



POLICY NO:-

**SDev CP092 – LOCAL PLANNING POLICY - MILLBRIDGE ESTATE – SPECIAL PROVISIONS****GOVERNANCE INFORMATION**

<b>Procedure Link:</b>	NA	<b>Administrative Policy Link:</b>	NA
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**ADMINISTRATION INFORMATION**

History:		OCM:		Res:		Synopsis:	
1	DEV17	21/09/16	239/16				Policy created. 21/09/2016
2	CP092	26/07/18	251-18				Reviewed and Adopted by Council – Advertised
3	SDev CP092	30/09/20	269-20				Reviewed and Adopted by Council
3	SDev CP005	28/09/22	243-22				Reviewed and adopted by Council.

**1. RESPONSIBLE DIRECTORATE**

Sustainable Development

**2. PURPOSE OR OBJECTIVE**

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 to prevent inappropriate development.

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.

**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 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.

5.2 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.

5.3 All proposed Local Development Plans shall give due regard to the provisions of this policy which will form the basis for assessment.

5.4 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.

5.5 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.

## **6. APPLICATION**

This policy applies to all land zoned "Residential" and/or "Development" with a R10 density coding along Millars Creek in the area known as Millbridge Estate.