'deemed to-comply' R-Codes Vol. 1 clauses 5.1.1, C1.3-1.4, can a further 5% reduction be obtained under design principle P1.2 of clause 5.1.1?	<p>Yes, but only the WAPC may approve a reduction through the subdivision process and only in circumstances where the further proposed reduction can meet the criteria set out under the design principle and relevant WAPC residential subdivision policies. The extent to which the WAPC will exercise its discretion in approving reduced lot sizes for single houses and grouped dwellings below the minimum and average site area requirements, is limited. Further guidance can be found in the WAPC's Development Control Policy 2.2 Residential Subdivision.</p>	
	Are development concessions for single bedroom dwellings and aged and dependent persons' dwellings under R-Codes Vol. 1 clause 5.1.1, C1.4i applied to subdivision?	<p>Yes, however the WAPC would impose subdivision condition(s) and Certificate of Title notification regarding the use and development of the land for single bedroom dwellings or aged and dependent persons' dwellings.</p>	
	Does R-Codes Vol. 1 clause 5.1.1, C1.4ii allow the WAPC to approve any lot area, regardless of the minimum site areas in R-Codes Vol. 1 Table 1?	<p>No. R-Codes Vol. 1 Clause 5.1.1, C1.4ii allows development on lots with minimum and average site areas less than those set out in R-Codes Vol. 1 Table 1, which have previously been granted subdivision approval (including lots yet to be developed).</p> <p>R-Codes Vol. 1 design principle clause 5.1.1, P1.3 provides discretion to the WAPC, in consultation with the local government, to approve the creation of a survey strata or strata (built strata) lot of lesser area than required under the relevant R-Coding in Table 1, but only for an existing authorised development that has been granted all necessary approvals constructed in accordance with those approvals.</p>	
R-Codes Vol. 1 5.1.2 Street setback	Can common property be used in averaging?	<p>Yes. Common property can be used in averaging the primary street setback of a dwelling where averaging is permitted.</p> <p>The access leg for a battle-axe lot cannot be used for averaging the primary street setback of the front dwelling because the access leg is not in common ownership – it is exclusively owned and forms part of the lot of the rear dwelling.</p>	

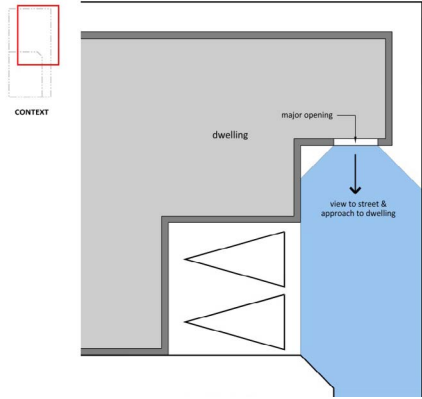
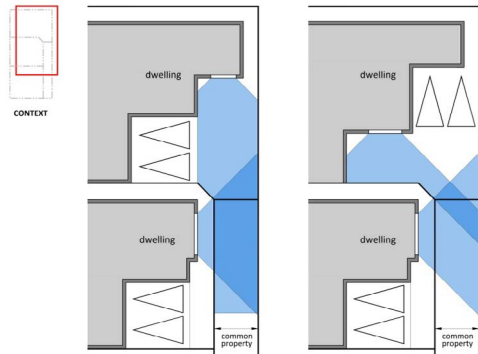
R-Codes clause	Query/matter	Response/interpretation	Diagram/illustration (where relevant)
	<p>Are the setbacks for dwellings that adjoin a communal street, right-of-way or shared vehicle access way measured from the property boundary or the edge of the driveway?</p>	<p>All required setbacks are to be measured from the common property boundary, not the edge of the driveway. This includes front setbacks for dwellings that front a communal street.</p>	 <p style="text-align: center;">DIAGRAM - 2</p>
	<p>How is the setback assessed for a dwelling that fronts a right-of-way? And how is the setback assessed for a garage or carport that fronts a right-of-way?</p>	<p>Where a single house or grouped dwelling in area coded R15 or higher fronts a right-of-way and the right-of-way is the primary street:</p> <ul style="list-style-type: none"> the dwelling is to be setback a minimum of 2.5 metres; with the porch, verandah, balcony or equivalent setback a minimum of 1.5 metres; and the garage that directly faces a right-of-way being setback: <ul style="list-style-type: none"> a minimum of 4.5 metres (Diagram 3A); or a minimum of 0.5 metres behind the dwelling alignment, excluding any porch, verandah or balcony. <p>If a carport fronting a right-of-way is proposed, the setback may be reduced by half that of the garage i.e. a minimum of 2.25m garage setback (refer R-Codes Vol. 1 clause 5.1.2, C2.1).</p> <p>For a single house or grouped dwelling (including garage or carport) in an area coded R12.5 or below fronting a right-of-way, there is no reduced setback allowance from the right-of-way and so the standard setback rules at C31.i, C2.1ii and C2.1iii apply.</p> <p>Where a dwelling fronts the primary street and has a rear lot boundary that abuts a right-of-way (i.e. the right-of-way is not the primary or secondary street boundary), the garage or carport setback may be reduced to nil, provided there is at least 6 metres in front of the garage or carport to allow for manoeuvring (Diagram 3B). This applies regardless of the density coding.</p>	 <p style="text-align: center;">DIAGRAM - 3A</p>  <p style="text-align: center;">DIAGRAM - 3B</p>

