

# Subdivision and Dwelling Development Adjoining Areas of Public Space Local Planning Policy

## Responsible directorate: Planning and Community Development

**Objective:** To provide guidelines for the design of subdivisions and dwelling developments adjoining areas of public space to maximise the outlook onto and casual surveillance of these areas from adjoining properties and streets.

### 1. Authority:

This Policy has been prepared in accordance with Clause 8.11 of the City of Joondalup District Planning Scheme No. 2 which allows Council to prepare planning policies relating to planning and development within the Scheme area.

### 2. Application:

This Policy applies to all subdivisions and other dwelling developments adjoining areas of public space.

This Policy is to be implemented in conjunction with the provisions of the City of Joondalup's Private Property Local Law 1998.

### 3. Definitions:

**“active habitable space”** means any habitable room with a floor area greater than 10 square metres and any balcony, verandah terrace or other outdoor living area raised more than 0.5 metres above natural ground level and greater than 1 metre in dimension and 3 square metres in area, as defined within the Residential Design Codes of Western Australia.

**“amenity”** means all those factors which combine to form the character of the area to residents and passers-by and shall include the present and likely future amenity, as defined within the City of Joondalup District Planning Scheme No. 2.

**“habitable room”** means a room used for normal domestic activities that includes:

- a bedroom, living room, lounge room, music room, sitting room, television room, kitchen, dining room, sewing room, study, playroom, sunroom, gymnasium, fully-enclosed swimming pool or patio;

but excludes:

- a bathroom, laundry, water closet, food storage pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes-drying room, verandah and unenclosed swimming pool or patio and other spaces of a specialised nature, occupied neither frequently nor for extended periods;

as defined within the Residential Design Codes of Western Australia.

**“height”** means the vertical distance from the natural ground level to the upper most part of the structure.

**“major opening”** means a window, door or other opening in the exterior wall of a habitable room that provides external means of light or view for the room or space, but does not include an opening or openings that:

- in aggregate, do not exceed 1 square metre in any such wall, (provided that adjoining or contiguous windows at the junction of two walls forming an internal angle of 90 degrees or less shall be aggregated); or
- are glazed in an obscure material and are not able to be opened; or have a sill height not less than 1.6 metres above floor level;

as defined within the Residential Design Codes of Western Australia.

**“natural ground level”** means the levels on a site which precede the proposed development, excluding any site works, unless approved by the Council or established as part of subdivision of the land preceding development, as defined within the Residential Design Codes of Western Australia.

**“outdoor living areas”** means the area external to a single house, grouped or multiple dwelling, to be used in conjunction with that dwelling, such that it is capable of active or passive use, but excludes any area with a dimension of less than 1 metre minimum dimension or which, by reason of its development or topography, is not readily accessible from the dwelling, as defined within the Residential Design Codes of Western Australia.

**“pedestrian accessway”** means any path in the public domain that is available for use by pedestrians, and vehicles that are not regulated by the *Road Traffic Act 1974* (e.g.: bicycles, skateboards, rollerblades). Does not include pedestrian paths provided within road reserves, or on land zoned Parks and Recreation under the City of Joondalup District Planning Scheme No. 2.

**“primary street”** means, unless otherwise designated by the local government, the sole or principal public road that provides access to the major entry (front door) to the dwelling, as defined within the Residential Design Codes of Western Australia.

**“public space”** means any place to which the public has access. This includes public open space, underpasses and any other such areas determined by Council. Public space also includes areas in private ownership that are accessible to the general public on a regular basis.

**“uniform fencing”** means a fence of uniform style erected upon the external boundary of a subdivision of land and/or on boundaries abutting public space.

**“visually permeable”** means, in reference to a wall, gate, door or fence, that the vertical surface has:

- continuous vertical or horizontal gaps of at least 50 millimetres width occupying not less than one third of its face in aggregate of the entire surface or, where narrower than 50 millimetres, occupying at least one half of the face in aggregate, as viewed directly from the street; or
- a surface offering equal or lesser obstruction to view;

as defined within the Residential Design Codes of Western Australia.

#### 4. Statement:

The City of Joondalup has developed design criteria for subdivisions and other developments adjoining areas of public space which aim to maximise the outlook onto and casual surveillance of areas of public space from adjoining properties and streets whilst maintaining an appropriate level of privacy for those living on adjoining properties.

