

1.0 POLICY OBJECTIVES

The objectives of this Policy are to:

- Promote the orderly and proper development of land in urban areas.
- Ensure Local Development Plans (LDPs) are site responsive and give sufficient guidance to achieve the desired built form outcome.
- Provide proponents with clarity in relation to the content and key design elements/matters to be addressed in Local Development Plans.
- Provide direction in relation to those matters Council are likely to consider in determining a Local Development Plan.

2.0 BACKGROUND AND APPLICATION

Achieving better design outcomes requires the careful intertwining of the built and urban forms. This is particularly important for (but not limited) smaller residential lots and Activity Centre environments where design coordination is required to ensure that buildings work both for the occupier and the streetscape.

Local Development Plans (LDPs) were originally prepared as an instrument to provide more prescriptive design control measures, than that afforded by the Residential Design Codes (R-Codes) in relation to streetscape, solar oriented design and passive surveillance, for small residential lots. In more recent times, the role and function of LDPs has evolved and expanded to ensure built form and site planning for a variety of scenarios in urban settings, responds to other matters such as noise, access to primary roads, mixed-use development, landscape, the pedestrian network, building height and topography. This policy seeks to provide guidance in the requirements associated with LDPs in these roles to ensure they are functional and easily interpreted by the end user.

LDPs have become important planning instruments in ensuring the built form responds to a sites specific locational design demands. Contemporary, functional and site responsive vernacular is expected for developments within the Shire.

3.0 STATUS

3.1 Relationship to Town Planning Scheme No. 2

This Policy is a Planning Policy prepared, advertised and adopted pursuant to Clause 4 of Town Planning Scheme No. 2 (TPS2). Under Clause 3 of TPS2 all planning policies are documents supporting the Scheme. This policy has been prepared to compliment the Local Development Plan requirements outlined in Part 6 of TPS 2.

3.2 Relationship to other State Planning Policies (SPPs)

This policy has due regard to, and should be read in conjunction with the State Planning Policies. Of particular relevance to this Policy are:

- i) State Planning Policy No.3 Urban Growth and Settlement.

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- ii) State Planning Policy No. 3.1 Residential Design Codes.
- iii) State Planning Policy 3.5 Historic Heritage Conservation.
- iv) State Planning Policy No.4.2 Activity Centres for Perth and Peel.
- v) Liveable Neighbourhoods (Operational Policy).

3.3 Relationship to other Local Planning Policies (LPPs)

This policy has due regard to, and should be read in conjunction with the Shire's entire Local Planning Policy suite.

3.4 Other Documents

This Policy shall also be read in conjunction with the following:

- i) Planning Bulletin No. 3 – Record of Information on Titles (Memorials).

4.0 INTERPRETATIONS

The following definition relates directly to the application of this Policy:

“Commission” means the Western Australian Planning Commission constituted under the Planning and Development Act 2005.

“Council” means the Council of the Shire of Serpentine-Jarrahdale.

“Local Development Plan” refers to a plan that has been prepared for lodgment and assessment under Part 6 of Town Planning Scheme No. 2.

“Residential Design Codes” means State Planning Policy 3.1 Residential Design Codes (Variation 1), as amended from time to time.

“Structure Plan” means a Structure Plan that has been both approved by the Commission and adopted by Council under Part 4 of Town Planning Scheme No. 2.

“Activity Centre” as defined by State Planning Policy 4.2 – Activity Centres for Perth and Peel, means community focal points for people, services, employment and leisure that are highly accessible. Key characteristics include their levels of diversity, accumulations of activities and access to public transport. Commercial, retail, higher-density living, entertainment, tourism, civic/community, higher education and major or specialised medical services are just a few such activities.

5.0 POLICY APPLICATION

This policy shall apply across the Shire, however it is primarily intended for land zoned 'Urban' under the Metropolitan Region Scheme and for reasons as contemplated in Clause 47 of TPS2.

