

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.~~

The Residential Design Codes Volume 1 (R-Codes Volume 1) provide a comprehensive basis for the guidance and control of residential development throughout Western Australia. Local governments may vary some of the development controls of the R-Codes by way of a Local Planning Policy to respond to a specific issue where the amendments are consistent with the relevant element objectives and design principles.

Infill development, increasing residential densities; and changes in lifestyles and expectations of contemporary living have influenced the nature of development typically seen in front setback areas. In order to preserve existing streetscapes, the Town recognises the need to guide the location and appearance of structures within the front setback area of existing dwellings to generally conform to the established pattern of development within the streetscape.

The Town also recognises the need to provide for greater flexibility for development than what is provided for under the R-Codes where consistent with the residential character of a locality and community expectations.

Policy Objectives

- (a) To vary the R-Codes Volume 1 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.~~
- (b) To ensure residential development preserves the character of existing residential areas and is complementary to/ 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 **Volume 1**, 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 - **R-Codes Volume 1 Part B**

The deemed-to-comply provisions of the R-Codes **Volume 1 (Part B)** are amended so as to incorporate additional and alternate standards as follows:

Column 1: Deemed-to-Comply Provision	Column 2: Amended / Alternate Deemed-to-Comply Provision
5.1.2 Street setback	
C2.1 Buildings, excluding carports, porches, balconies, verandahs, or	C2.1 Buildings, excluding carports, porches, balconies, verandahs, or

Column 1: Deemed-to-Comply Provision	Column 2: Amended / Alternate Deemed-to-Comply Provision
<p>equivalent, set back from the primary street boundary:</p> <ol style="list-style-type: none"> i. in accordance with Table B; ii. corresponding to the average setback of existing dwellings on each adjacent property fronting the same street; iii. 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 street setback line and a line drawn parallel to it at twice the setback distance; iv. 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, where: <ul style="list-style-type: none"> • 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 accessway v. to provide for registered easements for essential services. 	<p>equivalent, set back from the primary street boundary:</p> <ol style="list-style-type: none"> i. in accordance with Table B; ii. corresponding to the average setback of existing dwellings on each adjacent property fronting the same street; iii. 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 street setback line and a line drawn parallel to it at twice the setback distance; iv. 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, where: <ul style="list-style-type: none"> • a grouped dwelling has its main frontage to a secondary street; or • a single house or grouped dwelling results from subdivision of an original corner lot; 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 accessway v. to provide for registered easements for essential services.

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<p>C2.2 Buildings set back from the secondary street boundary in accordance with Table B.</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"> (i) is not more than 10m in length and 2.7m in height; (ii) is located behind the primary street setback; and (iii) has eaves, gutters and roofs set back at least 450mm from the lot boundary.
<p>5.2.1 Setback of garages and carports</p>	
<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 B where:</p> <ul style="list-style-type: none"> i. the width of the carport does not exceed 60 per cent of the frontage; ii. the construction allows an unobstructed view between the dwelling and the street, right-of-way or equivalent; and iii. the carport roof pitch, colours and materials are compatible with the dwelling. 	<p>C1.2 Carports set back so as to be behind the primary street setback requirements of clause 5.1.2 C2.1 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"> i. the width of the carport does not exceed 60 per cent of the frontage; ii. the construction allows an unobstructed view between the dwelling and the street, right-of-way or equivalent; iii. the carport roof pitch, colours and material roof pitch and colours are the same as the dwelling; iv. the carport materials are compatible with the dwelling; v. supporting columns shall be the same brick as the dwelling. 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. vii. the carport is unenclosed on all sides, except where it adjoins a dwelling, and does not incorporate storerooms.

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C1.4 Garages and carports set back 1.5m from a secondary street.	C1.4 Carports set back 1.0m from a secondary street.
5.2.4 Street walls and fences	
<p>C4.1: 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.</p>	<p>C4: Fences within street frontage setback areas are subject to:</p> <ul style="list-style-type: none"> 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; 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>C4: Fences within street setback areas are:</p> <ul style="list-style-type: none"> i. Visually permeable above 1.2m of natural ground level where located within the primary street setback area, measured from the natural

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	<p>ground level on the street side elevation of the front fence;</p> <ul style="list-style-type: none"> ii. A maximum height of 1.8m. Where the fence is erected over a retaining wall, the height of the fence shall be measured from the base of the retaining wall; iii. Not constructed of fibre cement sheeting; iv. Not constructed of metal sheeting where located within the primary street setback; v. Sheet metal fencing within secondary street setbacks having capped protruding edges; and vi. Gates within the street setback area shall be visually permeable and not open so as to swing into the public realm.
5.2.5 Sightlines	
<p>C5: Walls, fences and other structures truncated or reduced to no higher than 0.75m within 1.5m of where walls, fences, or other structures adjoin:</p> <ul style="list-style-type: none"> i. A driveway that intersects a street, right-of-way or communal street; ii. A right-of-way or communal street that intersects a public street; and iii. two streets intersect. 	<p>C5: C3.7.7: Walls, fences and other structures within:</p> <ul style="list-style-type: none"> i. 1.5m of a driveway that intersects a street, right-of-way or communal street; i. a right-of-way or communal street that intersects a public street; and ii. two streets intersect <p>Shall be:</p> <ul style="list-style-type: none"> i. Truncated; or ii. No more than 0.75m in height; or iii. A maximum overall height of 1.8m; and iv. A maximum height of the solid portion being 0.75m, with the exception of one supporting column on either side with a maximum width of 350mm; and

