



## **LOCAL PLANNING POLICY 1.1: RESIDENTIAL DEVELOPMENT: SINGLE AND GROUPED DWELLINGS**

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### **1.0 PURPOSE**

- 1.1 To provide guidance and supplementary requirements to Local Planning Scheme 3 (LPS 3) and State Planning Policy 7.3 Residential Design Codes Volume 1 (R-Codes Vol.1) in relation to single and grouped dwelling developments within the City of Nedlands.
- 1.2 To ensure consistent assessment and decision-making in the application of the LPS 3 and R-Codes Vol. 1.

### **2.0 APPLICATION OF POLICY**

- 2.1 This policy applies to all single and grouped dwelling developments anywhere the R-Codes Vol. 1 apply.
- 2.2 This Policy is read in conjunction with R-Codes Vol.1 and Clause 26 of LPS 3 which relates to street setbacks, setbacks of garages and carports, and open space.
- 2.3 Where this Policy is inconsistent with a Local Development Plan or Local Planning Policy that applies to a specific site, area or R-Code, the provisions of that specific Local Development Plan or Local Planning Policy shall prevail.
- 2.4 When considering developments which do not meet the deemed-to-comply provisions of this policy, the proposal is to be assessed against the relevant objectives, local housing objectives of this policy and the design principles of the R-Codes Vol. 1.

### **3.0 OBJECTIVES**

- 3.1 To enhance the amenity and aesthetics of areas within the City.
- 3.2 To provide for residential development that is consistent with established or desired streetscapes.
- 3.3 To reduce the dominance (scale, mass and bulk) of buildings as viewed from the street.
- 3.4 To provide for building heights which are consistent with the character of the area and the topography of the site.
- 3.5 To prevent inappropriate buildings within rear setback areas in order to protect the amenity of surrounding properties and maintain the spacious green character of the City.



#### 4.0 POLICY MEASURES LPS 3 modification of R-Codes

##### 4.1 Street setback

4.1.1 The following Local Housing Objective qualifies a 'prevailing development context and streetscape' as provided for under Design Principle P2.2 of 5.1.2 Street setback, to guide decision-making in the assessment of a development application for a dwelling setback less than 9m to the primary street as specified in Clause 26(1)(a)(i) of LPS 3:

- (a) Where 50% or more of dwellings (excluding carports and minor projections) on one side of a street block, bound by intersecting streets have a setback of less than 9m to the primary street boundary, a dwelling may be setback to correspond with the average setback of dwellings (excluding carports and minor projections) fronting that side of the street (refer Figure 1).

4.1.2 The following Local Housing Objective provides guidance for decision-making in considering a development application which does not meet the Design Principles of 5.1.2 Street Setback:

- (b) Where a lot has a significant site constraint (including but not limited to an irregular configuration, topography changes or being considerably undersized for the assigned density code), which prevents the setback of a dwelling being consistent with an established streetscape, a reduced setback may be considered appropriate where the mass and form of the building is designed with an appropriate bulk and scale which minimises impact to the streetscape.

##### 4.2 Setback of garages and carports

4.2.1 In addition to Clause 26(1)(b) of LPS 3, Clause 5.2.1 of the R-Codes is amended to include the following additional deemed-to-comply requirements:

C1.6 On land coded R10, R12.5 and R15, other than lots identified in Schedules 2 & 3 of LPS 3, unenclosed carports may be setback forward of the 9m primary street setback line provided that the following is met:

- i. the width of the carport does not exceed 50 percent of the lot frontage, and the carport allows an unobstructed view between the dwelling and the street, right-of-way or equivalent;
- ii. the carport is setback a minimum of 3.5m from the primary street;
- iii. the carport is not greater than 36m<sup>2</sup> in floor area as measured from the outside of the posts;
- iv. Side setbacks as per the R-Codes;
- v. the carport complies with Table 1 - Maximum carport height;
- vi. the carport cannot be accommodated behind the street setback line and compliant with side setback provisions of the R-Codes.
- vii. The carport does not contain a visually permeable door.

**Table 1 – Maximum carport height**

<b>Carport type</b>	<b>Wall height</b>	<b>Building height</b>
Pitched Roof	3.0m	4.5m
Flat Roof	N/A	3.5m
Skillion Roof	N/A	3.5m (high side)

**R-Code amendments**

The following provisions replace or augment the deemed-to-comply requirements of the R-Codes and include Local Housing Objectives to provide guidance for decision making in the determination of a development application. Where a development does meet the deemed-to-comply provisions contained in this Policy, a development application is required which will be assessed by the relevant local housing objectives, design principles of the R-Codes and objectives of this policy.

