



Shire of
Peppermint Grove

Local Planning Policy 11 – Building on Side and Rear Boundaries

Shire of Peppermint Grove

Statutory Authority

- Planning and Development Act 2005
- Planning and Development (Local Planning Schemes) Regulations 2015
- Shire of Peppermint Grove Local Planning Scheme No. 4 (2017) as amended.

State Policy

Local Planning Policy

This local policy shall apply to all matters considered pursuant to Local Planning Scheme No.4 (LPS 4) and where the Council may exercise its discretion to vary Scheme requirements, to advise and direct on matters of land subdivision and amalgamation, site and building design, and/or processes associated with the assessment and implementation of development and matters related to its implementation.

The Policy Statement intends to provide clear direction and explanation as to the justification and basis for Council preferences in design and planning. It intends to influence the design of proposals and to achieve consistency of deliberation on matters which call for judgement and consideration of site characteristics and merit of design proposals.

All Policy will apply to each case prescribed to achieve a balance between consistency and appropriate site related design.

Local Planning Policy - 11

Policy Reference	Formal Description	Service Line
LPP 11	Building on Side and Rear Boundaries	Development Services
Implementation:		Planning and Building
Adoption and Modification	2020	
Strategic Community Plan		
Review Date		

Planning Objective (LPS):

- *To ensure planning decisions uphold the following adopted objective on streetscapes adopted under the Shire's Local Planning Strategy.*
- *To maintain and encourage a high-quality environment; preserve the amenity of the Shire and protect the quality and characteristics of its streetscapes.**
- *To ensure that the regular spacing or street rhythm, which is an important streetscape element created by the side boundary setbacks under the Deemed-to-Comply provisions of the R-Codes, is maintained.*
- *To provide a set of criteria where Council may consider boundary walls in Residential zoned areas of the Shire with a density code of R10 or R12.5.*

Statutory Basis

This Local Planning Policy is made under the provisions of the Planning and Development (Local Planning Schemes) 2015 Regulations.

Clause 7.3.1 of the R-Codes allows Council to vary the R-Code provisions relating to boundary walls through a Local Planning Policy.

Policy

In the low-density residential areas of the Shire there are no applicable Deemed-to-comply provisions in the R-Codes for boundary walls.

Therefore, any application for a boundary wall can only be considered under the Design principles of the R-Codes. Clause 'P3.2 of the R-Codes 'Buildings built up to boundaries (other than the street boundary)' provides the following Design Principles for the assessment of boundary walls.

- *Makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;*
- *Does not compromise the design principle contained in clause 5.1.3 P3.2 'Lot Boundary Setback';*
- *Does not have any adverse impact on the amenity of the adjoining property;*
- *Ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and*
- *Positively contributes to the prevailing development context and streetscape.'*

Council should be satisfied when considering an application for a boundary wall that in order to meet the principles within the Shire it should:

1. For side boundaries the incursion into the setback should be located at least 3-metres behind the 9-metre building line to satisfy the ‘...*the prevailing development context and streetscape*’ outlined in the R-Codes.
2. For side boundaries the incursion into the setback should not be located forward of an adjoining dwelling so as to block views to and from that place.
3. For all side and rear boundaries the incursion into the setback should not visually impose on an adjoining property that is on the Shire's Heritage List.
4. For boundaries abutting a Right of Way (R.O.W) buildings should be set back sufficiently to allow for future road widening where this has been identified

