

## **LOCAL PLANNING POLICY NO. 12 – RESIDENTIAL DEVELOPMENT AND FENCES**

### **Citation**

This is a Local Planning Policy prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. This Policy may be cited as Local Planning Policy No. 12 – Residential Development and Fences.

### **Policy Statement**

State Planning Policy 7.3 – Residential Design Codes (R-Codes) provides the comprehensive basis for the control of residential development throughout Western Australia. The Town acknowledges that in some circumstances, it may be appropriate to provide greater flexibility for development.

The Town also recognises the increasing need to utilise the street setback area to accommodate structures as a result of infill development and housing density. Streetscapes can be characterised by the location and appearance of buildings and their setbacks, the existence of street trees and landscaping, the siting and design of front fencing and the existence of other structures located within the street setback area.

Development is encouraged to generally conform to the established pattern of development within the streetscape to ensure the character of the streetscape is preserved.

The R-Codes allow local governments to vary some standards for residential development by way of a Local Planning Policy.

### **Policy Objectives**

- (a) To vary the R-Codes to provide amended or alternative 'deemed-to-comply' provisions.
- (b) To provide criteria for fences and associated structures, and development within the street setback area so as to ensure development within the street setback area preserves the character of the existing streetscape and is complementary and/or compatible with existing development.

## **Application**

This Policy applies to all land zoned 'Residential' under the operative Local Planning Scheme. This Policy should be read in conjunction with the R-Codes, including the relevant definitions.

Where the existing provision in Column 1 is not struck out, the provision in Column 2 is to be taken as an “alternate” provision. Where the existing provision in Column 1 is struck out, the provision in Column 2 is to be taken as an “amended” provision.

## Policy Requirements

### 1. Built Form Character

For the purposes of clause 26(2)(ii) of Local Planning Scheme No. 11 and clauses 67(m) and (n)(ii) of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the Town’s *Built Form and Character Study* (Stephen Carrick Architects, May 2018) is applicable.

### 2. Alternate Deemed-To-Comply Provisions

The identified deemed-to-comply provisions are amended so as to incorporate additional (alternate) standards as follows:

Column 1: Deemed-to-Comply Provision	Column 2: Amended / Alternate Deemed-to-Comply Provision
<b>C5.1.2 – Street setback</b>	
<p>C2.2 Buildings set back from the secondary street boundary in accordance with Table 1.</p>	<p>C2.2 Patios, verandahs or equivalent structures with a nil set back from the secondary street boundary where the structure:</p> <ul style="list-style-type: none"> <li>(i) is not more than 10m in length and 2.7m in height;</li> <li>(ii) is located behind the primary street setback; and</li> <li>(iii) has eaves, gutters and roofs set back at least 450mm from the lot boundary.</li> </ul>
<b>C5.2.1 – Setback of garages and carports</b>	
<p>C1.2 Carports set back in accordance with the primary street setback requirements of clause 5.1.2 C2.1 (i) except that the setback may be reduced by up to 50 per cent of the minimum setback stated in Table 1 where:</p> <ul style="list-style-type: none"> <li>i. the width of the carport does not exceed 60 per cent of the frontage;</li> </ul>	<p>C1.2 Carports set back so as to be behind the street setback and/or no closer to the street than the existing dwelling on the lot, unless it complies with all of the following:</p> <ul style="list-style-type: none"> <li>i. the width of the carport does not exceed 60 per cent of the frontage;</li> <li>ii. the construction allows an unobstructed view between the dwelling and the street, right-of-way or equivalent;</li> </ul>
<ul style="list-style-type: none"> <li>ii. the construction allows an unobstructed view between the dwelling</li> </ul>	