R-Codes clause	Query/matter	Response/interpretation	Diagram/illustration (where relevant)
<p>R-Codes Vol. 1 5.1.3 Lot boundary setback</p>	<p>How is the setback for verandahs and patios assessed? Are they a continuation of the wall of the dwelling or are they measured separately?</p>	<p>For the purpose of measuring setback, the length of a patio, verandah or similar is assessed as a continuation of the wall of the dwelling where the patio, verandah or similar is 10 metres or longer in length (Diagram 4A). Where there is a distance of 4 metres or greater separating the patio, verandah or similar (that is 10 metres or longer in length) from the dwelling, the setbacks shall be assessed independently.</p> <p>Where a patio, verandah or similar is 10m or less in length and no more than 2.7m in height, it is not to be treated as a continuation of the dwelling wall and the setback from the boundary can be nil (Diagram 4B).</p> <p>Setbacks for patios, verandahs or similar are to be assessed as walls with no major openings, unless the floor level is elevated 0.5 metres or greater above natural ground level and in that case, the setback shall be assessed as a wall with a major opening.</p> <p>The above principles for assessing setbacks to patios, verandahs or similar applies to both new dwellings as well as additions.</p>	<p>primary street</p> <p>DIAGRAM - 4A</p> <p>primary street</p> <p>DIAGRAM - 4B</p>
	<p>On a lot with an angled boundary, can a portion of the wall be setback less than the required minimum if a majority of the wall length and any major openings are setback the minimum distance?</p>	<p>No. In order to satisfy the 'deemed-to-comply' standards of R-Codes Vol. 1 clause 5.1.3, the entire length of a wall must be setback the minimum required distance from the boundary, regardless of angled or irregular shaped lots.</p>	<p>primary street</p> <p>CONTEXT</p> <p>dwelling</p> <p>DIAGRAM - 5</p>
	<p>Can walls be built to a common property and/or strata boundary? If so, can these walls have windows in them?</p>	<p>Yes. Boundary walls to a common property/strata boundary may satisfy the 'deemed-to-comply' standards subject to compliance with the boundary wall provisions of R-Codes Vol. 1 clause 5.1.3, C3.2. All walls on or less than 600mm from any site boundary, including common property/strata boundaries are assessed as a boundary wall in accordance with R-Codes Vol. 1 clause 5.1.3, C3.2.</p> <p>Any walls set back greater than 600mm from a common property/strata boundary and/or contain major openings are required to be setback in accordance with R-Codes Vol. 1 clause 5.1.3, C3.1.</p> <p>Boundary walls containing windows not defined as major openings are subject to Building Code of Australia Standards and such windows shall not be capable of opening so that any part of the window encroaches over a boundary (i.e. awning windows).</p>	