6.0 CONTENT OF LOCAL DEVELOPMENT PLANS

6.1 Matters to be considered

When considering LDPs in accordance with Clause 51, the Shire will have regard to the criteria as identified in Liveable Neighbourhoods including but not limited to:



- Day lighting, visual and acoustic privacy, occupant and community safety, solar access for amenity and energy efficiency.
- Useable private open space.
- Amenity protection for existing abutting neighbours from overlooking, overshadowing, noise intrusion or visual bulk adjacent to principal private open space areas.
- Streetscape quality and neighbourhood character, including building scale and character, fencing and landscaping, location of garages behind the fronts of dwellings.
- Opportunities as identified for future intensification or business development.
- Adequate on and off-street parking, vehicle access, storage and servicing requirements.
- Protection or response to any specific site features.

These criteria will be used as an initial assessment base for all LDPs, however being instruments that are intended to respond to site specific characteristics; it is recommended that applicants liaise with the Shire prior to lodgement to ensure the objectives of both parties are considered.

In the determination of LDPs, the Shire will also have regard to the objectives outlined in **Appendix A**.

6.2 Matters to be included in LDPs

In preparing LDPs, further to the basic requirements outlined within TPS2, the Shire will require the applicant to consider the inclusion of the following elements where relevant and applicable:

- **Building envelope** – ground floor and upper floor setbacks, building envelopes, land use distribution, northern boundary setback for solar access, nil setbacks and building orientation.
- **Parking** – location (mandatory or desired), potential additional parking location for duplex-sized lots, visitor parking, loading and unloading areas, storage yards and rubbish collection closures.
- **Vehicle Access** – location of vehicle access point, particularly where laneway access is available.
- **Hazard** – mitigation and response for natural hazards.
- **Fencing** – heights, detailing, permeability, retaining walls and developer provided fencing.
- **Services** – easements, pipes, facilities, hydrants and buffers.
- **Private open space** – location (for strategic benefit) outdoor living areas.
- **Landscaping** - location of existing trees to be retained in the street or in lots (as agreed with the Shire).
- **Noise-Buffering** – location and type of noise-buffering and/or attenuation measures.
- Ancillary Dwellings and/or studio dwellings, home business or home workspace – potential location and size, parking provision and location.
- **Site Works** – finished site levels and drainage.
- **Signage** – sizing and location of advertising signs.
- **Conservation** – protection of sites of heritage, conservation or environmental significance.
- **Encroachments** – reciprocal rights-of-way, party walls.
- **Variations from the Residential Design Codes.**
- **Mechanisms for expiry for variations of detailed area plan(s)** – circumstances in which Council may repeal the LDP.

Appendix B provides a set of standard provisions, applicants should consider for inclusion as part of the preparation of any LDP. These are provided as a guide only and the Shire however reserves the right to require the inclusion of other non-standard provisions as may be required from time to time in order to fulfil Structure Plan, TPS 2 or other Local Planning Policy requirements.

6.3 Spatial Plan Requirements

From a plan layout perspective, all LDPs must include the following:

- A set of provisions outlining R-Code variations, site specific design requirements and purchaser notification requirements (Section 70A).



- A diagram clearly outlining the extent of the LDP area and its relationships to adjacent roads, open space, other land uses etc.
- A location plan depicting the LDP area in the context of immediate surrounds.
- A diagram clearly outlining those design requirements the LDP is explicitly seeking to guide such as (but not limited to) the building envelope, garage location and setback requirements.
- A clearly defined legend.
- An endorsement table outlining OCM date, Council's electronic TRIM Reference number and incorporating a signatory box for the Director Development Services.

7.0 ACTIVITY CENTRE LOCAL DEVELOPMENT PLAN REQUIREMENTS

State Planning Policy 4.2 – Activity Centres for Perth and Peel outlines the requirement for LDPs to guide the built form of Neighbourhood Activity Centres (i.e. The Glades Village Centre). LDPs prepared for these Centres shall address the Model Centre Framework criteria outlined in Appendix 2 of State Planning Policy 4.2 – Activity Centres for Perth and Peel.