Column 1: Deemed-to-Comply Provision	Column 2: Amended / Alternate Deemed-to-Comply Provision
<p>and the street, right-of-way or equivalent; and</p> <p>iii. the carport roof pitch, colours and materials are compatible with the dwelling.</p>	<p>iii. the carport roof pitch, colours and material are the same as the dwelling; and</p> <p>iv. support columns shall be the same brick as the dwelling.</p> <p>v. any metal deck carport is only the replacement of an existing, approved metal deck carport structure, with the new structure the same size or smaller than the existing.</p> <p>vi. the carport does not incorporate enclosed storerooms.</p>
C1.4 Garages and carports set back 1.5m from a secondary street.	C1.4 Carports set back 1.0m from a secondary street.
<b>C5.2.4 – Street walls and fences</b>	
<p><del>C4: Front fences within the primary street setback area that are visually permeable above 1.2m of natural ground level, measured from the primary street side of the front fence.</del></p>	<p>C4: Fences within street frontage setback areas are subject to:</p> <p>i. Being visually permeable above 1.2m in height where located within the primary street setback area, measured from natural ground level on the street side elevation of the fence;</p> <p>ii. Fences must not exceed a height of 1.8m. Where the fence is erected over a retaining wall, the height shall be measured the base of the retainer;</p> <p>iii. Fences shall not be constructed of fibre cement sheeting;</p> <p>iv. Fences within the primary street setback area shall not be constructed of metal sheeting;</p> <p>v. Sheet metal fencing to secondary street setbacks having capped protruding edges; and</p>

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	vi. Gates within the street setback area shall be visually permeable and not open so as to swing into the public realm.
<b>C5.3.1 – Outdoor Living Areas</b>	
<p>C1.1: An outdoor living area to be provided:</p> <ul style="list-style-type: none"> <li>i. in accordance with Table 1;</li> <li>ii. behind the street setback area;</li> <li>iii. directly accessible from a primary living space of the dwelling;</li> <li>iv. with a minimum length and width dimension of 4m for all areas that contribute to the outdoor living area; and</li> <li>v. with no more than 50% of the required area with permanent roof cover.</li> </ul>	<p>C1.1: An outdoor living area to be provided:</p> <ul style="list-style-type: none"> <li>i. in accordance with Table 1;</li> <li>ii. where located within the street setback area, demarcated via the use of paving and fencing to the satisfaction of the Town.</li> <li>iii. directly accessible from a primary living space of the dwelling, unless the outdoor living area is for an existing dwelling being retained as part of a subdivision;</li> <li>iv. with a minimum length and width dimension of 4m for all areas that contribute to the outdoor living area; and</li> <li>v. with no more than 50% of the required area with permanent roof cover.</li> </ul>
<b>C5.3.9 - Stormwater</b>	
<p>C9: All water draining from roofs, driveways, communal streets and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site where climatic and soil conditions allow for the effective retention of stormwater on-site.</p>	<p>C9: All water draining from roofs, driveways, communal streets and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site where climatic and soil conditions allow for the effective retention of stormwater on-site, or, where on-site retention is not possible, an approved connection to the Town's stormwater infrastructure.</p> <p><i>Note: Local Planning Policy 14 – Stormwater (LPP 14) provides</i></p>