**4.3 Street setback**

4.3.1 Clause 5.1.2 C2.4 of the R-Codes is replaced with the following deemed-to-comply requirements:

C2.4i. A minor incursion such as a porch, balcony, verandah, architectural feature or the equivalent may project not more than 1m into the street setback area provided that the total of such projects does not exceed 50% of the building façade as viewed from the street.

C2.4ii. For lots with a density code greater than R15, projections greater than 1m and exceeding 50% of the building façade may project into the street setback area provided an equivalent open space area is under Clause 5.1.2 C2.1iii.

4.3.2 Clause 5.1.2 is modified to include the following deemed-to-comply requirements:

C2.5 Subject to Clause 5.2.5 of the R-Codes, gate houses are permitted within front setback areas to a maximum building height of 3.5m, maximum width of 2m and total area of 4m<sup>2</sup>, as measured from the street and outside of the posts (refer to Figure 2).

**4.4 Lot boundary setback**

4.4.1 Clause 5.1.3 C3.1 of the R-Codes is modified to include the following additional deemed-to-comply requirements:

C3.1vi. Where a site abuts a laneway less than 6 meters wide, building setback provisions are to be determined after allowing for any future laneway widening requirement from the lot, assuming equal widening on both sides of the laneway where appropriate (refer to Figure 3).



C3.1vii. Subject to C3.1(vi), a swimming pool fence/barrier and pool pump screens behind the street setback line are permitted within the lot and up to lot boundaries to a maximum height of 1.8m, above any approved site works.

4.4.2 The following Local Housing Objectives provide further guidance for decision making (in the determination of a development application) in relation to buildings (other than outbuildings) within the rear setback area on lots with a density of R15 or less.

(a) On land coded R15 or less, detached buildings in the rear setback area may be considered for the purposes of a patio, 'pool house', or similar where:

- the immediate locality is characterised by buildings within rear setback areas;
- the building provides for more effective use of space on-site for outdoor living areas; and/or
- the cumulative bulk and distribution of all buildings on site has a reduced impact on neighbouring properties.

(b) On land coded R15 or less which abuts a laneway or right-of-way to the rear boundary, single-storey carports and garages may be considered with a minimum setback of 1.5m in accordance with the objectives set out in (a).

4.5 Building Heights

4.5.1 Clause 5.1.6 C6 of the R-Codes is replaced with the following deemed-to-comply requirement:

C6 Buildings which comply with Table 2 – Maximum building heights below:

**Table 2 – Maximum building heights**

Maximum building heights	
Top of external wall (roof above) (i)	8.5m
Top of external wall (concealed roof)	8.5m
Top of pitched roof (ii)	10m

- (i) Gable walls above eaves height:
- Less than 9m long: exempted
  - Greater than 9m long: add one third of the height of the gable, between the eaves and the apex of the gable wall, to the eaves height.
- (ii) Applies to ridges greater than 6m long. Short ridges: add 0.5m height for each 2m reduction in length.

4.5.2 Clause 5.1.6 is modified to include in the deemed-to-comply requirements:

C6.1 Architectural features and building projections (such as, but not limited to lift shafts and feature walls) are permitted to project above the external



wall height to a maximum height of 10m provided the feature does not exceed 3m in width.

Note: Methodology of building height assessment is as per the R-Codes.

## 4.6 Street walls and fences (including gates)

Fencing within front setback areas is permitted to be a maximum of 1.2m solid and visually permeable infill above, to a maximum height of 1.8m, measured from the primary street side of the fence. Fencing is also permitted in accordance with the following (refer Figures 4 and 5).

### 4.6.1 Clause 5.2.4 of the R-Codes is modified to include the following additional deemed-to-comply requirements:

C4.1i. Fencing/wall piers, including those forming part of a pergola or vergola, to be a maximum of 0.5m wide and deep and 2.1m in height above natural ground level; and

C4.1ii. Fencing/wall piers, including those forming part of a pergola or vergola, are to be separated by no less than 1.5m.

C4.2 For the purposes of housing a utility/meter box, solid fencing within the primary setback area is permitted where it is:

- i. a maximum 1m in width;
- ii. a maximum 1.8m in height;
- iii. perpendicular to the street; and
- iv. setback at least 1.5m from where a vehicle access point intersects with a public street on any property.

