



EMP-PLA-004 | Variations to the R-Codes

Strategic Context

Strategic Link	Policy Objective
✓ United ✓ Safe & Healthy ✓ Beautiful & Respected ✓ Prosperous & Equitable	This Policy provides a clear framework to guide Elected Members of the Shire of Halls Creek in the consideration of variations to the Residential Design Codes (R-Codes), ensuring decisions are lawful, consistent and balance development flexibility with the protection of amenity and community interests.

Introduction

1. Variations to the Residential Design Codes (R-Codes) are regulated under the Planning and Development Act 2005 (WA), the Planning and Development (Local Planning Schemes) Regulations 2015, and relevant State Planning Policies. These instruments establish the statutory framework for residential development standards and the circumstances in which variations may be considered.
2. Elected Members, as the decision-making authority of the Shire of Halls Creek, are responsible for ensuring that proposed variations are assessed consistently, transparently and in accordance with legislative and strategic planning requirements.
3. This Policy provides guidance to support balanced decision-making that responds to local context while maintaining appropriate standards of residential amenity and built form.

Purpose

4. This policy varies relevant deemed-to-comply provisions of the R-Codes, allowing the implementation of the Codes to be aligned with the Shire of Halls Creek’s objectives for its Residential zones.

Policy Scope

5. This Policy applies to all residential development in the Shire of Halls Creek not listed as a Heritage protected place or area.
6. Part A, section 3.2.3a of the R-Codes details the deemed-to-comply provisions that can be amended or replaced by a Local Planning Policy without WAPC approval. This Policy varies several 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.
7. This Policy should be read in conjunction with the R-Codes Volume 1 2024 and the Shire of Halls Creek Local Planning Scheme No.2 Part 4 Clause 26- Modification of R-Codes. Where there are provisions within the Local Planning Scheme No.2 which conflict with the provisions within this policy then the Scheme shall prevail.

Policy Statement

8. This policy seeks to:
 - a) 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 Halls Creek.



- b) To enhance the character and amenity of existing residential areas;
- c) To promote a high standard of residential development;
- d) To ensure new residential development makes a positive contribution towards attractive streetscapes;
- e) To accommodate increasing residential density without compromising streetscape character.
- f) To ensure that residential environments are safe and secure for owners, occupiers, and the wider community.

Principles Underpinning the Policy

Principle Name	Principle Definition
Responsiveness to Local Context	The Shire of Halls Creek recognises that the standard provisions of the Residential Design Codes of Western Australia (R-Codes) may not always reflect the unique geographic, climatic, cultural, and settlement characteristics of a remote community. Variations will be considered where they support appropriate local development outcomes.
Maintenance of Residential Amenity	Any variation to R-Code requirements must maintain or enhance residential amenity, including privacy, safety, access to sunlight, ventilation, and reasonable enjoyment of neighbouring properties.
Support for Housing Supply and Diversity	Variations may be supported where they facilitate the provision of diverse and affordable housing types, improve housing availability, or support community housing needs.
Design Quality and Functionality	Built form and site design resulting from variations must remain functional, durable, and suited to local environmental conditions, including heat, dust, rainfall, and remote servicing constraints.
Infrastructure and Servicing Capacity	Variations will consider the capacity of existing infrastructure and services, including water, wastewater, power, access, and emergency services.
Proportionate and Transparent Decision-Making	Assessment of variations will be undertaken consistently, transparently, and in accordance with statutory planning processes, ensuring fairness for applicants and the community.
Legislative and Planning Compliance	All variations must comply with the Planning and Development Act 2005, the Shire's Local Planning Scheme, and the overarching objectives of the R-Codes.
Community and Cultural Consideration	Policy implementation will respect community expectations, local living patterns, and cultural considerations, including Aboriginal housing needs and family living arrangements.
Risk-Based Flexibility	Flexibility will be applied in a manner that manages potential planning, safety, and environmental risks while supporting practical development outcomes.



Definitions

Term	Meaning
R-Codes	Means the State Planning Policy 7.3 Residential Design Codes (Volume 1 and Volume 2).
Heritage Protected Place/Area	A Heritage protected place is defined by Schedule 2, Clause 1A of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> (the Regulations) and includes (but not limited to) a place: • entered in the State Register of Heritage Places; • on a heritage list adopted by the Shire; or • within an area designated by the Shire as a heritage area

