



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. 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.

2. OBJECTIVES

The objectives of this Policy are:

- (i) to ensure that all public areas have an appropriate interface to development.
- (ii) 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.

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.

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:

4.1.1 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.

4.1.2 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.

4.2 Subdivision Applications

4.2.1 Where possible, subdivision proposals should provide a public road between residential development and areas of Public Open Space.

4.2.2 Where the City supports a subdivision application that proposes residential lots directly abutting Public Open Space or a Pedestrian Access Way, it will recommend that one or both of the following conditions be imposed, as applicable:

- (i) where the subdivision will create vacant child lots, a condition requiring the landowner to advise any future prospective purchasers of the child lots of the need to comply with Clause 4.3 of this Policy.
- (ii) where the subdivision will create child lots which accommodate a pre-existing dwelling, a condition requiring the provision of fencing in accordance with Clause 4.3 of this Policy.

4.2.3 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

4.3.1 Residential development on a lot directly abutting Public Open Space or a Pedestrian Access Way shall provide for passive surveillance of the Public Open Space or a Pedestrian Access Way. This shall involve all dwellings incorporating at least two major openings to habitable rooms facing the Public Open Space or a Pedestrian Access Way.

4.3.2 Council will generally not support Outdoor Living Areas being located directly adjacent to areas of Public Open Space or Pedestrian Access Ways, unless the Outdoor Living Area is north-facing and is elevated at least 0.5m above the natural ground level of the areas of Public Open Space or the Pedestrian Access Way.

4.3.3 Any fencing along the common boundary between private property and Public Open Space or a Pedestrian Access Way 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.

4.3.4 Proposed residences that include boundary walls directly abutting Public Open Space, a Pedestrian Access Way and/or a public road are not permitted, unless specifically approved by a resolution of Council.

4.3.5 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

4.5.1 Variations to Clauses 4.3.2, 4.3.3 and/or 4.3.5 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 Transport Noise and Freight Considerations in Land Use Planning*. 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.

4.5.2 Proposed variations not addressed by Clause 4.5.1 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 Council's SafeCity Urban Design Strategy and contemporary planning principles.

4.5.3 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.



GOVERNANCE REFERENCES

Statutory Compliance	Planning and Development Act 2005 City of Gosnells Town Planning Scheme No. 6
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 1.1.2 - Subdivision and Development of Land with a Split Residential Density Code Local Planning Policy 4.8 - Residential Density Bonus - Corner Lots
Process Links	Nil.

LOCAL PLANNING POLICY ADMINISTRATION

Directorate		Officer Title		Contact:	
Planning & Sustainability		Manager Planning Implementation		9397 3000	
Risk Rating	Low	Review Cycle	Triennial	Next Due:	2024
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."	