In additional to Activity Centre Structure Plans, the Shire may also require the preparation of Local Development Plans within District Centres (ie Byford and Mundijong) and Local Centres where specific built form controls are deemed necessary.

8.0 PLANNING APPROVAL

Planning approval shall not be required for any residential dwelling that complies with the provisions of an adopted LDP or that complies with the Planning and Development (Local Planning Schemes) regulations 2015. All other land uses subject to Local Development Plans shall be subject to separate Development Applications. Any variation being sought to a LDP will require a separate Development Application.

9.0 AMENDING A LOCAL DEVELOPMENT PLAN AND VALIDITY

An approved Local Development Plan may be modified or varied with the approval of the Council, but where there is a related Structure Plan, such modification or variations are to conform with the intent of the related Structure Plan.

All Local Development Plans are valid planning documents until such time as they are formally repealed by Council.

10.0 STAKEHOLDER ENGAGEMENT

10.1 Referrals Relevant Government Agencies

Referrals to relevant Government Agencies may be required as part of the assessment process depending on the location of the subject site (eg abutting reserved land under the Metropolitan Region Scheme).

10.2 Community Input

Local Development Plans in 'greenfield'/new development areas will generally not be required to be advertised except under exceptional circumstances at the discretion of the Shire.

The preparation or modification of a Local Development Plan within a 'brownfield'/existing urban area will need to be advertised to adjoining landowners of the property or precinct in which the Local Development Plan is proposed.

When Local Development Plans are advertised, they will be advertised as per Clause 50 of TPS2.

10.3 Notification to Prospective Purchasers



Those persons subdividing land, to which a LDP relates, shall make necessary arrangements for any prospective purchaser to be advised of the relevant LDP. This advice should be provided by the subdivider to the prospective purchaser by way of marketing, Contract of Sale and the Offer and Acceptance process. The Shire will also include information on relevant LDPs as part of its Orders and Requisition process.

In addition, the Shire **may** recommend to the Western Australian Planning Commission that a notification be placed on the Certificate of Title (Section 70A), advising of the presence of a LDP. This notification on title may be imposed in circumstances where design requirements should be maintained in perpetuity (ie when a LDP imposes conservation, fencing, landscaping or noise attenuation measures).

Notifications on title are appropriate when the following circumstances are met:

- i) The hazard or other factor is relatively permanent.
- ii) The hazard or other factor is of such significance (in terms of its effect on the use or enjoyment of the land) as to warrant notification to a landowner).
- iii) The hazard or other factor may not be apparent on inspection of the land.
- iv) Indication of the hazard would not normally be found in other documentation relating to the land, such as a town planning scheme.

10.4 Availability of Adopted Local Development Plans

The Shire, on receipt of any reasonable request, shall make any adopted Local Development Plan available to any member of the public. In addition, the Shire shall investigate ways to ensure that information is available to members of the public - for example, through the publishing of relevant material on the Shire's internet website and associated on-line mapping tools.

11.0 APPLICATION REQUIREMENTS

Applicants shall provide the following details at lodgement for any LDP:

- Supporting covering letter clearly indicating why the LDP has been prepared (ie TPS, subdivision or Structure Plan requirement).
- Planning Services Fee in accordance with the Shire's latest Fees and Charges (see below).
- 3 hardcopies of the Local Development Plan (maximum A3 in page size) containing elements as outlined in Section 6.0.
- 1 Electronic PDF copy.

12.0 ADMINISTRATIVE MATTERS

12.1 Fees Payable

A fee shall be payable for the assessment of detailed area plans. This shall be set through the annual budget process. Applicants should consult the Shire's website www.sjshire.wa.gov.au or Council officers when determining the latest fees and charges for LDPs.