R-Codes clause	Query/matter	Response/interpretation	Diagram/illustration (where relevant)
	<p>How are minor projections such as chimneys and eaves referenced at R-Codes Vol. 1 clause 5.1.3, C3.1iv measured? Is it from the boundary or from the wall?</p>	<p>Minor projections may extend up to 0.75 metres into the setback area as measured from the wall from which they protrude. For example, a wall required to be setback 1.5 metres from a boundary may have eaves which extend 0.75 metres from the wall into the setback area, resulting in a 0.75 metres setback from the eaves to the boundary.</p>	<p style="text-align: center;">DIAGRAM - 6</p>
	<p>In R-Codes Vol. 1 <i>Table 1</i>, are the side and rear boundaries set out in column 7 under 'Other/rear' interchangeable?</p>	<p>No. In column 7 of R-Codes Vol. 1 Table 1, under 'Other/rear', '* /6' means the provisions should be read consecutively. That is, the 'other' side setback is to be determined from R-Codes Vol. 1 Tables 2a or 2b, and the 'rear' boundary setback is 6 metres. These could only be interchanged by assessment under the 'design principle'. Where only a single setback value is prescribed, it applies to both side and rear boundaries.</p>	
	<p>In relation to a gable or skillion wall, is there a different measure of wall height used for determining lot boundary setbacks under R-Codes Vol. 1 clause 5.1.3, C3.1 and R-Codes Vol. 1 Tables 2a and 2b, from that used in determining building height under R-Codes Vol. 1 clause 5.1.6, C6 and R-Codes Vol. 1 Table 3.</p>	<p>Yes. In the case of determining the required setback for a gable end or skillion in accordance with R-Codes Vol. 1 clause 5.1.3, the height of the wall is to be measured from the natural ground level (NGL) at the lot boundary adjacent to the wall to the highest point of the gable or skillion as illustrated in Figure 3g. To measure wall height for the purpose of calculating building height, the distance is to be taken from where the base of the wall meets the NGL and is to be taken to the highest point of the wall vertically above that point. The issue of height in relation to gable ends and skillions is more critical than for other walls in the calculation of lot boundary setbacks because of the increased potential for impact, particularly overshadowing of adjoining properties.</p> <p>It is important to note that measuring the height of a gable or skillion wall for the purpose of determining setbacks is different to the calculation of building height, and the two are separate and distinct design elements of the R-Codes Vol. 1 that are assessed in isolation of one another.</p>	
	<p>Are boundary walls permitted anywhere behind the front setback line, regardless of their impact on the adjoining property?</p>	<p>Generally, yes, subject to the maximum wall height and the maximum length not exceeding the maximum dimensions specified in R-Codes Vol. 1 clause 5.1.3, C3.2 and the boundary walls being limited to a maximum of two site boundaries. Boundary walls must also not exceed the solar access limits under R-Codes Vol. 1 clause 5.4.2 (particularly for north/south facing boundary walls). Additional walls and/or variations in the dimensional limits may still be considered under the 'design principles'.</p>	
	<p>How do the boundary wall length and height limits in R-Codes Vol. 1 clause 5.1.3 apply to buildings set back from the boundary less than the standard setback distance (i.e. between the standard setback and the boundary)?</p>	<p>Boundary walls are defined in Appendix 1 and includes walls either on the site boundary or closer than 600mm between the site boundary and the wall. Any wall or part of a wall set back 600mm or less from a boundary will be assessed as a boundary wall as per R-Codes Vol. 1 clause 5.1.3, C3.2.</p> <p>Walls setback greater than 600mm from a site boundary will be assessed in accordance with R-Codes Vol. 1 clause 5.1.3, C3.1.</p>	
	<p>Where the side of the building includes a portion of wall that is a boundary wall, does the setback calculation for the remainder of the building, under clause 5.1.3 C3.1i, factor in the length of the boundary wall?</p>	<p>Yes. When calculating the setback of the building from the boundary, the boundary wall (if on the same boundary) should be included within the total length of the building to that boundary (refer to Figure 4b of the R-Codes Vol. 1).</p> <p>The inclusion of the boundary wall within the calculation of the total building length ensures that the setback has regard to the combined impact of both the building and the boundary wall to the adjoining property.</p>	

R-Codes clause	Query/matter	Response/interpretation	Diagram/illustration (where relevant)
R-Codes Vol. 1 5.1.4 Open space	Can the site area measurement shown at R-Codes Vol. 1 Figure 1a (truncation) be used when calculating open space?	No. The truncation cannot be included in the site area for the purpose of calculating open space in accordance with R-Codes Vol. 1 clause 5.1.4.	
	Is the area under eaves included when calculating open space?	Yes. The definition of open space provided at R-Codes Vol. 1 Appendix 1 states that areas beneath eaves constitute open space provided it is unenclosed .	<p style="text-align: center;">DIAGRAM - 7</p>
	What is the situation under the R-Codes Vol. 1 when a patio is later proposed to be enclosed?	If a patio is enclosed it would become a habitable room as defined at R-Codes Vol. 1 Appendix 1 and could not be considered as open space . The patio would have to comply with the relevant R-Code Vol. 1 and local planning scheme provisions, as well as the relevant requirements of the building code requirements.	
R-Codes Vol. 1 5.1.6 Building Height	How do you measure the building height of a building with multiple roof types?	<p>The building height requirements of Table 3 are to be separately applied to each individual part of the roof that reflect the relevant roof type (Diagram 8).</p> <p>For example, where a building in Category B has a combination of a gable and a hipped roof, the gable portion of the roof should not exceed 8m while the hipped portion should not exceed 10m.</p>	<p style="text-align: center;">DIAGRAM - 8</p>
R-Codes Vol. 1 5.2.1 Setback of garages and carport	What is the 'deemed-to-comply' setback for a garage or a carport (with a boundary wall) on the boundary?	Notwithstanding the minimum setback requirement for a garage or a carport under R-Codes Vol. 1 clause 5.2.1, boundary walls are assessed as a separate design element regardless of the use associated with the wall . In accordance with R-Codes Vol. 1 clause 5.1.3, C3.2, boundary walls are only 'deemed-to-comply' when behind the primary street setback .	<p style="text-align: center;">DIAGRAM - 9</p>

