

POLICY 3-2 – HEIGHT AND SCALE OF BUILDINGS WITHIN RESIDENTIAL AREAS

STATUS: **Council Policy** - *A strategic policy that sets governing principles and guides the direction of the organisation to align with community values and aspirations.*

Council policies are developed by the Policy Committee for approval by Council.

RESPONSIBLE DIRECTORATE: Planning and Community Development

OBJECTIVE: To ensure that all development within a residential area of significant height and scale is given appropriate consideration with due regard to the protection and enhancement of the amenity and streetscape character of the surrounding area.

Area

This planning policy applies to all development in the Residential Zone within the City of Joondalup with the exception of areas in which building height and scale is otherwise addressed in structure plans made in accordance with Part 9 of District Planning Scheme No 2.

Definitions

- 1 “Amenity” shall mean the quality of the environment as determined by the character of an area, its appearance and land use, which contributes to its pleasantness and harmony and to its better enjoyment.
- 2 “Building Threshold Envelope” shall mean the invisible envelope over a building site described by a height above natural ground level of 3.5m at the side and rear boundaries increasing in line with the distance to the closest boundary to a height of 8.5 metres but not extending closer than three metres to the street boundary.
- 3 “Natural Ground Level” shall mean:
 - (a) the contour or spot levels (RL) of previously undisturbed land noted on a site plan or site survey plan;
 - (b) land within areas having been recontoured with or without retaining walls as part of the approved subdivisional works shall be deemed to have natural ground level coinciding with the recontoured ground as approved;
 - (c) where land has been previously disturbed, natural ground level shall be deemed to be based on existing records or where there are no adequate records, an estimate as determined by the Chief Executive Officer.

TOWN PLANNING DELEGATION NOTICE – DECEMBER 2005

1. Appointment of delegates

For the purpose of Schedule 6 of the City of Joondalup District Planning Scheme No 2 (“the Scheme”), the persons who occupy from time to time the following positions, and who hold or are eligible to hold a municipal town planners certificate, are appointed by the Council to supervise the town planning control functions of the Council:

- (a) the Director Planning and Community Development;
- (b) the Manager Approvals, Planning and Environmental Services;
- (c) the Coordinator Planning Approvals;
- (d) the Senior Planning Officers (Planning Approvals).

2. Delegations to Director and Manager

Pursuant to clause 8.6 of the Scheme, the Council delegates to the persons who are referred to in paragraphs 1(a) and 1(b) above the following powers conferred or imposed on the Council under the Scheme:

- (a) the determination of an application for approval of development for the purpose of one or more single houses;
- (b) the determination of an application for approval of development for the purpose of not more than 10 grouped dwellings or multiple dwellings;
- (c) the determination of an application for approval of a development for the purpose of a class of use listed in Table 1 (Zoning Table) of the Scheme (other than a single house, grouped dwelling or multiple dwelling) where:
 - (i) the development complies with the standards and requirements of the Scheme; or
 - (ii) the setbacks, the landscaping or the number of parking bays of the development are less than the minimum requirement of the Scheme by not more than 10% of that requirement;
- (d) the direction under clause 6.6.2 of the Scheme that clause 6.7 (Public Notice) is to apply to an application for planning approval involving a “D” use;
- (e) a recommendation to the Western Australian Planning Commission under clause 6.3 of the Scheme;
- (f) the determination under clause 6.1.2 of the Scheme whether to require plans and other information to be submitted with an application; and

- (g) the decision whether to consult under clause 6.4.
- (h) the issue of a direction/notice under clauses 8.2, 8.3 8.8, 8.9 and 8.10 of the Scheme and Sections 10, 10AA and 10AB of the Town Planning & Development Act relating to matters of non conformity with District Planning Scheme No 2.

