

1. Introduction

The City of Rockingham Town Planning Scheme No.2 defines a *'Building Envelope'* as an *area of land within a lot marked on a plan approved by the responsible authority within which all buildings and effluent disposal facilities on the lot must be contained.*

Where local environmental conditions are considered to be significant, the location and extent of buildings, earthworks and vegetation clearing should be restricted through the imposition of a Building Envelope. Building Envelopes are to be positioned after considering issues associated with environmental constraints such as significant flora, fauna or communities, landforms such as steep slopes, potential for land degradation, the extent of any foreshore reservation, bushfire risk, and the impact of a future development on the visual amenity of the locality.

Building Envelopes are generally located in Special Rural and Special Residential zones, including the Warnbro Dunes. Provisions in Schedule Nos.4 and 5 of Town Planning Scheme No.2 provide the authority to require Building Envelopes and that the location and size of Building Envelopes may be varied at the discretion of the 'Council'.

In the case of the Golden Bay and Singleton Special Rural and Special Residential zones, the location of the envelopes was specifically intended to maintain the rural attributes and appearance of the land, looking westward from Mandurah Road and looking to the east from the suburbs of Singleton and Golden Bay.

In dealing with applications to vary the location and size of an approved Building Envelope, the City must be satisfied that the proposed site will accommodate development that is consistent with its objectives for the specific area. In this regard, the City will require supporting information with an application that will demonstrate the form of future development. Such information is required to enable an informed assessment of the application to determine the locational suitability.

The purpose of this Planning Policy is to set out the objectives and policy provisions which the 'City' shall have due regard to in its assessment and determination of applications to vary the location and size of Building Envelopes.

2. Policy Application

This Policy applies to:

- All zones within the City of Rockingham; and
- Applications proposing the variation (location and size) of existing approved Building Envelopes.

This Planning Policy should be read in conjunction with Planning Policy No.3.1.4 Assessment of Local Bushland.

3. Policy Objective

The objective of this Planning Policy is to promote the orderly and proper development of land by identifying in what circumstances a Building Envelope may be varied and the process by which such an application would be considered.

4. Policy Statement

4.1 Assessment Criteria

4.1.1 General

Variations to existing approved Building Envelopes will only be permitted if:

- (a) applications comply with Town Planning Scheme No.2;
- (b) applications are consistent with the objectives and requirements of this Policy. In this regard, applicant must demonstrate that there are no adverse environmental impacts and how the Council's objectives for the locality are realised;
- (c) it is demonstrated that the varied Building Envelope will not result in an adverse environmental impact;
- (d) it is demonstrated that the location of the varied Building Envelope will not result in an unacceptable level of bushfire risk, in accordance with the Western Australian Planning Commission's *Planning for Bushfire Protection Guidelines* (or equivalent replacement document);
- (e) there are no unacceptable amenity impacts to neighbours;
- (f) the variation results only in a minor increase in the size of the approved Building Envelope. An increase up to a maximum of 10% of the area of the original approved Building Envelope will be considered; and
- (g) Building Envelopes are to be of a regular shape and comprise one single area; and
- (h) in the Golden Bay and Singleton Special Rural and Special Residential zones, the location of the envelopes must maintain the rural attributes and appearance of the land, looking westward from Mandurah Road and looking to the east from the suburbs of Singleton and Golden Bay.

In reaching a decision on an application to vary the location and/or size of a Building Envelope, restrictions may be imposed on the building form in order that the City's objectives are acknowledged.

4.2 Consultation

All applications seeking approval to vary the location and size of Building Envelopes will be the subject of a process of community consultation with the owners of affected or adjoining properties in accordance with clause 6.3.3 of Town Planning Scheme No.2.

In this regard, the owners of all the adjoining properties and any other property that, in the opinion of the Manager, Statutory Planning may be affected, shall be invited to comment on all applications to vary a Building Envelope to enable the Council to determine whether the variation is likely to impact upon the adjoining/nearby properties.