R-Codes clause	Query/matter	Response/interpretation	Diagram/illustration (where relevant)
R-Codes Vol. 1 5.2.1 Carports	Can a carport be enclosed on any sides?	<p>A carport should be entirely open to the front, sides and rear, except where it is physically attached to a dwelling or incorporates a boundary wall on one side.</p> <p>Whilst the definition of 'carport' references the defined term of 'unenclosed' (which allows for permanent walls up to two sides), the definition that is specific to 'carport' and that limits carports to having one permanent wall to one side, prevails.</p> <p>Noting carports may also include a door, provided it is visually permeable.</p>	
R-Codes Vol. 1 5.2.2 Garage width	When measuring garage width, is the width determined based on just the garage opening or does it include pillars and supporting structures?	<p>For the purpose of calculating the width of a garage in accordance with clause 5.2.2, the entire frontage of the garage, including piers and supporting structures is to be assessed as the garage width. For example, a garage with an opening (door) of 5.2 metres and with 0.4 metres piers either side would be assessed as having a garage width of 6.0 metres.</p>	 <p style="text-align: center;">DIAGRAM - 10</p>
	Is there any dispensation given to garage width where a lot is less than 12 metres wide, given the width of a double garage is 6 metres?	<p>No. The only allowance made for garages wider than 50% of the lot frontage is where a two-storey dwelling is proposed with an upper floor or balcony above and extending more than half of the width of the garage and its supporting structures, and where the entrance to the dwelling is clearly visible from the primary street. In these instances, a garage and its supporting structures may extend across up to 60% of the lot frontage.</p> <p>For single storey dwellings, the garage width must either be 50% or less of the frontage to satisfy the 'deemed-to-comply' requirements of R-Codes Vol. 1 clause 5.2.2.</p>	
R-Codes Vol. 1 5.2.3 Street surveillance	Does the letterbox need to be on the same frontage as the entrance to the dwelling?	<p>Yes, a letterbox is required to be located on the same frontage as the entrance to the dwelling, also defined as the primary street. It is important for letterboxes to be located on the primary street as this is what is used to assign street numbering. If a letterbox is located on an alternate street frontage, the street name would not correlate with the registered property address, resulting in issues with postal and emergency services and more generally, property identity.</p>	
	Does the entry point to the dwelling need to face the street to avoid property confusion?	<p>The term 'entry point' to a dwelling does not just refer to the actual entry (front) door itself; it also includes a clearly defined pathway and other design features that identify the entrance to the dwelling. Whilst not mandatory for the entry point (including the entry (front) door) to face the street, it must be visible from the street to allow for ease of navigation and surveillance. An entry point that is screened or obscured from street view would not satisfy the 'deemed-to-comply' standards of R-Codes Vol. 1 clause 5.2.3 and should be avoided to maximise resident, visitor and public safety.</p> <p>Where a dwelling has two or more street frontages, the primary street is generally determined by the street to which the entry (front) door faces, meaning by default, the entry point would face the primary street.</p>	

R-Codes clause	Query/matter	Response/interpretation	Diagram/illustration (where relevant)
	<p>For a battle-axe lot or a grouped dwelling with access from a common driveway, is a major opening required to face the street as well as the approach to the dwelling?</p>	<p>Yes. A dwelling must be designed so that at least one major opening faces both the street and the approach to the dwelling. It need not be the same major opening but in many cases, a major opening that faces the street would also provide surveillance of the approach to the dwelling (Diagram 11A).</p> <p>Where grouped dwellings have sole access and frontage to a common property driveway, the term 'street' as defined by the R Codes Vol. 1, includes a communal street. The dwelling therefore, need not have a major opening facing a public street, only the communal street (Diagram 11B).</p>	 <p style="text-align: center;">DIAGRAM - 11A</p>  <p style="text-align: center;">DIAGRAM - 11B</p>

