



POLICY NO. LPP 4.10

SUBDIVISION AND DEVELOPMENT ABUTTING PUBLIC AREAS

REASON:

To provide guidance on the assessment and determination of applications for subdivision or development of residential and rural areas abutting the public realm.

POLICY

1. OBJECTIVES

The objectives of this Policy are:

- a) to ensure that all public areas have an appropriate interface to development.
- b) to ensure that public areas are afforded an adequate level of surveillance from adjoining properties, whilst maintaining an appropriate level of privacy for those living on adjoining properties.

2. APPLICATION

This Policy applies to all subdivision and development applications in residential or rural areas which propose subdivision or development directly adjoining the public realm.

3. DEFINITIONS

The following terms are used throughout this Policy:

Major openings has the same meaning as defined the [Residential Design Codes](#).

Habitable room has the same meaning as defined the [Residential Design Codes](#).

Public Open Space means any area of land reserved or used as Local Open Space or as Parks and Recreation.

Uniform fencing means a fence of uniform style erected in private property along the external boundary of a subdivision of land and/or on boundaries abutting public open space, drainage sites, pedestrian accessways, and major roads.

Visually permeable has the same meaning as defined by the [Residential Design Codes](#).

4. OPERATION

4.1 Exempted Development

Pursuant to Clause 61(i) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, fencing on land within residential or rural zones does not require planning approval from the local government where it complies with the following parameters:

- a) Residential zoned land:
 - (i) in the case of the Primary Street, as per the Deemed to Comply provisions of the Residential Design Codes.



- (ii) in the case of any other public street (specifically excluding the laneways the subject of Local Planning Policy 5.7 and secondary streets the subject of Local Planning Policy 4.8), a maximum height of 1.8m.

b) Rural zoned land:

- (i) is constructed in accordance with the specification for a Sufficient Fence on a rural lot that is defined within the applicable City of Gosnells Local Laws Relating to Fencing as a minimum standard.
- (ii) Is exempt under Local Planning Policy 1.3 Exempted Development.

4.2 Subdivision Applications

- a) Where possible, subdivision proposals should provide a public road between residential development and areas of Public Open Space.
- b) Where the City supports a subdivision application that proposes residential lots directly abutting Public Open Space, it will recommend that one or both of the following conditions be imposed, as applicable:
 - (i) where the subdivision will create vacant lots, a condition requiring the landowner to advise any future prospective purchasers of the lots of the need to comply with Clause 4.3 of this Policy.
 - (ii) where the subdivision will create lots which accommodate a pre-existing dwelling, a condition requiring the provision of fencing in accordance with Clause 4.3 of this Policy.
- c) Where, as part of the subdivision process, fencing is provided between a public road and private property, the fencing is to comply with the parameters contained in Clause 4.1 above, unless a variation is permitted by Clause 4.5.

4.3 Development Applications and Local Development Plans in Residential Areas

- a) Residential development on a lot directly abutting Public Open Space shall provide for passive surveillance of the Public Open Space. This shall involve all dwellings incorporating at least two major openings to habitable rooms facing the Public Open Space.
- b) Any fencing along the common boundary between private property and Public Open Space shall comply with the following parameters.
 - (i) be visually permeable 1.2m above natural ground level, but may contain portions to provide screening to the most private zones of the development (i.e. clothes drying areas).
 - (ii) be constructed of masonry, timber or metal panels.
 - (iii) have a maximum panel height of 1.8m, with piers having a maximum height of 2m.



- (iv) be protected by anti-graffiti coating.
- c) Proposed residences that include boundary walls directly abutting Public Open Space and/or a public road are not permitted, unless specifically approved by a resolution of Council.
- d) Any fencing along the common boundary between private property and a public road shall comply with the parameters contained in Clause 4.1 above, unless a variation is permitted by Clause 4.5.

4.4 Development Applications and Local Development Plans in Rural Areas

Any fencing along the common boundaries between private property and either (i) a public road or (ii) Public Open Space shall comply with the parameters contained in Clause 4.1 above.

