



Local Planning Policy 4.1.12 – Development guidelines – South Australind

1. Introduction

The Policy area is undergoing significant changes as landowners realise the additional development opportunities that resulted from the introduction of reticulated sewerage to parts of the Policy area during 2009/2010 as part of the Water Corporation's Infill Sewerage Program. This additional development has the potential to change the character of the Policy area through:

- Increasing the density of the area from low to medium as defined by the Western Australian Planning Commission's Residential Design Codes – Volume 1.
- The potential for a significant loss of remnant vegetation.
- The potential for streetscape impacts associated with the extensive use of driveways serving group housing developments.
- Streetscape impacts associated with haphazard dwelling setbacks that may occur as landowners develop as per the R15 density code (6m front setback) or R30 density code (4m front setback) without regard for established dwelling setbacks.

This Policy therefore provides the Development Guidelines for residential development within the Policy area, conditions the Shire will recommend the Western Australian Planning Commission (WAPC) impose on subdivision applications and details of contributions that will be required towards infrastructure and community facilities.

2. Policy objective

- To ensure a high standard of subdivision and streetscape design so that private development contributes to the preferred future character of the area as a distinctive and sustainable residential landscape, within a garden setting of indigenous trees, particularly in front yards.
- To provide for the retention of native vegetation in private lots and to require the replanting of native trees and shrubs.
- To provide for the creation of additional road reserves and the widening of existing road reserves where possible so that future dwellings have direct frontage access and outlook to a public street.

- To ensure equitable contributions from subdividers to the provision and/or upgrading of required infrastructure, including public open space.
- To outline a strategy for the provision of public open space.
- To prepare a subdivision concept plan depicting potential lot layouts.
- Other design elements which may improve the appearance and amenity of the locality

3. Policy scope

This Policy applies to the all development and subdivisions within the area zoned “Residential R15/30/50” under the Shire of Harvey’s District Planning Scheme No. 1 bounded by Dawe Street, Laura Avenue, the Collie River and the Leschenault Estuary – as shown in Figure 1:

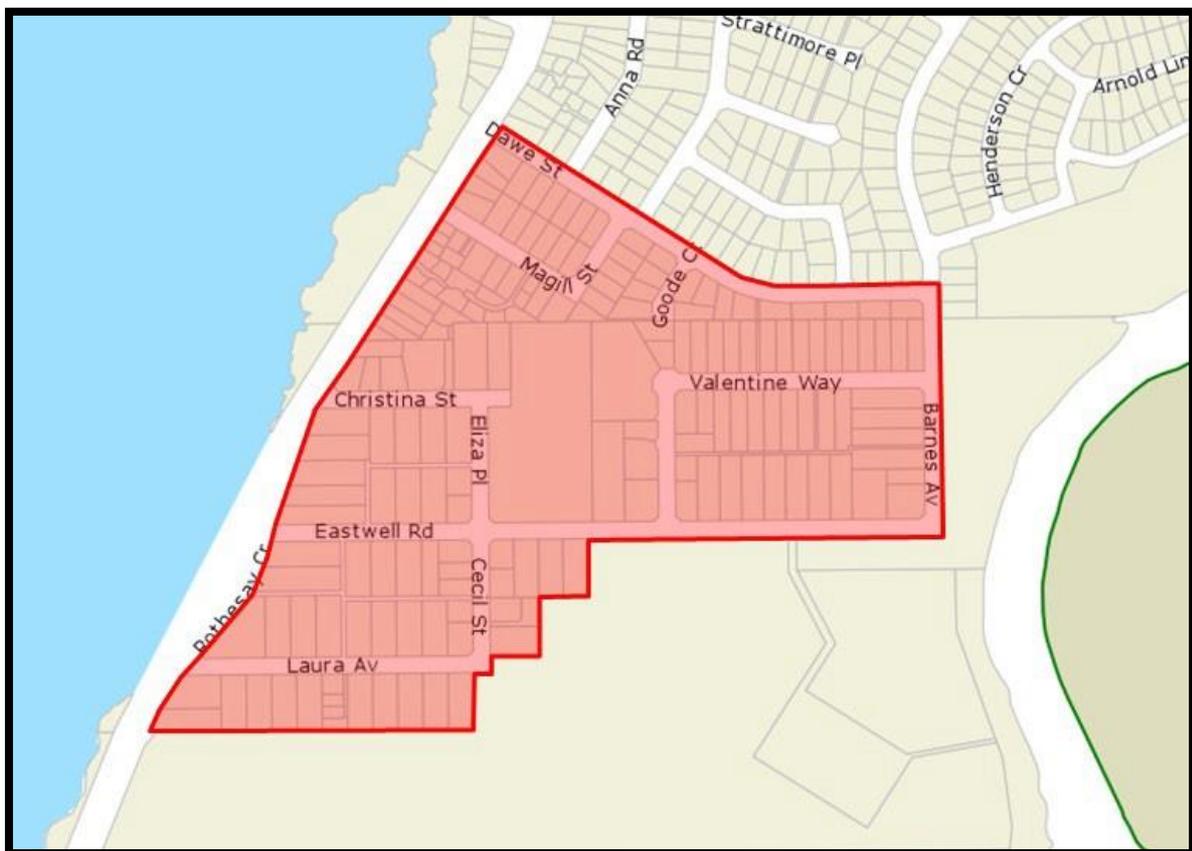


Figure 1

4. Policy

The following provides the Policy requirements pertaining to subdivision and development within the Policy area and relate to the following:

- Streetscape
- Public Open Space
- Remnant Vegetation
- Built Form
- Infrastructure Contributions.

4.1 STREETScape POLICY PROVISIONS

- Part 5, “Deemed-to-comply” Clause 5.1.2 of the Residential Design Codes 2021 is varied with the following being applicable to the Policy area:

“5.1.2 Street setback

C2.1 Primary street setbacks for buildings shall be a minimum of 6m, regardless of the residential design code density being pursued. Note that the 6m primary street setback is applied as a minimum setback and not an average.”

- Part 5, “Deemed-to-comply” Clause 5.2.1 of the Residential Design Codes 2021 is deleted and is not applicable to the Policy area:

“5.2.1 Setback of garages and carports

C1.1 Garages set back 4.5m from the primary street except that the setback may be reduced:

- i. in accordance with figure 8b where the garage adjoins a dwelling provided the garage is at least 0.5m behind the dwelling alignment (excluding any porch, verandah or balcony); or*
- ii. to 3m where the garage allows vehicles to be parked parallel to the street. The wall parallel to the street must include openings.”*

- Battleaxe access legs serving a single grouped dwelling development shall be a minimum width of 4m where serving less than 5 residential dwellings, and 8m wide where serving 5 or more residential dwellings and where a driveway is used for shared access by two neighbouring grouped dwelling developments.
- Where the owners of two adjoining landholdings intend to pursue development or subdivision concurrently, a shared access leg of minimum width 8m shall be provided unless existing dwellings on either lot prohibit the creation of an 8m wide access leg. In this case, a 6m wide access leg may be accepted. It is logical for the common boundary between the two lots to form the centreline of the access leg, so that each landowner contributes an equal amount of land for the access leg to be created as common property in the event of a strata subdivision.
- Where the owner(s) of a landholding is proposing development or subdivision independently because either the adjoining landowner(s) has no intention of pursuing subdivision and/or development, or does not want to pursue subdivision and/or development until sometime in the future, the following policy measures apply:
 - a) The minimum width of the access leg shall be 4m where the owner(s) is pursuing strata subdivision, a condition shall be imposed on the approval which provides the adjoining landowner(s) with reciprocal rights of access over the access leg. This condition implies that if the landowner receiving the benefit of the reciprocal rights of access pursues development, the landowner(s) would be required to position the battleaxe access leg so that it is parallel and adjacent to the access leg on the land burdened by the reciprocal rights of access agreement;
 - b) A condition on a strata approval requiring the granting of reciprocal rights of

access to the adjoining landowner would be worded such that the reciprocal rights of access only exist upon the development or strata subdivision of the land receiving the benefit of the reciprocal rights of access;

- c) The owner(s) of land receiving the benefit of the reciprocal rights of access shall accept responsibility for:
- i. the removal of any landscaping that may be parallel to the common property access leg on the land burdened by the reciprocal rights of access; and
 - ii. the removal of the boundary fence, reticulation and other items that may exist on land burdened by the reciprocal rights of access and replacement of these with paving. The paving shall be of a colour to match the paving of the existing driveway.
- Where a landowner(s) pursues subdivision/ development creating an access leg used for shared use by an existing adjoining grouped dwelling development, the landowner(s) shall be required to pave and drain the driveway using the same pavers as those used in the adjoining access leg.
 - Part 5, “Deemed-to-comply” Clause 5.2.4 of the Residential Design Codes 2021 is varied with the following being applicable to the Policy area:

“5.2.4 Street walls and fences

Street walls and fences within the primary street setback area shall be visually permeable 0.9m above natural ground level and not exceed 1.6m in height.”

- Carports constructed forward of the building line are to be designed and constructed of materials and finishes to match existing and proposed dwellings including having a similar roof pitch.

4.2 PUBLIC OPEN SPACE

- In considering survey strata and freehold subdivision applications, the Council may request the Western Australian Planning Commission to impose the following condition on an approval:

Condition:

“An area(s) of land at least [INSERT VALUE HERE] in area, in a position to be agreed with the WAPC, being shown on the deposited Plan as a ‘Reserve for Recreation’ vested in the Crown under section 152 of the Planning and development Act, such land to be ceded free of cost and without any payment of compensation by the Crown.”