R-Codes clause	Query/matter	Response/interpretation	Diagram/illustration (where relevant)
R-Codes Vol. 1 5.2.4 Street walls and fences	What constitutes 'visually permeable' for the purpose of assessing fencing material above 1.2 metres in height?	<p>Street fences above 1.2 metres in height are required to be visually permeable in order to satisfy the 'deemed-to-comply' standards of R-Codes Vol. 1 clause 5.2.4. This type of fencing is commonly referred to as 'open style' and allows for surveillance from the dwelling to the street (and vice versa) and assists to reduce unsightly and bulky solid front fences which attract graffiti and vandalism, and reduce property safety.</p> <p>In accordance with the definition in R-Codes Vol. 1 Appendix 1, a visually permeable front fence, as viewed directly from the street, has either:</p> <ul style="list-style-type: none"> • continuous vertical or horizontal gaps of 50 millimetres or greater width occupying not less than one third of the total surface area • continuous vertical or horizontal gaps less than 50 millimetres in width, occupying at least one half of the total surface area in aggregate • a surface offering equal or lesser obstruction to view <p>Further, pillars that do not exceed 1.8 metres in height and with horizontal dimensions not greater than 400 millimetres by 400 millimetres are accepted as part of the deemed-to-comply fence profile where they are separated by a section of visually permeable fence.</p>	<p style="text-align: center;">DIAGRAM - 12</p>
	Is there any maximum overall height for visually permeable fencing along the primary street frontage?	<p>Where a fence is located within a 1.5 metres truncation of where a driveway intersects the front property boundary or where two streets intersect, the fence is not permitted to be greater than 0.75 metres in height regardless of whether it is visually permeable or not.</p> <p>Outside of this circumstance, the fence pillars are not to exceed 1.8 metres in height, however visually permeable infill components of the fence are not subject to a height restriction.</p> <p>Front fencing standards may be varied by way of local planning policy, prepared by the decision-maker, which may alter the overall height of the visually permeable section of fencing and/or may reduce the maximum 1.2 metre height standard for the solid section or the 1.8 metre height standard for the pillars.</p> <p>The relevant local government may also have local laws or other local planning policies or local development plans relating to fencing which limit maximum overall height.</p>	
R-Codes Vol. 1 5.2.5 Sight lines	Would a visually permeable structure above 0.75 metres in height and within 1.5 metres of vehicle access points satisfy the 'deemed-to-comply' standards of R-Codes Vol. 1 clause 5.2.5?	<p>No. In accordance with the 'deemed-to-comply' standards of R-Codes Vol. 1 clause 5.2.5, no structures above 0.75 metres in height whether visually permeable or not are permitted within 1.5 metres of a vehicle access point where a driveway meets a public street and where the two streets intersect.</p>	

R-Codes

State Planning Policy 7.3 Residential Design Codes – practice notes

R-Codes clause	Query/matter	Response/interpretation	Diagram/illustration (where relevant)
R-Codes Vol. 1 5.2.6 Appearance of retained dwelling	Are there any limits to the upgrading of an existing dwelling, under R-Codes Vol. 1 clause 5.2.6, C6, when retained as part of a grouped dwelling development?	R-Codes Vol. 1 clause 5.2.6, C6 refers to the appearance of the retained dwelling being upgraded externally to an equivalent maintenance standard of the new or rest of the development. This suggests any required works should be limited to maintenance rather than any additional development (for example, re-cladding/re-roofing of the existing dwelling to match the new or rest of the development). However, a local planning policy may be made by the decision-maker to amend or replace the 'deemed-to-comply' provisions under R-Codes Vol. 1 clause 5.2.6 C6 to clearly outline upgrading standards/requirements.	
	How is R-Codes Vol. 1 clause 5.2.6, C6 applied where subdivision precedes development?	<p>Clause 5.2.6 C6 applies where an existing dwelling that is proposed to be a grouped dwelling is located within the parent lot of the development.</p> <p>There is no scope to apply a condition requiring upgrading of an existing grouped dwelling once the title to the property containing this dwelling has been separated from that of the development site/parent lot.</p> <p>Where the subdivision is of a type that proposes for an existing dwelling to be retained as a single house, clause 5.2.6 C6 would technically not apply. However, the WAPC may impose a condition of subdivision approval requiring that the retained dwelling comply with the requirements of the R-Codes Vol. 1, for example, the provision of parking spaces to satisfy 5.3.3 C3.1.</p>	
R-Codes Vol. 1 5.3.1 Outdoor living areas	Is the two-thirds uncovered outdoor living area requirement determined based on the physical area of a proposed outdoor living area or only the minimum required outdoor living area as defined at R-Codes Vol. 1 Table 1?	<p>Only two-thirds of the minimum required outdoor living area defined at R-Codes Vol. 1 Table 1 is required to be uncovered to satisfy the 'deemed-to-comply' standards of R-Codes Vol. 1 clause 5.3.1. If an outdoor living area is proposed that exceeds the minimum requirement, then a proponent does not need to provide additional uncovered space.</p> <p>For example, a dwelling on an R20 coded lot must provide an outdoor living area that has 20m² of uncovered space. If an applicant proposes an outdoor living area that has a total area of 50m², the dwelling would still only need to provide 20m² of that area as uncovered space to satisfy the 'deemed-to-comply' standards of R-Codes Vol. 1 clause 5.3.1.</p>	<p>CONTEXT</p> <p>example: R20</p> <p>Legend</p> <p>DIAGRAM - 13</p> <p>minimum uncovered area = 20m²</p>
	What is 'permanent roof cover' and what constitutes being 'without permanent roof cover'?	<p>Any solid roof material designed to provide constant shade or shelter constitutes 'permanent roof cover' and includes common materials such as tiles, various forms of metal, perspex or plastic roof sheeting. As a general rule, any roof material that is fixed, permanent and impermeable to water is considered to be 'permanent roof cover'.</p> <p>The term 'non-permanent roof cover' refers to construction materials that are designed to be operated by the resident so that they can be either open or closed. Examples of this include louvered roofs that can be angled so as to allow light and water to penetrate or closed to provide shade and shelter. The same principle would also apply to retractable roofs which would also be considered 'non-permanent roof cover'.</p>	
	Can an outdoor living area, required under R-Codes Vol. 1 clause 5.3.1, C1.1, be situated in the front setback area?	To satisfy the 'deemed-to-comply' requirements of R-Codes Vol. 1 clause 5.3.1, C1.1, an outdoor living area must be behind the primary street setback . This line is to be drawn parallel to the primary street boundary at the prescribed minimum primary street setback distance at R-Codes Vol. 1 Table 1. However, under the 'design principles', an application could be made to locate the required outdoor living area within or partly within the street setback area , particularly where it faces north.	
R-Codes Vol. 1 5.3.2 Landscaping	Can the tree planting area requirement at clause 5.3.2 C2.2 be located within the outdoor living area?	Yes, although it must be located within the uncovered portion and free of impervious surfaces.	