12.2 Delegated Authority

Council may, from time to time establish or review instruments of Delegations to enable proposals to be considered and determined by Delegated Officers without the matter being needed to be presented before full Council. Nothing within this policy shall alter the performance of such instruments of delegation.

12.3 Copyright and Ownership

A proponent shall transfer to the Shire in writing at no cost to the Shire, all copyright ownership of Local Development Plans together with all supporting documentation submitted to the Shire, and Local Development Plans adopted by the Council (whether in graphic, textual or digital form).

**APPENDIX A – LDP OBJECTIVES**

LDP Element	Objective
Building Envelope	To provide setbacks that appropriately respond to a site's locational and geographical context, assist in contributing to a quality streetscape and ensure day lighting and visual and acoustic privacy.
Parking	To ensure an adequate provision of parking (in accordance with the requirements of the R-Codes and/or TPS) in a location that will not detract from the streetscape.
Vehicle Access	To ensure the number of vehicle access points are to be minimised wherever possible without undermining vehicular and pedestrian safety
Fencing	To ensure fencing complies with the Shire's Fencing Local Law and where appropriate, the form of fencing responds to noise, privacy or CPTED requirements. To discourage all forms of fencing forward of the front building line unless required for privacy purposes
Services	That services are provided in locations that do not detract from the built form or functionality of a structure. To provide certainty in regard to service location, to all landowners and prospective purchasers.
Private Open Space	To ensure private open space is of an appropriate size/shape and provided in locations that ensure solar access and maximise useability.
Landscape and Vegetation	To enable the retention and protection of existing vegetation where appropriate and encourage the use of landscaping for streetscape, improved microclimate and screening purposes as required.
Hazard	To respond and ameliorate the risks posed by potential natural hazards
Noise-buffering	To facilitate design and design components that can assist in the attenuation and buffering of noise. This may include the siting of rooms away from the noise source, fencing etc.
Encroachments	To ensure all encroachments are clearly depicted on the detailed area plan to provide certainty to all landowners and prospective purchasers.



APPENDIX B - MODEL LOCAL DEVELOPMENT PLAN PROVISIONS FOR RESIDENTIAL DEVELOPMENT

1. R-Coding

- The R-Coding (select appropriate R-Coding) density code applies to all lots contained within this LDP.

2. Town Planning Scheme No.2 and Residential Design Code variations

- The requirements of the Residential Design Codes are varied as shown on the LDP.
- The requirements of the Residential Design Codes and Town Planning Scheme shall be satisfied in all other matters.
- Consultation with the adjoining or other land owners to achieve a variation to the Residential Design Codes, as provided for by the LDP is not required.

3. Design Elements

- All dwellings and ancillary development (including patios and gazebos) must be located within the Building Envelope as depicted on the LDP.
- Dwellings must be designed to include at least one habitable room window facing the primary street.
- All north facing walls containing glazed window and door openings shall incorporate eaves with a ___mm minimum overhang to provide passive shading to the openings during summer.
- Dwellings must have at least one habitable room window facing the Public Open Space.
- A ___ percent (_%) variation to the minimum open space requirements (in addition to that described in the open space definition of the R-Codes) shall be permitted.
- On (select appropriate R-Coding) nominated lots, a minimum 4m² storeroom with a minimum dimension of 1.0m is to be incorporated in the design of the dwelling.
- Development of outbuildings fronting the Public Open Space shall be built to compliment the design and materials of the dwelling. Outbuildings that do not achieve this are to be suitably screened from view with vegetation and the like to the Public Open Space, to the satisfaction of the Shire.
- Swimming pools are permitted within the Public Open Space setback.
- At least one major opening to an indoor living area is to be installed on the northern elevation for lots ____ in order to maximize solar orientation for lots ____. For all other lots this design element is encouraged but not required.
- Houses are required to suitably address all adjacent street frontages as indicated to maximize visual surveillance. A secondary street elevation shall feature a suitable level of detail in a manner consistent with the primary street elevation.
- Location of studios and/or balconies abutting laneways is encouraged for increased surveillance through activity.
- Dwellings on laneway lots shall be designed to address the primary street frontage with major openings and the main entry accessible via this frontage.
- All dwellings overlooking POS shall be suitably designed and orientated to ensure passive surveillance of the POS.
- On rear laneway lots, a paved bin pad is to be provided inside the lot boundary of each lot abutting the rear laneway to provide a bin pick-up area that does not impede traffic flow through the laneway.
- On lots ____ an outdoor living area is to be provided on the north facing side of the lots (ie rear of lot).