Advice (to WAPC):

“In accordance with the Shire of Harvey’s Local Planning Policy No. 15.10, the Shire of Harvey considers a cash-in-lieu contribution appropriate to satisfy Condition [INSERT VALUE HERE].“

4.3 REMNANT VEGETATION

- As a condition of development approval, the Council may impose the following condition:

“The preparation and submission of a landscaping plan to the satisfaction of the Shire.”

Accompanying Advice to Applicant:

“In relation to Condition [INSERT VALUE HERE], the landscaping plan is to:

- Be drawn at a recognised scale (e.g. 1:100 or 1:200) with the north point shown;
- Show the location of underground and overhead services (e.g. power lines) and easements to minimise potential conflicts with proposed plantings;
- Show existing and proposed buildings, fences and other structures;
- Show the location and species of all trees to be removed and those to be retained;
- Show the extent of earthworks, identifying cut and fill proposals;
- Show proposed planting locations, areas, dimensions, species types and numbers to be used as well as the anticipated height of each plant at maturity; and
- Show all surfaces including areas proposed for lawns, garden beds, paving, driveways, gravel etc.”

Council will assess landscaping plans against the following criteria:

- Vegetation proposed for planting should be waterwise, predominantly local native plant species, with particular importance given to vegetation proposed for planting in the front setback and street verge. A list of suitable waterwise plants can be obtained on the Water Corporation’s website.
 - For corner lots, plantings in the vicinity of an intersection must be of a type that will not grow to a height and width that impedes clear visibility;
 - Where overhead power lines exist, consideration should be given to whether trees and shrubs planted in the front setback area could cause problems with overhead power lines when considering the height of the trees and shrubs at maturity.
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- Where a proposed development will result in the removal of remnant vegetation, the Council may impose a requirement for additional planting to be implemented and for the retention of existing trees.
 - In providing advice to the Western Australian Planning Commission on subdivision applications, the Council may request that the following advice be conveyed to the subdivider on a subdivision approval:

“The Shire of Harvey advises that this lot is located within an area affected by a Local Planning Policy which stipulates development requirements relating to front setbacks, retention of existing vegetation, landscaping and other matters. The subdivider should contact the Shire of Harvey for further information on 9729 0300.”

4.4 BUILT FORM

- In considering an application for survey strata subdivision, the Council may request that the Western Australian Planning Commission impose the following condition on an approval:

“A management statement being prepared and submitted for the WAPC’s consideration and written confirmation in accordance with Section 5C of the Strata Titles Act 1985 (as amended), to include the following additions to the by-laws contained in Schedules 1 and 2 of the Act:

- (i) Development or redevelopment on the proposed lots is to comply with a development approval issued by the Local Government;
- (ii) Development or redevelopment on the proposed lots is to respect and uphold the consistent building design theme for grouped dwellings specified by the strata company, covering matters including:
 - Building materials;
 - Colours;
 - Roof pitch; and
- (iii) Amendment to or repeal of the above provisions cannot be effected without the WAPC’s agreement. (Local Government)”.

- A sealant shall be applied to newly created retaining walls facing the public domain at the expense of the developer/subdivider to assist the effective cleaning of the wall by Council should the need arise in the future.

4.5 INFRASTRUCTURE CONTRIBUTIONS

- Contributions for infrastructure to be determined in accordance with Table 1.

TABLE 1: DEVELOPER CONTRIBUTIONS SCHEDULE

Servicing Requirement	Responsibility	Contribution	Recommended Subdivision/Development Conditions
Dual Use Paths	<p>The subdivider / developer is responsible for the contributing to the Shire’s approved dual use path network within the study area.</p> <p>The proposed dual use paths have been determined by predicted pedestrian and / or cycle movements in conflict with</p>	<p>A contribution of \$914 per proposed lot at the time of writing this Policy, adjusted in line with the Consumer Price Index for Perth on 30 June each year. The fee applicable will be determined at the time of payment and may therefore vary from the quoted figure.</p>	<p><i>Subdivision Condition:</i></p> <p>The subdivider contributing to the provision and / or upgrade of the dual use path network in the immediate locality to the satisfaction of the Western Australian Planning Commission. (Local Government)</p> <p><i>Development Condition:</i></p> <p>The developer contributing to the provision and / or upgrade</p>