R-Codes clause	Query/matter	Response/interpretation	Diagram/illustration (where relevant)
R-Codes Vol. 1 5.3.3 Parking	If a grouped dwelling development containing six dwellings has three dwellings using a communal driveway and three dwellings each individually gaining access directly from a public road, is there any requirement for visitor parking?	No, because there is not four or more dwellings being served by a communal driveway. Developments that have four or more dwellings with access from a communal driveway are to provide visitor parking at the following rates: 4 dwellings = 1 visitor bays 5-8 dwellings = 2 visitor bays 9-12 dwellings = 3 visitor bays 13-16 dwellings = 4 visitor bays, and so forth.	
R-Codes Vol. 1 5.3.5 Vehicular access	Where a driveway is located within a common property access leg, can a portion of the 0.5 metre wide landscaped strip either side of the driveway be allocated for the exclusive use of a strata lot?	No. The entire access leg including the driveway and 0.5 metre landscaping strips must be wholly located within common property . Allocating a 0.5 metre landscaping strip for the exclusive use of a lot is considered to not be appropriate as the landscape strip cannot be used for any meaningful purpose by the occupants of the dwelling on the lot to which it is assigned. The landscape strip also commonly performs a utility services (power, water and sewer) role.	
	Under R-Codes Vol. 1 clause 5.3.5 C5.3 a 6 metre separation is required between the driveway and the street corner or the point at which a carriageway begins to deviate. From what point is this measured?	The point of reference is not defined in the R-Codes Vol. 1, however the street corner is considered to be the point at which the road alignment begins to deviate towards the intersecting road. Under Australian Standard (AS) 2890.1, a 6 metre separation distance is defined with reference to the corner truncation or the point at which the carriageway begins to deviate. The intent of this clause is to limit traffic conflict and AS 2890.1 should be used as a suitable reference. (Refer to Figure 3.1 in AS 2890.1 for a representation of prohibited driveway locations within proximity to street corners).	
	Under clause 5.3.5 various driveway widths are required. What standards apply?	The driveway width requirements under R-Codes Vol. 1 clauses 5.3.5, C5.2-C5.6 relate to the width of the paved/hardstand vehicle access way as per the definition of driveway in R-Codes Vol. 1 Appendix 1. R-Codes Vol. 1 clause 5.3.5, C5.3 requires a 0.5 metre setback to a side lot boundary or street pole and this is applicable to both sides of the driveway where it is located between two lot boundaries. The width of access legs is also limited by the WAPC's Development Control Policy 2.2 Residential Subdivision .	
R-Codes Vol. 1 5.4.1 Visual privacy	Are privacy screens subject to the setbacks applicable to buildings?	Yes, if they form part of the building . However, screening that does not take the form of a building (as defined) will not generally be subject to standard setback requirements (for example, pergolas). It is possible to utilise boundary fencing as a privacy screen, subject to the requirements of the <i>Dividing Fences Act 1961</i> and any relevant local laws relating to fencing. These often involve consultation with adjacent owners where fencing exceeds a particular height. Care needs to be taken not to impose conditions requiring screen fencing or accept a proposal for such screening in the absence of agreement from the adjoining neighbour.	
	Does the cone of vision and associated visual privacy requirements apply to the street setback area?	No, R-Codes Vol. 1 clause 5.4.1, C1.1 refers only to those areas of another residential property behind its primary street setback (i.e. the primary street setback of the property being overlooked).	
	Can visual privacy standards be varied where both affected properties can benefit?	Yes, but only by the decision-maker through the application of relevant 'design principles' and consultation with adjoining owners/occupiers.	