Policy Details

9. Street Setback

9.1 The Deemed-to-Comply provisions of Clause 5.1.2 of Part B of the R-Codes are replaced with the following;

- a) Buildings, excluding carports, unenclosed porches, balconies, verandahs, or equivalent, set back from the primary street boundary in accordance with Table B; or corresponding to the average of the setback of existing dwellings on each adjacent property fronting the same street; or reduced by up to 50 per cent provided that the area of any building, including a garage encroaching into the setback area, is compensated for by at least an equal area of open space that is located between the setback line and line drawn parallel to it at twice the setback distance (refer Figure 2a and 2c); in the case of grouped dwellings, where on-site car parking for the street facing dwelling is provided at the rear of the lot, the average front setback requirement in Table B may be reduced by up to 1.0m or; in the case of areas coded R15 or higher, the street setback may be reduced to 2.5m, or 1.5m to a porch, balcony, verandah or the equivalent (refer Figure 2e), where: a grouped dwelling has its main frontage to a secondary street, or a single house results from subdivision of an original corner lot and has its frontage to the original secondary street; or a single house or grouped dwelling (where that grouped dwelling is not adjacent to the primary street), has its main frontage to a communal street, right-of-way or shared pedestrian or vehicle access way (Figure 2d); to provide for registered easements for essential services.
- b) Buildings set back from the secondary street boundary in accordance with Table B.
- c) Buildings set back from the corner truncation boundary in accordance with the secondary street setback in Table B.
- d) Development on corner lots are to be designed to address both street frontages through the location of major openings and the articulation of the façade on all levels.



- e) A porch, verandah, unenclosed balcony or the equivalent may (subject to the NCC) project forward of the primary street setback line to a maximum of half the required primary street setback without applying the compensating area of clause 5.2.1 C2.1(iii) (Refer Figure 2e).

10. Landscaping

10.1 The Deemed-to-Comply provisions of Clause 5.3.2 C2.2 of Part B of the R-Codes are replaced with the following:

- a) "Landscaping of single houses, grouped dwellings and multiple dwellings to include the following the minimum number of trees and associated planting areas in the table below; and landscaping of the street setback area, with not more than 40 per cent of this area to consist of impervious surfaces.

Dwelling type		Minimum tree requirement	Minimum planting area (per tree area)
Single houses and grouped dwelling (per tree area)		1 tree	2x2m
Multiple dwelling (trees per site)	Less than 700m ²	2 trees	
	700 – 1000m ²	3 trees	
	Greater than 1000m ²	4 trees	

11. Site Works

11.1 The Deemed-to-Comply provisions of Clause 5.3.7 C7.1 of Part B of the R-Codes is replaced with the following:

- a) Retaining walls, fill and excavation between the street boundary and the street setback, not more than 1m above or below the natural ground level, except where necessary to provide for pedestrian, universal and/or vehicle access, drainage works or natural light to a dwelling.

12. Outbuildings

12.1 In addition to the Deemed-to-Comply provisions of Clause 5.4.3 of Part B and Clause 2.6 of Part C of the R-Codes, the additional provisions apply:

- a) Outbuildings to be located behind the building line.
b) Where an outbuilding is visible from the street and is located to the side of the dwelling or in front of the building line (notwithstanding a.), it should match the materials, colours and roof pitch and roof form of the existing dwelling.
c) Where an outbuilding is located at the rear of the dwelling (whether or not visible from the street) the outbuilding may vary in materials, colours and roof pitch and roof form to the existing dwelling.



Accountability

13. Council is responsible for adopting this policy and providing strategic oversight of how variations to the Residential Design Codes (R-Codes) are considered and applied within the Shire of Halls Creek.
14. The CEO is accountable for ensuring this policy is implemented effectively and that appropriate planning assessment and compliance processes are in place. The CEO may delegate operational responsibilities to relevant officers.
15. Planning officers are responsible for:
 - a) Assessing applications proposing variations to the R-Codes in accordance with this policy, the Shire's Local Planning Scheme, and State planning requirement;
 - b) Providing professional planning advice to applicants and decision-makers;
 - c) Ensuring public consultation is undertaken where required;
 - d) Maintaining records of approved variations;
 - e) Monitoring compliance with planning approval conditions
16. Council or an authorised delegated officer is responsible for determining development applications that include proposed R-Code variations, in accordance with statutory decision-making processes. Applicants and developers are responsible for:
 - f) Submitting complete and accurate development applications;
 - g) Demonstrating how proposed variations meet the objectives of the R-Codes and this policy
17. Compliance officers are responsible for investigating alleged breaches of planning approvals and undertaking enforcement action where necessary.
18. Community members are responsible for participating in consultation processes and raising concerns regarding proposed or approved R-Code variations through established Shire channels.

Related Documentation / Legislation

Legislation	Shire of Halls Creek Documentation
a. Planning and Development Act 2005 (WA). b. Planning and Development (Local Planning Schemes) Regulations 2015 (WA) c. Residential Design Codes of Western Australia (R-Codes) d. State Planning Policy 7.3 – Residential Design Codes Volume 1 e. State Planning Policy 7.3 – Residential Design Codes Volume 2 (Apartments) f. State Planning Policy Framework	a. Shire of Halls Creek Local Planning Scheme b. Shire of Halls Creek Local Planning Strategy c. Shire of Halls Creek Strategic Community Plan d. Shire of Halls Creek Corporate Business Plan

Policy Review

19. This Policy will be reviewed every four (4) years from the date of endorsement, or earlier in the event of legislative change, audit findings or a resolution of Council.



Document Control

Relevant delegations	Nil		
Risk Evaluation	Moderate		
Council adoption	27 March 2025	Resolution	2025/029
Next review due	March 2029		