C4.3 Fencing to secondary streets, laneways and boundaries to reserves shall be a maximum of 1.8m in height above natural ground level, measured from the secondary street, laneway or reserve side of the fence (piers permitted as per clause C4.1) and comply with clause 5.2.5 of the R-Codes, as amended by this policy.

C4.4 Fencing within the primary street setback area shall be constructed of brick, stone, concrete, timber, wrought iron, tubular steel or glass.

## 4.7 Sight lines

### 4.7.1 Clause 5.2.5 of the R-Codes is modified to include the following additional deemed-to-comply requirements:

C5.1 Within the 1.5m truncation area stipulated under C5, the following obstructions are acceptable:

- i. one pier with a maximum width and length of 0.5m; and/or
- ii. Visually permeable in-fill fencing to a maximum of 1.8m in height, in addition to 0.75m high solid fencing, both measured from natural ground level.



#### 4.9 Vehicular access

In relation to the location of a vehicle entry point, the following Local Housing Objectives provide guidance for decision-making (in the determination of a development application) in considering a secondary or primary street in lieu of access from a laneway.

4.9.1 In relation to Clause 5.3.5 vehicle access C5.1, where a lot abuts a laneway or public right-of-way, vehicle access may be considered from the secondary or primary street where:

- (a) The laneway is less than 5m in width;
- (b) The laneway is not appropriately sealed and drained; or
- (c) Vehicle access from the laneway will result in removal of mature trees on the private property worthy of retention.

#### **Dividing Fences**

Dividing Fencing behind the street setback area is subject to the requirements of the Dividing Fences Act 1961 (the Act). This Policy does not interpret any matters considered under the Act and where there is a conflict between the Act and this policy, the Act shall prevail.

#### **Development abutting a laneway**

4.10 Where a property abuts an unconstructed laneway, landowners are advised to contact the City's Technical Services team with regards to appropriate finished floor levels of dwellings and garages to mitigate potential stormwater drainage impacts.

### **5.0 RELATED LEGISLATION**

5.1 This policy has been prepared in accordance with Schedule 2 Part 2 Clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015.

5.2 This policy should be read in conjunction with the following additional planning instruments and its requirements apply unless specifically stipulated elsewhere in any of the below:

- Planning and Development Act 2005
- Planning and Development (Local Planning Schemes) Regulations 2015
- Local Planning Scheme No. 3
- State Planning Policy 7.3 - Residential Design Codes - Volume 1



## 6.0 DEFINITIONS

6.1 For this policy the following definitions apply:

Definition	Meaning
<b>Boundary Fence</b>	A fence set back less than 1m from a dividing lot boundary, behind the street setback line.
<b>Dividing Fence</b>	As per Dividing Fences Act 1961.
<b>Gate house</b>	A roofed open-sided entry feature usually incorporated into front fencing.
<b>Patio</b>	An unenclosed structure covered in a water impermeable material which may or may not be attached to a dwelling.
<b>Vergola</b>	A patio with an open-close/louvered roof system. Also known as a solar patio.

6.2 A word or expression that is not defined in the Policy has the same meaning as it has in the R-Codes.

## 7.0 EXPLANATORY ASSESSMENT GUIDE

The following is an explanatory guide only to provide clarity of the method for assessment of various provisions of the R-Codes.

- 7.1 For the purposes of assessing lot boundary setbacks to a screen or fence:
- (a) Where setback 1m or greater from a side lot boundary, a screen/fence is considered under the R-Code definition of a 'wall', being a structure appurtenant to a dwelling, and is subject to Clause 5.1.3 C3.1i of the R-Codes for the purposes of lot boundary setback requirements.