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	<p><i>guidance on the circumstances in which the Town will permit a connection to the Town's stormwater infrastructure, details the information required and design standard required for stormwater systems and outlines the construction and maintenance requirements for stormwater systems.</i></p>
<b>C5.4.3 - Outbuildings</b>	
<p>C3 Outbuildings associated with a dwelling site address either:</p> <ul style="list-style-type: none"> <li>i. the standards for small outbuildings (A. Small outbuilding); or</li> <li>ii. the standards for large and multiple outbuildings (B. Large and multiple outbuildings).</li> </ul> <p>A. Small outbuilding</p> <ul style="list-style-type: none"> <li>(i) no more than one outbuilding per dwelling site;</li> <li>(ii) has no more than two boundary walls;</li> <li>(iii) does not exceed 10m<sup>2</sup> in area;</li> <li>(iv) does not exceed a wall and ridge height of 2.7m;</li> <li>(v) not located within the primary or secondary street setback area; and</li> <li>(vi) does not reduce open space and outdoor living area requirements in Table 1.</li> </ul> <p>B. Large and multiple outbuildings</p> <ul style="list-style-type: none"> <li>(i) individually or collectively does not exceed 60m<sup>2</sup> in area or 10 per cent in aggregate of the site area, whichever is the lesser;</li> </ul>	<p>C3 Outbuildings associated with a dwelling site address either:</p> <ul style="list-style-type: none"> <li>i. the standards for small outbuildings (A. Small outbuilding); or</li> <li>ii. the standards for large and multiple outbuildings (B. Large and multiple outbuildings).</li> </ul> <p>A. Small outbuilding</p> <ul style="list-style-type: none"> <li>(i) no more than one outbuilding per dwelling site;</li> <li>(ii) has no more than two boundary walls;</li> <li>(iii) does not exceed 10m<sup>2</sup> in area;</li> <li>(iv) does not exceed a wall and ridge height of 2.7m;</li> <li>(v) where located within the primary or secondary street setback area: <ul style="list-style-type: none"> <li>i. located behind or to the side of the existing dwelling on the lot; and</li> <li>ii. the outbuilding roof pitch, colours and materials are the same as the dwelling.</li> </ul> </li> <li>(vi) does not reduce open space and outdoor living area requirements in Table 1.</li> </ul> <p>B. Large and multiple outbuildings</p> <ul style="list-style-type: none"> <li>(i) individually or collectively does not exceed 60m<sup>2</sup> in area or 10 per cent in aggregate of the site area, whichever is the lesser;</li> </ul>

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<ul style="list-style-type: none"> <li>(ii) set back in accordance with Table 2a;</li> <li>(iii) does not exceed a wall height of 2.4m;</li> <li>(iv) does not exceed a ridge height of 4.2m;</li> <li>(v) not located within the primary or secondary street setback area; and</li> <li>(vi) does not reduce the open space and outdoor living area requirements in Table 1.</li> </ul>	<ul style="list-style-type: none"> <li>(ii) set back in accordance with Table 2a;</li> <li>(iii) does not exceed a wall height of 2.4m;</li> <li>(iv) does not exceed a ridge height of 4.2m;</li> <li>(v) where located within the primary or secondary street setback area: <ul style="list-style-type: none"> <li>i. located behind or to the side of the existing dwelling on the lot; and</li> <li>ii. the outbuilding roof pitch, colours and materials are the same as the dwelling; and</li> </ul> </li> <li>(vi) does not reduce the open space and outdoor living area requirements in Table 1.</li> </ul>
<b>C5.5.1 – Ancillary dwellings</b>	
<p>C1 Ancillary dwelling associated with a single house and on the same lot where:</p>	<p>C1 Ancillary dwelling associated with a single house and on the same lot where:</p> <ul style="list-style-type: none"> <li>i. the lot is not less than 350m<sup>2</sup> in area;</li> <li>ii. there is a maximum plot ratio area of 70m<sup>2</sup>;</li> </ul> <p><i>No parking required</i></p> <ul style="list-style-type: none"> <li>iii. ancillary dwelling is located behind the street setback line;</li> <li>iv. ancillary dwelling is designed to be compatible with the colour, roof pitch and materials of the single house on the same lot, unless the ancillary dwelling is not visible from the street;</li> <li>v. ancillary dwelling does not preclude the single house from meeting the required minimum open space and outdoor living area;</li> <li>vi. ancillary dwelling complies with all other R-Code provisions, only as they apply to single houses, with the exception of clauses: <ul style="list-style-type: none"> <li>(a) 5.1.1 Site area;</li> </ul> </li> </ul>

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	<p>(b) 5.2.3 Street surveillance (except where located on a lot with secondary street or right-of-way access); and</p> <p>(c) 5.3.1 Outdoor living areas.</p>

Document responsibilities:			
Owner:	Community Planning	Owner Business Unit:	Planning and Regulation
Inception date:	27 April 2010	Decision maker:	Council
Review date:	26 March 2024	Repeal and replace:	N/A
Compliance requirements:			
Legislation:	<i>Planning and Development Act 2005            Planning and Development (Local Planning Scheme) Regulations 2015</i>		