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	<p>v. infill panels above 0.75m being 'open style' and comprising continuous vertical or horizontal gaps occupying at least 75% of the total surface area in aggregate.</p>
5.3.1 Outdoor Living Areas	
<p>C1.1: An outdoor living area to be provided:</p> <ul style="list-style-type: none"> i. in accordance with Table B; ii. behind the street setback area; iii. directly accessible from the primary living space of the dwelling; iv. with a minimum length and width dimension of 4m; and v. with at least two-thirds of the required area without permanent roof cover. 	<p>C1.1: An outdoor living area to be provided:</p> <ul style="list-style-type: none"> i. in accordance with Table B; ii. where located within the street setback area, demarcated via the use of paving and fencing to the satisfaction of the Town. iii. directly accessible from the primary living space of the dwelling, unless the outdoor living area is for an existing dwelling being retained as part of a subdivision; iv. with a minimum length and width dimension of 4m; and v. with no more than 50 per cent of the required area with permanent roof cover.
5.3.9 Stormwater	
<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>Note: Local Planning Policy 14 – Stormwater (LPP 14) provides guidance on the circumstances in</p>

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	<p>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.</p> <p>C9: Stormwater runoff draining from roofs, driveways, communal streets, and other impervious surfaces generated by a small rainfall event to be retained on site, with run-off directed to garden areas, rainwater tanks and infiltration cells (e.g. soakwells), appropriate to climatic, local soil and groundwater conditions.</p> <p>C10: Notwithstanding C9 (above), stormwater may be directed to a district or local stormwater drainage system where required by the decision-maker due to climatic, local soil or groundwater conditions.</p>
5.4.3 Outbuildings	
<p>C3: Outbuildings associated with a dwelling site address either:</p> <ul style="list-style-type: none"> i. the standards for small outbuildings (A. Small outbuilding); or ii. the standards for large and multiple outbuildings (B. Large and multiple outbuildings). <p>A. Small outbuilding</p> <ul style="list-style-type: none"> (i) no more than one outbuilding per dwelling site; (ii) has no more than two boundary walls; (iii) does not exceed 10m² in area; 	<p>C3 Outbuildings associated with a dwelling site address either:</p> <ul style="list-style-type: none"> i. the standards for small outbuildings (A. Small outbuilding); or ii. the standards for large and multiple outbuildings (B. Large and multiple outbuildings). <p>A. Small outbuilding</p> <ul style="list-style-type: none"> (i) no more than one outbuilding per dwelling site; (ii) has no more than two boundary walls; (iii) does not exceed 10m² in area;

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<ul style="list-style-type: none"> (iv) does not exceed a wall and ridge height of 2.7m; (v) not located within the primary or secondary street setback area; and (vi) does not reduce open space and outdoor living area requirements in Table B. 	<ul style="list-style-type: none"> (iv) does not exceed a wall and ridge height of 2.7m; (v) where located within the primary or secondary street setback area: <ul style="list-style-type: none"> i. located behind or to the side of the existing dwelling on the lot; and ii. the outbuilding roof pitch, colours and materials are the same as the dwelling. (vi) does not reduce open space and outdoor living area requirements in Table B.
<p>B. Large and multiple outbuildings</p> <ul style="list-style-type: none"> (i) individually or collectively does not exceed 60m² in area or 10 per cent in aggregate of the site area, whichever is the lesser; (ii) set back in accordance with Table 2a; (iii) does not exceed a wall height of 2.4m; (iv) does not exceed a ridge height of 4.2m; (v) not located within the primary or secondary street setback area; and (vi) not located within the primary or secondary street setback area; and (vii) does not reduce the open space and outdoor living area requirements in Table B. 	<p>B. Large and multiple outbuildings</p> <ul style="list-style-type: none"> (i) individually or collectively does not exceed 60m² in area or 10 per cent in aggregate of the site area, whichever is the lesser; (ii) set back in accordance with Table 2a; (iii) does not exceed a wall height of 2.4m; (iv) does not exceed a ridge height of 4.2m; (v) where located within the primary or secondary street setback area: <ul style="list-style-type: none"> i. located behind or to the side of the existing dwelling on the lot; and ii. the outbuilding roof pitch, colours and materials are the same as the dwelling; and (vi) does not reduce the open space and outdoor living area requirements in Table B.
	<p>C3 Any outbuilding:</p> <ul style="list-style-type: none"> i. individually or collectively does not exceed 60m² per site; ii. is not located within the primary or secondary street setback area; iii. does not exceed a wall height of 3m;