#### 5. Details:

##### 5.1. Subdivisions adjoining areas of public space:

###### 5.1.1. Subdivision layout:

The following design criteria will apply to all subdivisions adjoining areas of public space:

- a. Subdivisions should be designed so that areas of public space are bound by streets. Lots should be orientated to front the street and overlook the public space to maximise casual surveillance as demonstrated in Figure 1.

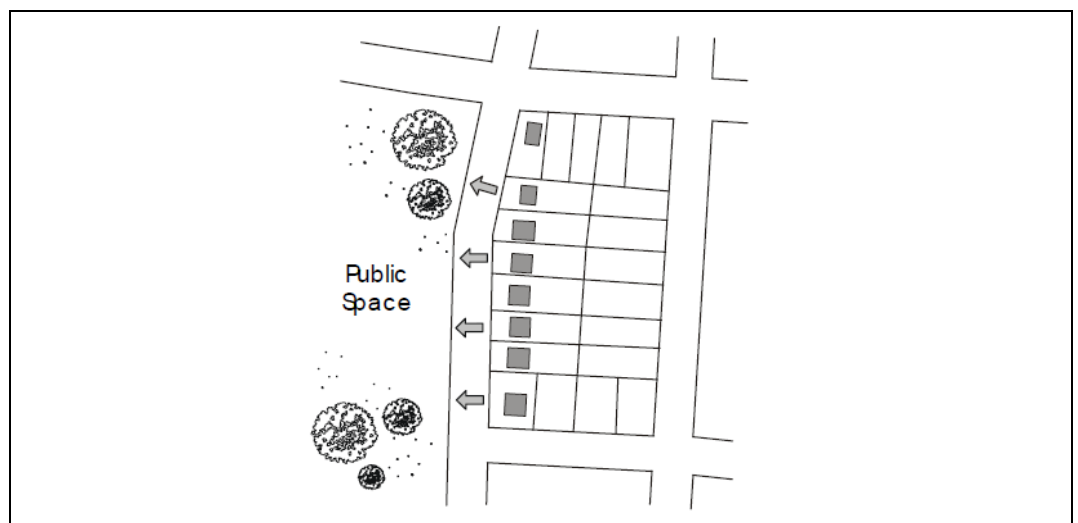


Figure 1. Lots fronting public space across a street

- b. Whilst not generally supported, in some instances it may be deemed acceptable by the City for lots to abut public space where it can be demonstrated that fencing and buildings along the common boundary are designed to promote visual surveillance.
- c. For those lots abutting public space, retaining to a maximum height of 500 millimetres from natural ground level is encouraged. This provides a distinction between public and private property and assists in providing privacy for adjoining lots whilst maintaining visual surveillance as demonstrated in Figure 2.

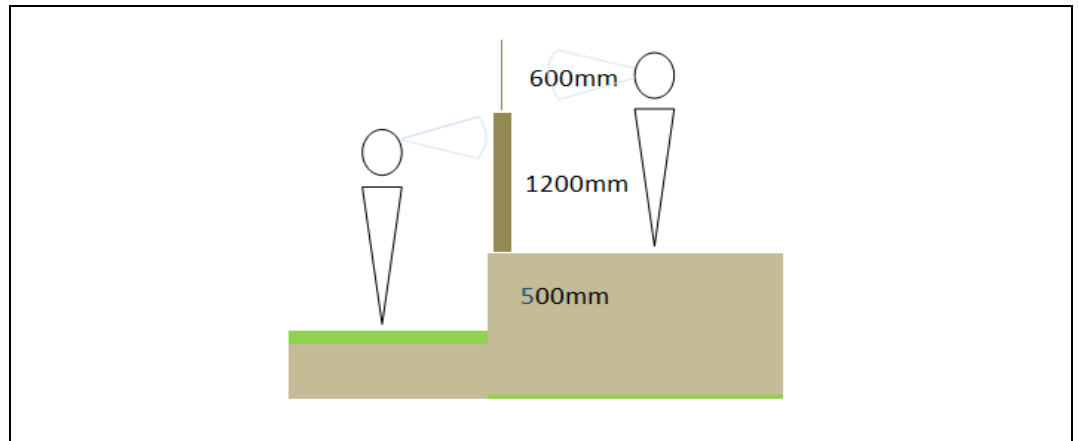


Figure 2: Retaining adjoining public space

### 5.1.2. Establishment of pedestrian accessways:

The establishment of new pedestrian accessways between property boundaries is generally not supported due to the resultant anti-social behaviour and loss of privacy. However, the City acknowledges that there may be instances where the establishment of pedestrian accessways is warranted or is the only remaining design solution that will provide a convenient and legible pedestrian network. In these instances, the following requirements will apply:

- a. The applicant must provide written justification for the inclusion of the pedestrian accessway and illustrate how the design will minimise opportunities for anti-social behaviour. Regard shall be given to the Western Australian Planning Commission's Designing out Crime and the Reducing Crime and Anti-Social Behaviour in Pedestrian Accessway Planning Guidelines.
- b. The length of a pedestrian accessway must not exceed 70 metres.
- c. The pedestrian accessway must have a minimum width of 8 metres.
- d. Where the pedestrian accessway is located at a cul-de-sac head that almost abuts a major road, parkland, neighbouring development, or area with future development potential, the pedestrian accessway must be equal to the road reserve width of an accessway under the Western Australian Planning Commission's State Planning Policy 2.6 Residential Road Planning (11.5 metres to 15 metres).
- e. Consideration must be given to the gradient of the pedestrian accessway, particularly its impact on use, safety and security.

- f. To increase security for those lots abutting the pedestrian accessway and the safety of pedestrians using the pedestrian accessway, uninterrupted sight lines must be provided for the entire length of the pedestrian accessway.
- g. The pedestrian accessway must be designed and constructed, at the applicant's expense, in a manner which makes the pedestrian accessway safe, attractive and convenient and shall include the following:
  - i. Landscaping and lighting must have regard to the Reducing Crime and Anti-Social Behaviour in Pedestrian Accessway Planning Guidelines. Lighting and landscaping plans will be required to be submitted to the City for approval.
  - ii. The pedestrian accessway must be designed to generally prevent use by vehicular traffic (emergency access should be considered), and designed to limit the speed of cyclists and other users to ensure a safe but convenient link. Barriers which force users to dismount their bicycles are discouraged.
  - iii. The pedestrian accessway should be integrated with the local pedestrian and cycle movement network (including on street and footpaths) and, wherever possible, orientated to reinforce the visual link between local landmarks and local attractions.

#### **5.1.3. Fencing along major road reserves:**

Fencing along major road reserves should be minimised to contribute to an open streetscape and provide passive surveillance. The following will apply to subdivisions and structure plans:

- a. The need for uniform fencing should be eliminated by incorporating alternative design measures, such as cul-de-sac head extensions to major roads, controlled access places and Boulevard treatments where direct lot access to internal subdivisional roads is not permitted under Western Australian Planning Commission policy.
- b. A barrier is required along the common boundaries where cul-de-sac heads and service roads are located immediately adjacent to major roads. Such barriers must consist of bollards, posts and rails or other low, open designs as approved by the City.
- c. Any solid wall infill is prohibited, where open sections of cul-de-sac heads abut major roads to minimise the creation of "walled estates".

Where the Western Australian Planning Commission has imposed conditions for uniform fencing and landscaping on a subdivision approval, the developer must submit a Landscaping Plan, together with Uniform Fencing Plans. The Landscaping Plan will include details of any financial contribution to the City, or a written undertaking of the developer's preparedness to meet future costs for ongoing maintenance of the landscaping for a negotiated period (desired minimum of two years).

Subdivision conditions requiring the construction of uniform fencing shall be constructed prior to seeking subdivision clearance from the City.

## 5.2. Dwellings adjoining areas of public space:

Except where provided for in an agreed Structure Plan, the following design criteria shall apply to all dwelling developments which adjoin areas of public space.

### 5.2.1 Dwelling layout:

- a. Dwellings should be designed so that areas of public space are overlooked by major openings. Large expanses of blank walls should be avoided.
- b. For lots abutting public open space, outdoor living areas should be located to ensure that views of the public open space are maximised.
- c. Dwellings adjoining pedestrian accessways which are greater than one storey should provide a minimum of one major opening or unenclosed active habitable space on an upper storey to provide surveillance to the pedestrian accessway.

Regard shall be given to the privacy setback requirements of the Residential Design Codes of Western Australia.

### 5.2.2. Fencing:

In order to promote casual surveillance, whilst also providing a degree of privacy for private properties, the following should apply:

- a. Fencing between public space and private property should:
  - be a maximum height of 1.8 metres;
  - be visually permeable above 1.2 metres, as measured from natural ground level for a minimum of 50 per cent of the boundary length; and
  - allow surveillance from an outdoor living area and/or major opening as demonstrated in Figure 3.