5. Application Requirements

Applications to vary an approved Building Envelope shall incorporate the following:

- (a) Be made on the prescribed form and be signed by the owner(s).
- (b) A written submission describing the proposal, which explains how the requirements of this Planning Policy can be achieved;
- (c) A Plan, to a scale of 1:100 or 1:200, that shows:
 - (i) the existing approved Building Envelope;
 - (ii) the proposed Building Envelope;
 - (iii) the location of any existing building or improvements;
 - (iv) the location of any existing vegetation.
- (d) Such other plans that the City may reasonably require to enable the application to be determined (Refer to clause 6.2.2 of Town Planning Scheme No.2). To ensure that the matters in Section 4.1 can be assessed, specific details regarding the building/s to be constructed within the Building Envelope must be submitted with applications. Such details should include method of construction, existing and finished site levels, retaining walls, building materials and colours and the proposed height of the buildings.
- (e) If the site is designated as a Bushfire Prone Area or, in the City's opinion, is subject to a bushfire risk, a Fire Management Plan, prepared in accordance with the Western Australian Planning Commission's *Planning for Bushfire Protection Guidelines* (the Guidelines) (or equivalent document) must be submitted with the application. If a Fire Management Plan has been previously prepared for the site, the plan shall be revised where considered necessary by the City by the applicant to reflect the varied Building Envelope location. The City will only consider proposals that provide for an acceptable level of bushfire risk in accordance with the Guidelines.
- (f) Any specialist environmental studies that the City may require the applicant to undertake in support of the application. If the City considers the proposal is likely to generate significant environmental impacts, the applicant may be required to submit a report from a suitably qualified and experienced Environmental Consultant substantiating that there is no adverse environmental impact.
- (g) In the Warnbro Dunes Special Residential Zone, a report must be submitted, prepared by a suitably qualified and experienced Environmental Consultant demonstrating that the variation to the Building Envelope will not result in an adverse environmental impact.
- (h) The payment of an Administration Fee as detailed in the City's Scale of Fees for Planning Services Information Sheet.

6. Authority

This Planning Policy has been adopted by the Council under clause 8.9 of Town Planning Scheme No.2 and whilst it is not part of the Scheme and does not bind it in respect of any application for planning approval, due regard will be given to the provisions of the Policy and the objectives which the Policy is designed to achieve before the determination of an application for a Building Envelope variation.

7. Interpretations

For the purposes of this Planning Policy, the following term shall have the same meaning as in Town Planning Scheme No.2:

Council means the Council of the City of Rockingham.

For the purposes of this Planning Policy, the following terms shall have the following meaning:

Bush Fire Risk means there is a change of a bush fire occurring that could have harmful consequences on life and property. It is measured in terms of consequences and likelihood, and arises from the interaction of hazards, communities and the environment.

Building Protection Zone in an area that has been declared as such by the relevant local government responsible for an area. Once an area is declared bush fire prone, then AS 3959 applies to new residential development in it.

Fire Management Plan is an ongoing, dynamic document that sets out medium to long-term mitigation strategies for fire hazards and risks in particular local government areas. Fire management plans may be prepared by Bush Fire Consultants that are checked and approved by the local government using a standard framework.

Hazard Separation Zone is the fuel reduced area between an area of bush fire hazard and the buildings (and associated building protection zones) of a development.

Guidelines are the Planning for Bush Fire Protection Guidelines (Edition 2) prepared by the Western Australian Planning Commission (WAPC) and Fire Emergency Services Australia (FESA).

8. Delegation

Applications for Development Approval that comply with the objectives and provisions of this Planning Policy and the Town Planning Scheme or which fail to comply, will be determined under delegated authority, pursuant to the Delegated Authority Register.

9. Adoption

This Planning Policy was adopted by the Council at its ordinary Meeting held on 27 May 2008.

10. Revocation

This Planning Policy supersedes the Council's Statement of Planning Policy No.2.8 - Applications to Vary the Location of Building Envelopes.

11. Amendment

This Planning Policy was amended by the Council at its ordinary Meeting held on 22 November 2011, 28 July 2015 and 28 January 2020.