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	<ul style="list-style-type: none"> iv. does not exceed a ridge height of 4.2m; v. is setback or built up to lot boundaries in accordance with Clause 5.1.3 - C3.1, C3.2, C3.3 and C3.4. vi. does not reduce the minimum open space required in accordance with clause 5.1.4; vii. does not reduce the minimum outdoor living area required in accordance with clause 5.3.1; viii. does not reduce the minimum tree requirement and associated tree growth zone (where applicable)
C5.5.1 – Ancillary dwellings	
<p>C1 – Ancillary dwelling associated with a single house and on the same lot where:</p> <ul style="list-style-type: none"> i. the lot is not less than 350m² in area; ii. there is a maximum plot ratio area of 70m²; iii. parking is provided in accordance with clause 5.3.3 C3.1; iv. ancillary dwelling is located behind the street setback line; v. ancillary dwelling is designed to be compatible with the colour, roof pitch and materials of the single house on the same lot; vi. ancillary dwelling does not preclude the single house from meeting the required minimum open space and outdoor living area; and vii. 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"> (a) 5.1.1 Site area; 	<p>C1 – Ancillary dwelling associated with a single house and on the same lot where:</p> <ul style="list-style-type: none"> i. the lot is not less than 350m² in area; ii. there is a maximum plot ratio area of 70m²; <i>No parking required</i> iii. ancillary dwelling is located behind the street setback line; 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; v. ancillary dwelling does not preclude the single house from meeting the required minimum open space and outdoor living area; 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"> (a) 5.1.1 Site area;

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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>	<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>

The deemed-to-comply provisions of the R-Codes Volume 1 (**Part C**) 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
3.3 Street setbacks	
<p>C3.3.5 Carports are set back from the primary street boundary in accordance with Table 3.3a. This setback may be reduced by up to 50 per cent where:</p> <ul style="list-style-type: none"> i. the carport is set back from the lot boundary in accordance with C3.4.3; ii. The carport width does not exceed the requirement of C3.6.6 iii. The carport is free of walls (excluding pillar and posts with a horizontal dimension of 450mm by 450mm or less) for all portions that project forward of the primary street setback line; and iv. The construction allows for an unobstructed view between the dwelling and the street, right-of-way or equivalent. 	<p>C3.3.5 Carports set back so as to be behind the primary street setback requirements of clause Table 3a 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"> i. the width of the carport does not exceed 60 per cent of the frontage; ii. the construction allows an unobstructed view between the dwelling and the street, right-of-way or equivalent; iii. the carport roof pitch and colours are the same as the dwelling; iv. the carport materials are compatible with the dwelling; 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. vii. the carport is unenclosed on all sides, except where it adjoins a dwelling, and does not incorporate storerooms.

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C3.3.6 Garages and carports set back from a secondary street, right-of-way and communal street in accordance with Table 3.3a.	C3.3.6 Carports set back 1.0m from a secondary street.
3.6 Streetscape	
<p>C3.6.7 When provide, walls or fences within the primary street setback area are to be:</p> <ul style="list-style-type: none"> i. a maximum height of 1.8m; and ii. visually permeable above 1.2m <p>—measured from natural ground level on the primary street side of the fence.</p>	<p>C3.6.7: Fences within street setback areas are:</p> <ul style="list-style-type: none"> i. Visually permeable above 1.2m of natural ground level where located within the primary street setback area, measured from the natural ground level on the street side elevation of the front fence; ii. A maximum height of 1.8m. Where the fence is erected over a retaining wall, the height of the fence shall be measured from the base of the retaining wall; iii. Not constructed of fibre cement sheeting; iv. Not constructed of metal sheeting where located within the primary street setback; v. Sheet metal fencing within secondary street setbacks having capped protruding edges; and vi. Gates within the street setback area shall be visually permeable and not open so as to swing into the public realm.
3.6 Streetscape	
<p>C3.7.7: Walls, fences and other structures truncated or reduced to no higher than 0.75m within 1.5m of where walls, fences, or other structures adjoin:</p> <ul style="list-style-type: none"> i. a driveway that intersects a street, right-of-way or communal street; 	<p>C3.7.7: Walls, fences and other structures within:</p> <ul style="list-style-type: none"> ii. 1.5m of a driveway that intersects a street, right-of-way or communal street; iii. a right-of-way or communal street that intersects a public street; and iv. two streets intersect <p>Shall be:</p> <ul style="list-style-type: none"> vi. Truncated; or

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ii. a right-of-way or communal street that intersects a public street; or iii. two streets intersect.	vii. No more than 0.75m in height; or viii. A maximum overall height of 1.8m; and ix. A maximum height of the solid portion being 0.75m, with the exception of one supporting column on either side with a maximum width of 350mm; and x. infill panels above 0.75m being 'open style' and comprising continuous vertical or horizontal gaps occupying at least 75% of the total surface area in aggregate.	

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