3. Matters not delegated to Coordinator Planning Approvals and Senior Planning Officers

Pursuant to clause 8.6 of the Scheme, the Council delegates to the persons who are referred to in paragraphs 1(c) and 1(d) above the powers specified in paragraph 2 above except:

- (a) the determination of an application for approval of a single house under clause 6.1.3 (b) of the Scheme or the determination of an application for approval of a grouped dwelling or multiple dwelling under clause 6.1.1 of the Scheme where:
 - (i) the open space of the proposed development is less than the applicable minimum requirement of Table 1 of the Residential Design Codes by more than 10% of that requirement; or
 - (ii) the plot ratio of the proposed development exceeds the maximum requirement of Table 1 of the Residential Design Codes by more than 10% of that requirement; or
 - (iii) any of the setbacks of the proposed development are less than the minimum requirements of Table 1 or Table 2 or clause 3.2.3 A3.3 or A3.5 of the Residential Design Codes by more than 1.5 metres; or
 - (iv) the site area per dwelling of the proposed development is less than the minimum requirement of Table 1 of the Residential Design Codes; or
 - (v) the requirements of clause 3.10.1 A1 (iii), (iv) or (v) of the Residential Design Codes are exceeded by more than 10% of those requirements; or
 - (vi) the requirements of clause 3.3.2 A2 (ii) or (iii) of the Residential Design Codes are exceeded by more than 10% of those requirements;
- (b) the determination of an application for planning approval under clause 6.1 of the Scheme where:
 - (i) the setbacks of the proposed development; or
 - (ii) the number of on-site car parking bays to be provided; or

- (iii) the area of the development site to be developed as landscaping,

is less than the applicable minimum requirement under the Scheme by more than 10% of that requirement;
- (c) the determination of an application for planning approval where:
 - (i) advertising and the giving of notice has occurred under clause 6.7 of the Scheme; and
 - (ii) an objection has been received;
- (d) the determination of an application for approval under clause 6.1.3(b) of the Scheme or the determination of an application for approval of a grouped dwelling or multiple dwelling under clause 6.1.1 of the Scheme where:
 - (i) consultation under clause 2.5.2 of the Residential Design Codes has occurred; and
 - (ii) an objection has been received from a person notified under that clause;
- (e) the refusal of any application for planning approval under clause 6.1 of the Scheme and the refusal of any application for approval under clause 6.1.3(b); and
- (f) a recommendation to the Western Australian Planning Commission under clause 6.3 of the Scheme.
- (g) the issue of a direction/notice under clauses 8.2, 8.3, 8.8, 8.9 and 8.10 of the Scheme and Sections 10, 10AA and 10AB of the Town Planning & Development Act relating to matters of non conformity with District Planning Scheme No 2.

4. Period of delegation

The delegations made in paragraphs 2 and 3 above are to have effect for a period of 2 years from and including the date of this decision.

5. Subdivision functions

The Council specifies the following functions:

- (a) the local government's functions under section 24 of the Town Planning and Development Act 1928; and

- (b) where any subdivision is approved by the Western Australian Planning Commission subject to a condition to be carried out to the satisfaction of the local government – the determination as to whether the local government is so satisfied,

as functions to be performed by the persons who occupy, from time to time, the following positions;

- (i) the Director Planning and Community Development;
- (ii) the Manager Approvals, Planning and Environmental Services;
- (iii) the Coordinator Urban Design and Policy;
- (iv) the Senior Planning Officers (Urban Design and Policy).

6. Reporting to Council

The CEO is to cause a report of the exercise of powers and functions referred to in paragraph 2, 3 and 5 above, to be prepared and presented to an ordinary meeting of the Council.

