

Residential Development Policy

Responsible Division	Community Services
Responsible Business Unit	Community Planning
Responsible Officer	Manager Community Planning
Affected Business Units	Regulatory Services
ECM Document Set ID	5162560

Purpose

To improve development outcomes and planning processes related to residential development within the City of Bayswater (City) by amending, replacing and augmenting the deemed-to-comply requirements of the R-Codes.

This Local Planning Policy is prepared in accordance with Schedule 2, Part 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Clause 3.1 of the *Residential Design Codes Volume 1* (R-Codes).

Scope

This Policy applies to all land within the City subject to *Town Planning Scheme No. 24* (TPS24) where a dwelling is permitted.

This Policy amends and replaces selected provisions of the *Residential Design Codes* (R-Codes) and is to be read in conjunction with the R-Codes. All other provisions of the R-Codes continue to apply in all instances unless varied by this policy.

This policy **does not** apply to any of the following:

- a. Land or buildings entered on the State Register of Heritage Places under the *Heritage Act 2018*
- b. Land or buildings the subject of an order under the *Heritage Act 2018* Part 4 or Part 11, Division 4
- c. Land or buildings included on the City of Bayswater Heritage List
- d. Land or buildings within an area designated under TPS 24 as a Heritage Area
- e. Land or buildings subject to a Heritage Agreement entered into under the *Heritage Act 2018*
- f. Development required to be referred by the Metropolitan Region Scheme Instrument of Delegation prior to determination
- g. Land subject to the bushfire requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*

- h. Development which includes the removal of trees.

This policy **does not** exempt any requirement for approval to be sought under other legislation (e.g. the *Building Act 2011*).

Objectives

The objectives of the policy are to:

- streamline residential development within the City of Bayswater by replacing and amending clauses of the R-Codes which will not have an adverse impact on the overall amenity of the locality or built form outcomes.
- provide clear local variations to the R-Codes to support residential development within the City of Bayswater.
- improve certainty and consistency in decision making for residential development by identifying locally appropriate planning standards.

Definitions

For the purpose of this policy –

terms have the meaning given in the R-Codes.

Policy Statement

The following amends, replaces or augments the relevant clause of the *Residential Design Codes Volume 1 Part B*.

1. Context

Residential Design Codes Clause	Replacement/Modification to Clause																		
5.1.2 Street setback	C2.1iii is replaced with the following: any area of the building can protrude up to 50 percent into the street setback area, to a maximum of 50 percent of the lot frontage.																		
5.1.3 Lot boundary setbacks	C3.2iii is replaced with the following: in areas coded R30 to R40, walls not higher than 3.5m for two-thirds the length of the balance of the site boundary behind the front setback, to any number of site boundaries.																		
5.1.6 Building height	C6 is replaced with the following: Buildings which comply with the following table for category B area buildings, except where stated otherwise in the scheme, the relevant local planning policy, structure plan or local development plan (refer Figure Series 7). <table><tr><th rowspan="2">Building category</th><th rowspan="2">Maximum height of wall (m)</th><th colspan="2">Maximum total building height (m)</th></tr><tr><th>Gable, Skillion and concealed roof</th><th>Hipped and pitched roof</th></tr><tr><td>Category A</td><td>3.5</td><td>5</td><td>7</td></tr><tr><td>Category B</td><td>7.5</td><td>8.5</td><td>10.5</td></tr><tr><td>Category C</td><td>9</td><td>10</td><td>12</td></tr></table>	Building category	Maximum height of wall (m)	Maximum total building height (m)		Gable, Skillion and concealed roof	Hipped and pitched roof	Category A	3.5	5	7	Category B	7.5	8.5	10.5	Category C	9	10	12
Building category	Maximum height of wall (m)			Maximum total building height (m)															
		Gable, Skillion and concealed roof	Hipped and pitched roof																
Category A	3.5	5	7																
Category B	7.5	8.5	10.5																
Category C	9	10	12																

2. Streetscape

Residential Design Codes Clause	Replacement/Modification to Clause
5.2.1 Setback of garages and carports	C1.2 is replaced with the following: Carports are permitted with a 1.5m primary street setback where: i. the width of the carport does not exceed 60 percent of the frontage; ii. the carport is open to all sides; and iii. the carport does not exceed 3.5m in building height.
5.2.2 Garage width	C2 is replaced with the following: A garage door and its supporting structures (or a garage wall where a garage is aligned parallel to the street) facing the primary street is not to occupy more than 50 per cent of the frontage at the setback line as viewed from the street (refer Figure 8c). This may be increased up to 60 percent where an upper floor or balcony extends a minimum of 25 percent over the garage and the entrance to the dwelling is clearly visible from the primary street.
5.2.5 Sight lines	C5 is amended to include C5.1 and C5.2 with the following additional 'deemed-to-comply' requirements: C5.1 Development no higher than 0.75m above natural ground level within 1.5m of where: i. a driveway that intersects a street, right-of-way or communal street; and ii. two streets that intersect. C5.2 Notwithstanding C5.1, fencing within 1.5m of where a driveway meets a street is permitted subject to the following: i. solid walls to a maximum height of 0.75m above natural ground level ii. one support pier to a maximum height of 1.8m above natural ground level, with a maximum horizontal dimension of 400mm; and iii. Up to two fence panels (including a sliding or swinging gate) may be installed in this area, provided they use open-style infill which individually achieve a minimum 1:10 spacing ratio (e.g. 10mm picket with 100mm spacing between pickets).

3. Site planning and design

Residential Design Codes Clause	Replacement/Modification to Clause
5.3.5 Vehicle access	C5.1 is replaced with the following: Where a road is designated as a distributor road or higher, vehicle access shall be provided from a right-of-way or secondary street where available.
5.3.7 Site works	C7.2 is replaced with the following: Retaining walls and fill within the site and behind the required street setback to comply with Table 4.

4. Building design

Residential Design Codes Clause	Replacement/Modification to Clause
5.4.3 Outbuildings	C3 is amended as follows: Outbuildings associated with a dwelling site are to: i. individually or collectively does not exceed 60m² in area of 10 percent in aggregate of the site area, whichever is the lesser; ii. set back in accordance with 3.1i of Clause 5.1.3 lot boundary setbacks iii. does not exceed a wall height of 3.0m; iv. does not exceed a ridge height of 4.2m; v. not located within the primary street setback area; and vi. does not reduce the open space and outdoor living requirements in Table B. <i>Note: boundary walls to outbuildings which are less than 10m² and are less than 2.7m high do not contribute to the dimension of boundary walls under clause 5.1.3.</i>

Related Legislation

Planning and Development (Local Planning Schemes) Regulations 2015

Town Planning Scheme No. 24

Residential Design Codes Volume 1

Development Approval Exemptions Local Planning Policy

Related Documentation

Nil

Document details

Relevant delegations	TP-D01		
Risk evaluation	Low		
Strategic link	2.1 A Connected and Accessible City 5.2 Stakeholder Leadership 5.3 Optimised Performance		
Council adoption	22 September 2026	Resolution	10.5.2.3.1
Reviewed/modified	Resolution		
Next review due	September 2030		