4.5 Variations

a) Variations to Clauses 4.3(b) and/or 4.3(d) may be supported where:

- the proposed development incorporates a second storey which provides opportunities for passive surveillance of the adjoining public realm; or
 - recommended by an acoustic report lodged to satisfy *State Planning Policy 5.4 - Road and Rail Noise*. In such cases, Council will have regard to the visual impact and aesthetic qualities of the proposed wall; or
 - The lot is of a battle-axe configuration.
- b) Proposed variations not addressed by Clause 4.5(a) above will be assessed on their individual merits, taking into account the need for development to have an appropriate surveillance of, and interface with, the public realm, in accordance with contemporary Crime Prevention Through Environmental Design (CPTED) planning principles.
- c) Variations to this Policy are not required to be advertised for public comment, unless in the opinion of the City, the variation will adversely affect the amenity of any adjoining property.

4.6 Uniform Fencing

- a) Where a condition of subdivision requires uniform fencing to be provided in accordance with this policy, the following shall apply:
- i) Uniform fencing shall be located on private property and generally be a minimum height of 1800mm above natural ground level, which does not include retaining walls. Uniform fencing below 1800mm may be considered appropriate where it is required to be installed above a retaining wall (e.g. abutting Public Open Space).
 - ii) Uniform fencing shall be constructed of masonry, brick, limestone or other durable materials approved by the City. Modular construction may be used provided that the wall presents a rendered or similar finish and



ease of future repair and maintenance of the wall is satisfactorily demonstrated to the City.

- iii) Colorbond steel (or similar), ring-lock/cyclone, super-six/fibro cement and twin side post and panel retaining are not acceptable materials for uniform fencing.
- iv) Where visually permeable infill panels are required as part of a uniform fence, acceptable materials include wrought iron, steel, aluminium or other similar durable materials to the satisfaction of the City. Infill panels should be installed above 1.2m in height and shall be visually permeable.
- v) Uniform fencing piers shall be a maximum of 300mm above the fence line and provided at an interval of not more than 7.5m for limestone, brick or masonry and 6m for all other fences.
- vi) Solid uniform fencing shall be treated with non-sacrificial graffiti coating to the City's satisfaction.
- vii) Full elevation and site plans shall be submitted with subdivision construction drawing applications to the City's satisfaction.



GOVERNANCE REFERENCES

Statutory Compliance	<i>Planning and Development Act 2005</i> City of Gosnells Local Planning Scheme No.24
Industry Compliance	State Planning Policy 3.1 - Residential Design Codes 2010 Development Control Policy 2.2 - Residential Subdivision 2003
Organisational Compliance	Local Planning Policy 1.1 - Residential Development Local Planning Policy 4.8 – Corner Lot Density Bonus
Process Links	Nil.

LOCAL PLANNING POLICY ADMINISTRATION

Directorate		Officer Title		Contact:	
Planning & Development		Manager Development Services		9397 3000	
Risk Rating	Low	Review Cycle	Triennial	Next Due:	2029
Version	Decision To Advertise	Decision to Adopt	Synopsis		
1.	OCM 392/14/08/2012		Draft policy to be advertised for public comment for a period of not less than 21 days.		
2.		OCM 541/13/11/2012	To provide a clear direction for subdivision and development applications and formalise the City's position on an appropriate design interface for areas that abut public spaces.		
3.	OCM 291/23/08/2016		Amended policy to be advertised for public comment for a period of not less than 21 days.		
4.		OCM 15/14/02/2017	Amended to include: a new 'exempted development' section, replaced clauses 4.1.2,3 and 4 with a new clause 4.2.2, new clause 4.2.3, new 'development applications and local development plans in rural areas' section and a new 'variations' section.		
5.		OCM 39/09/03/2021	New Clause Section 4.5 specifies when variations to preferred location of outdoor living areas and suitable screening or fencing can be supported: "The lot is of battleaxe configuration."		
6.	OCM 323/11/11/2025		Amended policy to be advertised for public comment for a period of not less than 21 days.		
7.		OCM 9/10/02/2026	Amended to standardise uniform fencing, delete references to Pedestrian Access Ways and restrict outdoor living areas adjacent to public open space. Modified to clarify development approval exemptions for rural land.		