R-Codes clause	Query/matter	Response/interpretation	Diagram/illustration (where relevant)
R-Codes Vol. 1 5.4.2 Solar access for adjoining sites	How should dividing fences, translucent materials and screening of outdoor areas be assessed for the purposes of shadow calculations under R-Codes Vol. 1 clause 5.4.2, where the screening results in partial shadowing of the adjoining property?	<p>There is no recognition of partial shadowing under R-Codes Vol. 1 clause 5.4.2, C2.1. Where such a situation arises, it should be identified in the shadow calculations, as translucent materials and screening still casts a shadow. The 'design principles' allow for variation and the extent and impact of any partial shadowing in excess of the 'deemed-to-comply' requirements. Level of translucency can be taken into consideration under the 'design principles'.</p> <p>As per the note below Clause 5.4.2 C2.1, any shadow cast by a dividing fence up to 2m in height is to be not included for the purposes of 'deemed-to-comply' shadow calculation and/or any 'design principle' assessment.</p>	
	Are there any potential conflicts between the R-Codes Vol. 1 and the Building Code of Australia's (BCA) energy efficiency requirements?	The BCA and R-Codes Vol. 1 should be complementary. The R-Codes Vol. 1 address solar access in respect of adjoining sites and, in particular, seek to minimise the potential for new development to overshadow north facing major openings to habitable rooms and roof mounted solar collectors. House/building energy efficiency is addressed in the BCA.	
R-Codes Vol. 1 5.4.3 Outbuildings	Is habitable floor space, provided in the form of a separate building from the main dwelling, classified as an outbuilding and therefore subject to area and height limits provided for under R-Codes Vol. 1 clause 5.4.3, C3?	No. An outbuilding is specifically defined in the R-Codes Vol. 1 to include an enclosed non-habitable structure and therefore a free standing building containing habitable room(s) is not subject to R-Code Vol. 1 provisions applicable to outbuildings . It would be deemed either as a second grouped dwelling , an ancillary dwelling or a detached extension to a single house and subject to other provisions of the R-Codes Vol. 1.	
R-Codes Vol. 1 5.4.4 External fixtures	Under R-Codes Vol. 1 clause 5.4.4, C4.3, external fixtures other than those referred to in R-Codes Vol. 1 clause 5.4.4, C4.1 and 4.2 will meet the requirements where they are 'located so as not to be visually obtrusive'. Does this determination involve the exercise of discretion and if so, does the local government have the power to refuse such applications?	Yes, there is an element of discretion involved in the assessment of compliance with this clause. Where the decision-maker is of the opinion that the particular fixture is not visually obtrusive, it should approve the application, and where not, it may consider the proposal in terms of the 'design principles', with the option of undertaking neighbour consultation.	
	Do external water tanks classify as external fixtures? If so, are they required to be set back in accordance with normal wall setbacks?	Yes, rainwater storage tanks are included in the definition of external fixtures. R-Codes Vol. 1 clause 5.4.4, C4.3 requires that they are not visible from the primary street or are designed to integrate with the building or located so as not to be visually obtrusive. However, it is important to appreciate that external fixtures constitute a structure under the definition of a building under the R-Codes Vol. 1 and still need to meet the relevant setback and height requirements applicable to buildings.	

R-Codes clause	Query/matter	Response/interpretation	Diagram/illustration (where relevant)
R-Codes Vol. 1 5.5.1 Ancillary dwellings	Now the family occupancy restriction for ancillary dwellings has been removed under the R-Codes Vol. 1, what happens to existing development/approvals that have the restriction as a condition of planning approval and/or as a notification on the Certificate of Title?	Any development approval conditions regarding ancillary dwelling occupancy continue to apply until superseded by a subsequent development approval. In addition, any notification on title, covenant or other similar restrictions regarding ancillary dwelling occupancy would continue to apply unless removed in conjunction with an amendment to the development approval to amend/remove the relevant condition. The WAPC would support removal of occupancy restrictions not consistent with the R-Codes Vol. 1, however landowners should obtain their own advice and liaise with the decision-maker to ascertain the appropriate means of removal.	
	Can more than one ancillary dwelling be provided on a lot?	No, only one ancillary dwelling can be provided on the same lot as the single house .	
	Must the owner reside in either the single house or the ancillary dwelling?	No, the single house and the ancillary dwelling may be occupied by any person(s), at the owner's choice. Further information on ancillary dwelling occupancy is available online at www.commerce.wa.gov.au	
R-Codes Vol. 1 5.5.2 Aged and dependant person's dwellings	Under R-Codes Vol. 1 clause 5.5.2, C2.1, the maximum plot ratio area for Aged and Dependand Persons' Dwellings is 100m ² (80m ² for Multiple Dwellings). Can these limits be exceeded through the application of the 'design principles'?	Yes, provided the occupation of the dwellings complies with the requirements for the respective classes of dwelling (for example, aged 55 or over in the case of Aged Persons' Dwellings).	
	Are the adaptable housing requirements set out in AS 4299, mandatory for all aged and dependant persons' dwellings?	Yes, under R-Codes Vol. 1 clause 5.5.2, C2.3 and 2.4 all dwellings are required to be constructed using the identified adaptable house requirements set out in AS 4299. The 'design principles' only require that they are 'designed to meet the needs of aged or dependant persons'. However, there is an expectation that all dwellings for 'aged and dependant persons' meet AS 4299.	