Figure 1 – Street Setback

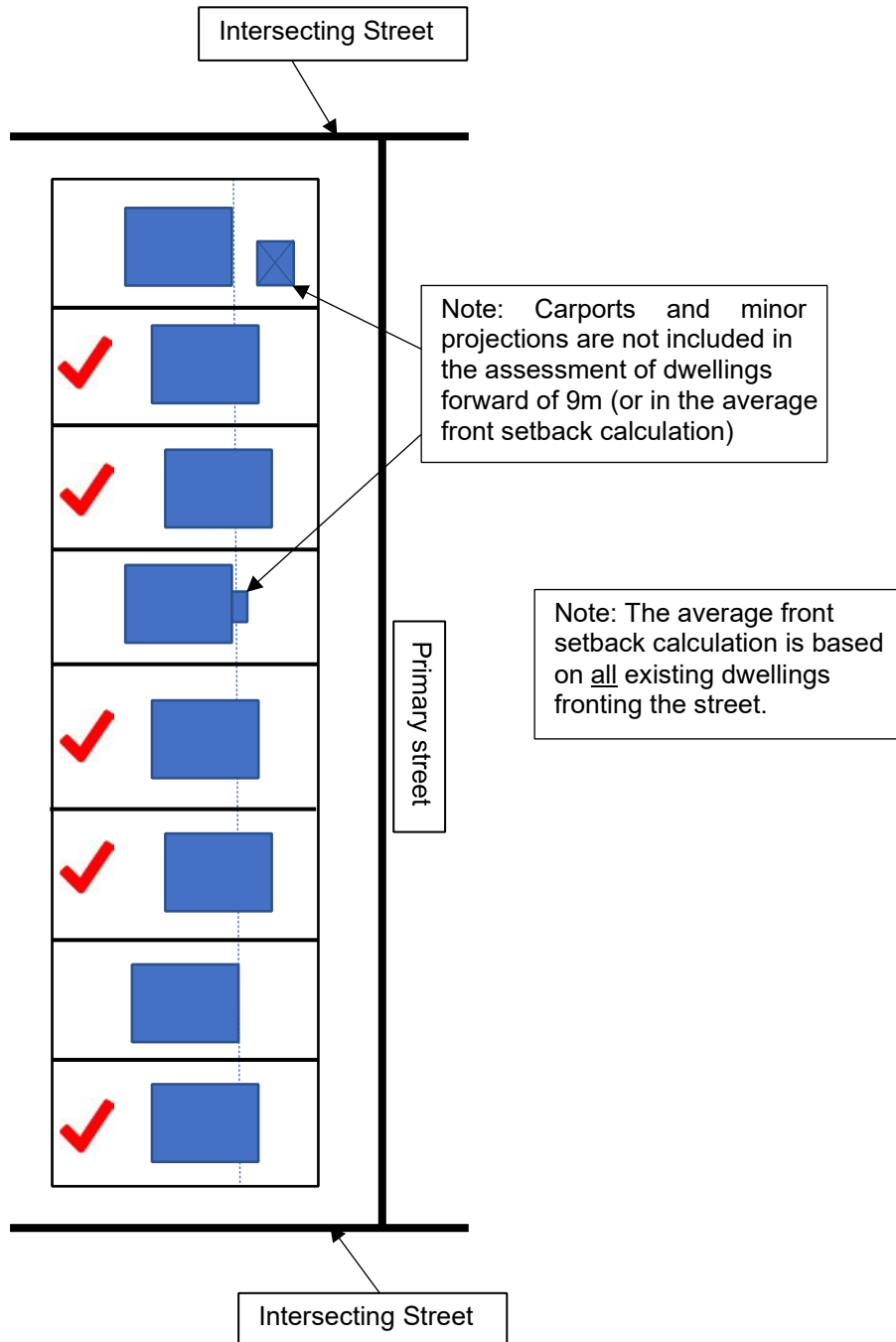
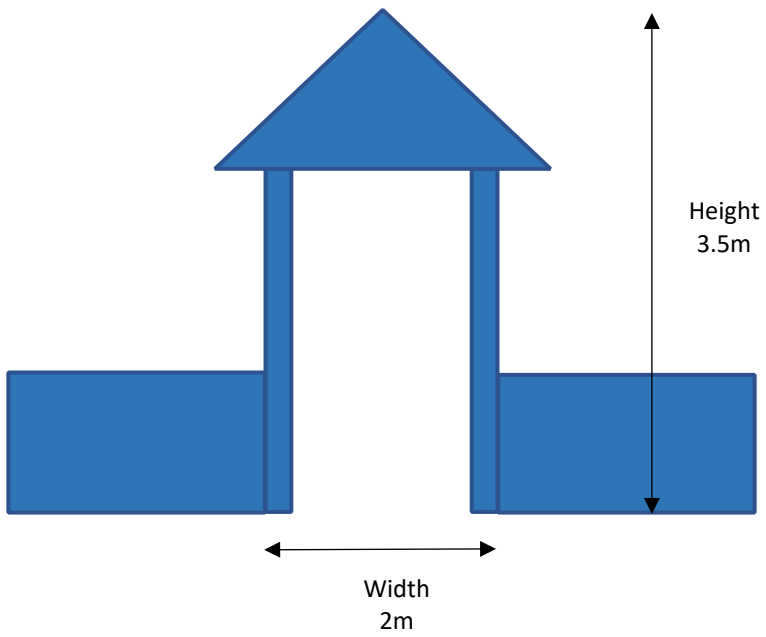