	estimated traffic volumes, or where the path is necessary as a link for convenience and safety to areas of public recreation.		of the dual use path network in the immediate locality to the satisfaction of the Shire of Harvey. <i>Related Advice:</i> A contribution of \$914 per proposed lot is currently required however this amount is adjusted in line with the Consumer Price Index for Perth on 30 June each year. The fee applicable will be <i>determined</i> at the time of payment and may therefore vary from the quoted figure.
Common property access legs & battleaxe access legs Common property access legs and battleaxe access legs to be constructed and drained.	The subdivider / developer is responsible for 100% of the cost.	The amount is to be determined by the builder / engineer appointed by the subdivider / developer.	<i>Condition for subdivision applications (freehold) and survey strata applications with no common property:</i> The battleaxe accessway being constructed and drained at the subdivider's cost to the satisfaction of the Western Australian Planning Commission. (Local Government).
Drainage	The subdivider is responsible for contributing towards the upgrade of the local drainage network, given that the proposed subdivision / development generates additional drainage.	A contribution of \$339 per lot / dwelling is required in accordance with the contributions calculated by Opus in the Australind South Infrastructure Review.	<i>Development Condition</i> The developer contributing towards the upgrading of <i>the</i> local drainage system to the satisfaction of the Shire of Harvey. <i>Related Advice Note</i> A contribution of \$339 per proposed lot is currently required, however, this amount is adjusted in line with the Consumer Price Index for Perth on 30 June each year. Fee applicable will be determined at time of payment and may therefore vary from quoted figure.

Drain & Fill	The subdivider is responsible for 100% of the cost.	Where in the opinion of the Shire of Harvey the land needs to be filled and / or drained, the subdivider / developer is required to carry out the works to the satisfaction of the Shire of Harvey.	<i>Subdivision / Survey Strata / Development Condition</i> The land being filled and / or drained. (Local Government)
Road Upgrading	The subdivider / developer is required to contribute towards road upgrading in recognition that the subdivision and/or development of land generates a significant amount of additional traffic	A contribution of \$1,292 per lot shall be provided in accordance with the Australind South Infrastructure Review prepared by Opus	<i>Subdivision / Survey Strata Condition</i> The subdivider contributing towards the upgrading of local roads in the immediate locality to the satisfaction of the Shire of Harvey. <i>Development Condition</i> The developer contributing towards the upgrading of the local roads in the immediate locality to the satisfaction of the Shire of Harvey. <i>Related Advice Note</i> A contribution of \$1,292 per proposed lot is currently required, however this amount is adjusted in line with the Consumer Price Index for Perth on 30 June each year. Fee applicable will be determined at time of payment and may therefore vary from quoted figure.
Other	The Subdivider is responsible for 100% of the cost.	The 70A Notification being placed on the title of proposed lots advising future landowners that Tronox Pigments is a nearby land use which may periodically affect the amenity of the lot.	<i>Subdivision / Survey Strata Condition</i> Notification in the form of a section 70A notification pursuant to the Transfer of Lands Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed lot(s) advising that: “The amenity of this lot may from time to time be affected by activities associated nearby Tronox

			Pigments.”
Other	The subdivider is responsible for 100% of the cost	The subdivider placing a memorial on the title of proposed lots created through subdivision to warn future landowners of the risk of mosquito borne diseases.	<i>Subdivision / Survey Strata Condition</i> A Notification, pursuant to Section 165 of the <i>Planning and Development Act 2005</i> is to be placed on the Certificates of Title of the proposed lot(s) advising of the existence of a hazard or other factor. Notice of this notification is to be included on the Deposited Plan. The notification to state as follows: “This lot is in close proximity to known mosquito breeding areas. The predominant mosquito species is known to carry Ross River Virus and other diseases.”
Other	The developer is responsible for 100% of the cost	Consideration to be given to noise abatement techniques such as use of double glazing of windows and design of residential buildings so that bedrooms are located away from the Tronox Pigment site.	

5. Strategic objective

The policy aligns to the following strategic objective:

	Protected natural environment Adopting a range of management practices to protect, conserve and rehabilitate the biodiversity of the natural environment.
	Effective civic leadership Effective civic leadership is visionary and influential. It means listening to the community, balancing competing demands, making fair decisions and acting with integrity.

6. Definitions

- Nil.

7. Legislation

- *Planning and Development Act 2005.*
- Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 Deemed Provisions (Part 2).
- Shire of Harvey’s District Planning Scheme No. 1.
- State Planning Policy 7.3 – Residential Design Codes - Volume 1 (2021) (Part 7).

8. Related documents

- Delegated Authorities 9.1.2, 9.1.3 and 9.1.10
- WAPC Policy No. DC2.3.
- Government Sewerage Policy 2019
- Former Council Policies Number 15.25, 4.1.22.

Responsible officer	Director Sustainability		
Responsible team	Planning		
Responsible area	Planning Services		
Version control	Date	Resolution	Number
Version 1	03.10.2011	Resolution	11/302
Version 2	19.09.2017	Resolution	17/259
Version 3	22.03.2022	Resolution	22/040