

8.0 MOYANUP HEIGHTS AND LAKE MOYANUP ESTATE - (URBAN 5 - SPECIAL RESIDENTIAL ZONE)

Background

In March 2004, in response to the receipt of a petition from landowners within the Lake Moyanup Estate requesting reinstatement of the former Policy, Council resolved to prepare a new Policy for Building Design controls for the areas of the Moyanup Heights and Lake Moyanup Estates

Council resolved that the new Policy should review the requirements as contained in the previous Policy, being 'Policy No. 4 Moyanup Heights Building Standards' which was adopted in 1995. In 1997, Policy 4 was extended to include the Lake Moyanup Estate. Policy 4 was revoked with the adoption by Council of a new Town Planning Scheme Policy Manual in July 2003.

This new Policy for the purposes of consistency applies to the Special Residential zoned areas of both the Moyanup Heights and Lake Moyanup Estates as depicted in Appendices 1 and 2.

Objectives

The objectives of the Policy are to maintain the bushland setting, promote a high standard of building development which utilises materials and colours which will not detract from the visual appeal of the bushland environment and will complement the existing standard of development.

Legal Status / Considerations

The Policy is adopted as a Town Planning Scheme Policy pursuant to Clause 2.4 of Town Planning Scheme No. 7 (the Scheme).

Special Procedural Considerations

Council will assess Building Licence Applications for single dwellings against the requirements of this Policy. Where a dwelling is considered to be inconsistent with the requirements of this Policy then the Council will determine that the dwelling is not consistent with the objectives of the zone (Clause 4.9.1 of the Scheme) and require a Development Application to be lodged pursuant to Clause 6.1.2 (c) (i) of the Scheme.

Where Planning Consent applications are received where a dwelling or outbuilding is considered to be inconsistent to the requirements of this Policy (alternate materials, over sized shed, etc) such applications will be referred to the potentially affected adjoining neighbours for their comment. Any comments received will be considered by Council in its assessment of the proposal.

This Policy is not retrospective.



Policy Statement

8.0.1 Dwellings

Council will not approve any dwelling with a floor area less than 120m² being that area inclusive of external walls but excluding verandahs, carports and garages.

Primary materials used on a dwellings walls are to include, brick, masonry, stone, limestone, stabilised rammed earth or cedar or composite wall cladding. The applicant shall specify the colour that composite cladding will be painted at the time of application.

Kit homes, relocatable homes and transportable homes may be considered by Council where such meets the minimum floor area (min. 120m²), is constructed of suitable materials as listed above, and where the applicant demonstrates to Council that such house is of a condition and standard which meets the objectives and intent of this Policy.

The use of some second-hand materials or alternate materials which are not listed above as the preferred primary materials may be considered by Council where such material is not the primary material and the condition and appearance of such material is demonstrated by the applicant to meet the objectives and intent of the Policy.

Roof materials shall be constructed of Tiles, Zinalume, or Colorbond.

8.0.2 Building Envelopes

All buildings are to be constructed within the building envelope for each Lot as defined in the adopted Subdivision Guide Plan contained in Appendices 1 & 2.

The Council, pursuant to Clause 4.9.2 of the Scheme, may consider permitting an alternative building envelope configuration or setback to be defined on a Lot if Council is satisfied that the configuration of the Lot or site difficulties make the siting of any structure undesirable or unduly difficult and that the location of the proposed building envelope or setback variation will not be detrimental to the protection of the environment or amenity of the area.

8.0.3 Outbuildings

The size, height and location of outbuildings are to comply with provision 6.11.1 and Table 3 - Outbuildings, of the Scheme. In summary these requirements are:

- 100m² maximum floor area of outbuilding per lot;
- 4.2m maximum roof height above natural ground level; and
- no shed may be constructed within the front building setback.

No outbuilding exterior wall may be constructed of zinalume, vivid white or off white (Colorbond) colour.

The use of some second-hand materials may be considered by Council where such material is not the primary material and the condition and appearance of such material appears new or is demonstrated to meet the objectives and intent of the Policy.



8.0.4 Extension to Non Compliant Existing Development

Where existing development is built of materials and/or colours which do not comply with this Policy, then Council may use its discretion to approve extensions which match the materials and/or colours of the existing development.

8.0.5 Fencing

Council shall encourage landowners to leave properties unfenced in order to maintain the open woodland appearance and assist with fire protection.

If any landowner wishes to erect fencing, the following will be deemed to be permitted without any written applications to Council:

- a boundary fence located no further forward than the front of the building envelope of 1.4m post or star picket and four strands of wire will be considered by Council to meet the minimum requirements of a 'sufficient fence' for the purposes of the Dividing Fences Act.
- a boundary fence located no further forward than the 'front of the building envelope of acceptable mesh fencing no higher than 1.4m.
- internal security fencing located to the rear of the dwelling and within the building envelope and be of wire, mesh or metal fencing suitable for the purpose, but so as not to cause a visual barrier;
- swimming pool fencing which complies with pool fencing regulations (Note: fencing detail, however, is to be included in the Building Licence application for the pool);
- all types of fencing to be of new materials or if second-hand the applicant is to demonstrate that the materials will achieve a 'new' appearance and meet the objectives and intent of this Policy.

The Council may approve post and rail boundary fencing located no further than the front of the building envelope and no higher than 1.4m subject to the written agreement of adjacent landowners.

Material such as asbestos, super six, metal sheeting, wooden pickets or any other solid fencing shall not be used as either boundary or internal security fencing.

8.0.6 Clearing

Pursuant to Clause 4.9.3 of the Scheme clearing or destruction of indigenous trees or other substantial vegetation is not permitted unless with the approval of Council, and approval will only be granted in this respect to the development of a dwelling and associated outbuildings, swimming pools etc where they are contained within the defined building envelope.

Notwithstanding the above the removal of trees which are dead, diseased or pose a danger risk to life and/or property does not require Council approval.

Adoption/Amendments

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