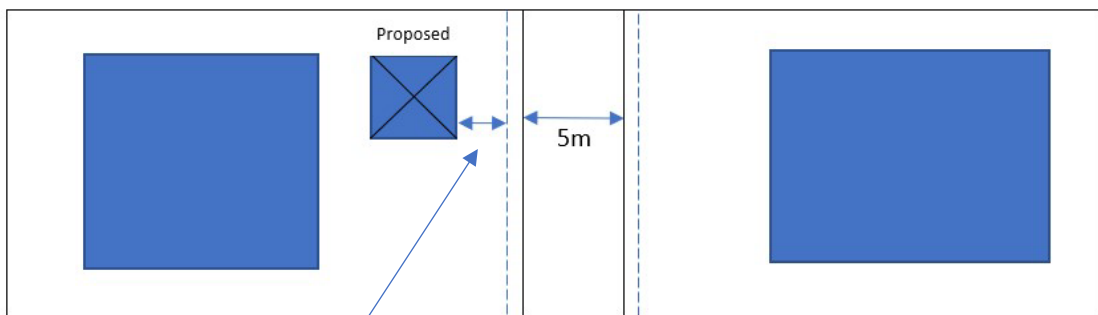


Figure 2 – Gatehouses





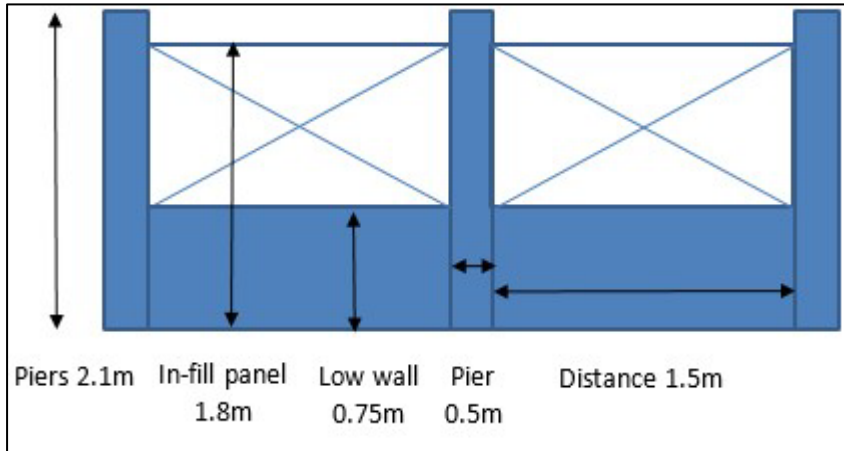
**Figure 3 – Setback of buildings to laneways less than 6m wide**



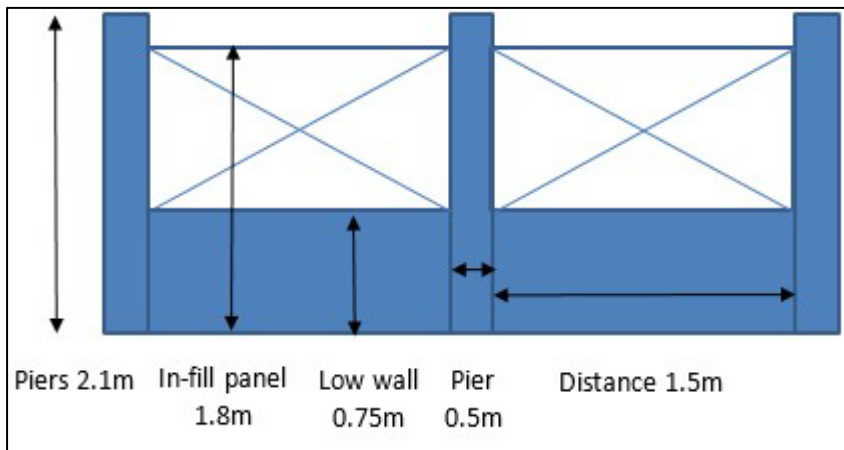
Setbacks for new buildings are determined 0.5m from the laneway boundary to provide for future widening either side (to 6m)



**Figure 4 – Primary street setback area fencing**



**Figure 5 – Fencing within 1.5m of a vehicle access point**



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