



POLICY NO:-
CP092 – MILLBRIDGE ESTATE – SPECIAL PROVISIONS

GOVERNANCE INFORMATION			
Procedure Link:	NA	Administrative Policy Link:	NA

ADMINISTRATION INFORMATION						
History:	1	DEV17	OCM: 21/09/16	Res: 239/16	Synopsis:	Policy created. 21/09/2016
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1. RESPONSIBLE DIRECTORATE

Engineering & Development Services

2. PURPOSE OR OBJECTIVE

This Local Planning Policy has been adopted by the Shire of Dardanup pursuant to the provisions of Schedule 2, Part 2, Div. 2 of the Planning and Development (Local Planning Scheme) Regulations 2015.

The objective of this policy is to apply site specific development and design controls to address the unique characteristics of properties in the Millbridge Estate adjacent to Millars Creek and prevent inappropriate development.

3. REFERENCE DOCUMENTS

Planning and Development Act 2005
 Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)
 Shire of Dardanup Town Planning Scheme No. 3 (TPS3)

4. DEFINITIONS

Rural-styled Fencing - means treated pine logs in a post and rail style to a maximum height of 1.2m above the adjoining natural ground level with infill being ring lock wire mesh.

Open-style Fencing - means tubular pool style fencing.

Soft Landscaping - means the planting of native species and/or mulch with a maximum depth of 100mm and being kept clear from the base of existing mature trees.

Outbuilding - under the R-Codes means an enclosed non-habitable structure that is detached from the dwelling.

5. POLICY

5.1 Clause 3.3.7 of Town Planning Scheme No. 3 (TPS3) states that special requirements applying to land coded R10 along Millars Creek within Wellington Location 49, Eaton include:

- i) Housing shall generally be orientated towards Millars Creek.
- ii) Existing trees and substantial vegetation shall not be removed unless determined to be dead, diseased or dangerous, and then only with the approval of Council, or for approved site works.
- iii) Uniform rural-styled fencing shall be constructed along Millars Creek Foreshore Reserve.

5.2 Pursuant to Part 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* Council may prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme area.

- 5.3 Pursuant to Schedule 2, Part 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, a local development plan may be prepared in respect of an area of land in the Scheme if the Western Australian Planning Commission has identified the preparation of a local development plan as a condition of subdivision.
- 5.4 In considering an application to approve a Local Development Plan on land abutting Millars Creek, Council shall be satisfied that matters contained in TPS3 and the Regulations are met and may impose appropriate conditions on any approval.
- 5.5 A Local Development Plan adopted in accordance with the Policy shall:
- i) Include a 3 metre wide development setback from the property boundary abutting the Millars Creek reserve, to be known as the designated Protection Area;
 - ii) Not alter the existing ground level for that portion of land within the designated Protection Area;
 - iii) Retain all vegetation within the designated Protection Area;
 - iv) Refrain from developing land within the designated Protection Area, except for the following:
 - Rural-styled fencing or open-style fencing including a single pedestrian gate.
 - Pedestrian access pathway (including steps or stairs) with a maximum width of 1.5m;
 - Soft landscaping.
- Dwelling setbacks are to be in accordance with the adopted Local Development Plan for the relevant lot and may be varied under the R-Codes to meet the objectives of this policy;
- v) Outbuildings and ancillary development are to be sited in accordance with the adopted Local Development Plan for the relevant lot.
 - vii) It is the landowner's obligation to ensure that the development is in accordance with any Developers Restrictive Covenant and the Millbridge Private Estate Building Design Guidelines registered against the land;
 - viii) All lots along Millars Creek are in a designated Bushfire Prone Area and all development will need to comply with AS 3959 (Construction of Buildings in Bushfire Prone Areas) relevant to the Bushfire Attack Level (BAL) assessment as determined by an accredited consultant. Local Development Plans are to site building locations giving due regard to the relevant BAL assessment to achieve suitable separation.
 - viii) In considering a Development Application proposing to vary any of the provisions of an approved Local Development Plan, the Shire will undertake consultation with adjoining landowners and any external agencies as and where appropriate to ensure development is consistent with the objectives of the policy and any other legislative requirements.
- 5.6 Historically, a number of Local Development Plans have been prepared and approved in this locality and remain relevant. All future Local Development Plans shall give due regard to the provisions of this policy which will form the basis for assessment.
- 5.7 This policy applies to all land zoned "Residential" and/or "Development" with a R10 or R20 density coding along Millars Creek in the area known as Millbridge Estate.
- 5.8 Council will request that the Western Australian Planning Commission include as a condition of subdivision approval that all land to be used for residential purposes abutting Millars Creek shall require the preparation of a Local Development Plan, prior to development.
- 5.9 Local Development Plans will be assessed against the criteria contained in this policy and shall be processed in accordance with the measures outlined in the Regulations.