4. Setbacks

- Minor incursions (as described by the R-Codes) into the ___m minimum setback are/not permitted.
- Rear garage setbacks shall be a minimum of ___m with no protrusion of eaves into the minimum setback.
- A minimum solar setback applies as shown on the LDP. The Shire will only consider development within the solar setback where the principles and benefits of solar access to the dwelling are maintained.
- The second storey of a dwelling must be setback a minimum of ___m from the side boundary unless the R-Codes specify a greater setback.
- Patios and verandahs and the like are permitted within the Public Open Space setback with a ___m minimum setback.
- ___m minimum Public Open Space setback to the dwelling. Sheds and garages are not permitted within the Public Open Space setback area.
- A ___m Setback may apply to (insert applicable R-Code) lots to the secondary street setback.
- Rear setbacks shall be a minimum of ___m with no protrusion of eaves and gutters into the minimum setback.
- Alternatively, setback provisions can be provided as follows:
- R ___ Front Loaded
- Front setback: Primary Street – minimum ___m setback
- Garage Setback – minimum ___ setback
- R ___ Laneway
- Rear setback: Minimum ___m setback for house
- Minimum ___m setback for garage
- Nil setback for studio (above garage)
- Front setback: Primary Street – minimum ___m setback, average of ___m
- It is desirable for dwelling front setback to be located in the range of ___m to ___m to provide a level of consistency to the streetscape
- Side setback: Nil setback for house and garage to the nominated side boundary for a total maximum 2/3 length of boundary
- Minimum ___m setback to secondary street for corner lots
- Other: Minimum ___m solar setback (non-parapet side boundary), building part of the main residence within the ___m solar setback is limited to minor incursions to a maximum of 20% of the designated solar setback area, provided solar penetration to living areas is achieved
- Minimum ___m side setback to upper storey to preserve solar penetration

5. Garages to Access

- An alternative garage location to the preferred location shown on the plan may be approved by the Director Planning Services subject to the design meeting the solar design principles, streetscape objectives and other statutory requirements.
- It is mandatory for all lots with laneway access to locate carports and garages at the rear with access via the laneway.
- Each house shall have a driveway and crossover completed prior to occupation of the house.
- Maximum width of crossover shall be 6 metres
- Maximum of a crossover to be reduced to 4 metres where an existing significant tree is identified.
- All driveways and crossovers shall be brick paved or other suitable material (but not asphalt) to the satisfaction of the Shire and Developer.



6. Fencing

- Uniform fencing on boundaries cannot be substantially modified with the exception of the maintenance and repair, using materials that are identical with those used in the original construction.
- All fencing within the estate will be provided and installed by the Developer. No additional fencing (other than side return panels) shall be erected without consultation and approval of the Developer. In the exceptional circumstance that front fencing is permitted, it shall be erected in accordance with the developer's specific requirements.
- All side boundary fencing behind the front building line is to be __ metres high and fully installed prior to occupation of the dwelling.
- Side fencing projecting forward of the front building line is not permitted.

7. Notification

- The Developer is required to give prospective purchasers a complete copy of all the requirements of this Local Development Plan prior to Offer and Acceptance being made.