STATEMENT

- 1 Applications for development approval and for building licences for developments which do not exceed the building threshold envelope are deemed to comply with the objectives of this policy and shall be processed by Approval Services in the normal manner. If it is unclear from the application due to lack of detail whether the threshold is exceeded or not, the application shall be considered to exceed the building threshold envelope.
- 2 Applications for development approval and for building licences for developments which exceed the building threshold envelope except as outlined in Paragraph 5 of this statement shall be accompanied by:
 - (a) A site contour plan showing natural ground level (as defined in this policy) with 0.5 metre contours prepared by a licensed surveyor;
 - (b) Plans showing finished floor levels, wall heights and roof heights of the proposed building(s);
 - (c) Written justification by the applicant for those aspects of the development which exceed the threshold set out in this policy, including the likely impact of the height and location of the building(s) on the amenity of nearby landowners and the surrounding area generally.
- 3 In the case of applications referred to in paragraph 2 of this statement, Council will seek written comments on the proposal for a period of 14 days from the date of notification from affected landowners of land within 15 metres of the boundaries of the subject land and on the opposite side of the street.
- 4 Applications which exceed the building threshold envelope shall be deemed to be non-complying applications for which Council's development approval is required. Non-complying applications shall be processed in accordance with the relevant Town Planning delegations issued under Part 8.6 of the City's District Planning Scheme No. 2. as follows:
 - ~~(a) In cases in which notified landowners have raised no concerns or objections AND the application is supported by the Manager Approvals, Planning and Environmental Services, the application shall be processed under delegated authority;~~
 - ~~(b) In cases in which notified landowners have raised concerns or objections OR the application is not supported by the Manager Approvals, Planning and Environmental Services, the application is to be presented to Council for determination.~~
- 5 The following may encroach beyond the building threshold envelope without restriction:
 - (a) fascias, gutters, downpipes, eaves to a maximum width of 600mm, chimneys, flues, pipes, air conditioning plant, aerials, light fittings, electricity or gas metres or other services;



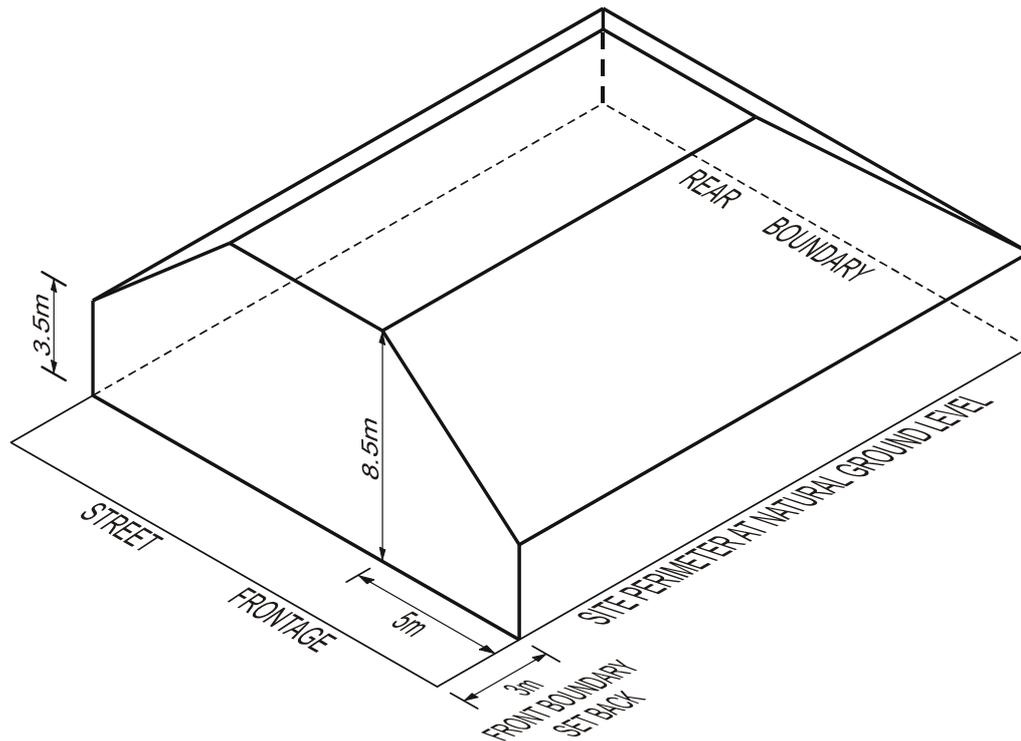
- (b) pergolas, screens or sunblinds.

Amendments: CJ213-06/99, CJ086-04/00, CJ206-10/05

Related Documentation: Delegated Authority Manual

Issued: October 2005

BUILDING THRESHOLD ENVELOPE



Distance From Boundary	Height Above Natural Ground Level
0m	3.5m
0.5m	4.0m
1.0m	4.5m
1.5m	5.0m
2.0m	5.5m
2.5m	6.0m
3.0m	6.5m
3.5m	7.0m
4.0m	7.5m
4.5m	8.0m
5.0m	8.5m

SCALE 1:250
DATE 24/11/99