R-Codes clause	Query/matter	Response/interpretation	Diagram/illustration (where relevant)
R-Codes Vol. 1 7.3 Scope of local planning policies, local development plans, structure plans and activity centre plans	What parts of the R-Codes Vol. 1 be augmented using local planning policies?	<p>The R-Codes provide for only certain R-Code requirements, outlined in R-Codes Vol. 1 clause 7.3.1, to be varied through local planning policies (in addition to local development plans and activity centre plans) adopted under a local planning scheme, to accommodate specific needs related to that particular locality or region.</p> <p>Local planning policies may also be prepared to vary any other R-Code requirements but only with WAPC approval under R-Codes Vol. 1 clause 7.3.2. Despite this, a local planning scheme amendment is preferable to a local planning policy for significant issues, to provide statutory weight.</p>	
	Can the R-Codes Vol. 1 be augmented under a structure plan or local development plan?	<p>The R-Codes at Clauses 7.3.1 and 7.3.2 allow activity centre plans, which are now referred to as 'precinct structure plans' under the Regulations, to modify the 'deemed-to-comply' requirements of the R-Codes Vol. 1. The Regulations and State Planning Policy 7.2 Precinct Design also permit precinct structure plans to be prepared for precincts other than activity centres such as train station precincts, urban corridors or residential/mixed use areas. The ability to modify the deemed-to-comply requirements of the R-Codes Vol.1 under Clauses 7.3.1 and 7.3.2 should be interpreted as being extended to these other types of precincts.</p> <p>The Regulations do not provide for structure plans, now referred to as 'standard structure plans', to modify the 'deemed-to-comply' requirements of the R-Codes Vol. 1. The Regulations do however, provide for any existing approved R-Code variations in structure plans to remain in place, and to continue to operate until they are implemented, revoked or the approval timeframe for the variations has expired.</p> <p>A local development plan, including a 'precinct local development plan', may modify the 'deemed-to-comply' standards of the R-Codes Vol. 1 (subject to R-Codes Vol. 1 clause 7.3) but is to be used in limited situations to guide and coordinate development outcomes for a particular site, and is not to be used purely as a means to modify the 'deemed-to-comply' provisions of the R-Codes Vol. 1. Please refer to Schedule 2, Part 6, clause 47 of the Regulations, sets out the instances when a local development plan is to be prepared and submitted to the local government for approval.</p>	
	What is the status and effect of a local planning policy under the R-Codes Vol. 1?	As per Schedule 2, Part 2, clause 3 (5) of the Regulations, local planning policies are given due regard by the decision-maker primarily in providing the parameters for the exercise of discretion under the relevant 'design principles'; however, they are not to be applied rigidly to solely determine the appropriateness of a proposal. Applicants should seek the advice of the decision-maker for guidance regarding the content and interpretation of local planning policies.	
	Can planning schemes vary the R-Codes?"	<p>Yes. The Deemed Provisions of the LPS Regulations allow planning schemes to include exclusions or variations to the R-Codes. Planning schemes may also include additional development requirements to those set out in the R-Codes.</p> <p>Generally the Commission will not support proposed provisions in planning schemes where it is of the view that the matter is adequately covered by the R-Codes.</p>	
	What is a local development plan?	A local development plan is a mechanism used to coordinate and assist in achieving better built form outcomes by linking lot design to future development. It can facilitate the design and coordination of development upon small and highly constrained lots, and supplement development standards contained within local planning schemes and the R-Codes.	

R-Codes clause	Query/matter	Response/interpretation	Diagram/illustration (where relevant)
R-Codes Vol. 1 Appendix 1 – Definitions	Is a free standing garage an outbuilding?	Yes. A free standing garage is defined and assessed as an outbuilding . If habitable space forms part of the freestanding/detached structure, it is not considered an outbuilding or garage.	
	What is the difference between a patio, verandah and a pergola?	These terms are defined in R-Codes Vol. 1 Appendix 1. The main difference is a verandah is a roofed open platform attached to a dwelling while a patio or pergola may or may not be attached. Also, while both a patio and pergola are unenclosed, a patio is covered in a water impermeable material whereas a pergola is an unroofed, open-framed structure that is uncovered or covered in a water permeable material (for example, shade cloth).	
	In the definition of 'plot ratio area' are stairs that are not common to two or more dwellings (for example, internal or external stairs serving a single dwelling) included or excluded from the calculation of the plot ratio?	Stairs not common to two or more dwellings are included in the calculation of the plot ratio as they comprise the gross total area of the building (dwelling). The exclusion relates to stairs and landings common to more than one dwelling (i.e. lift shafts, shared stairs and stair landings).	
R-Codes Vol. 2	What is the R-AC code?	The Residential Activity Centre (R-AC) code is a high residential density code under R-Codes Vol. 2 that allows for a variety of residential development within activity centres. They control the number and type of dwellings that are developed within mixed use activity centres. The R-AC code is applied under a local planning scheme or under an approved activity centre plan.	