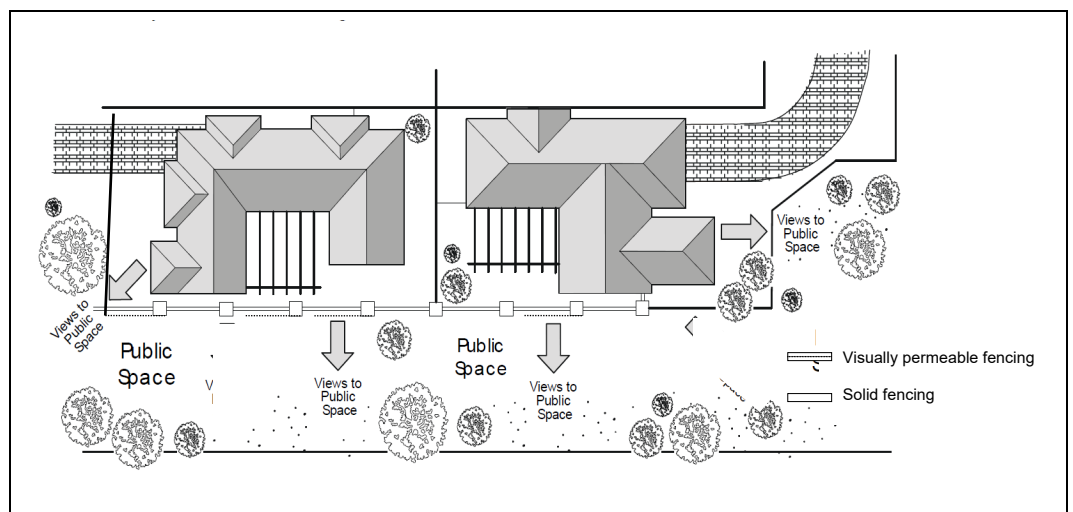


Figure 3. Surveillance of public space

- b. Fencing along common boundaries with pedestrian accessways should be:
- a maximum height of 1.8 metres; and
  - visually permeable above 1.2 metres, as measured from natural ground level, the greater of the street setback area (as stipulated in the *Residential Design Codes of Western Australia*) in accordance with Figure 4, or the setback of the front of the dwelling closest to the common boundary in accordance with Figure 5.

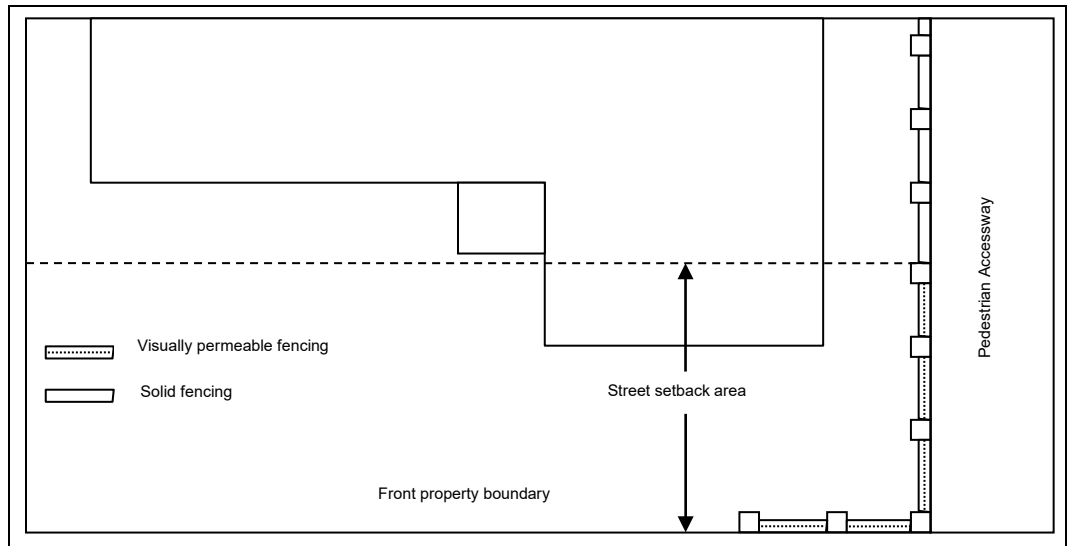


Figure 4. Fencing adjacent pedestrian accessway

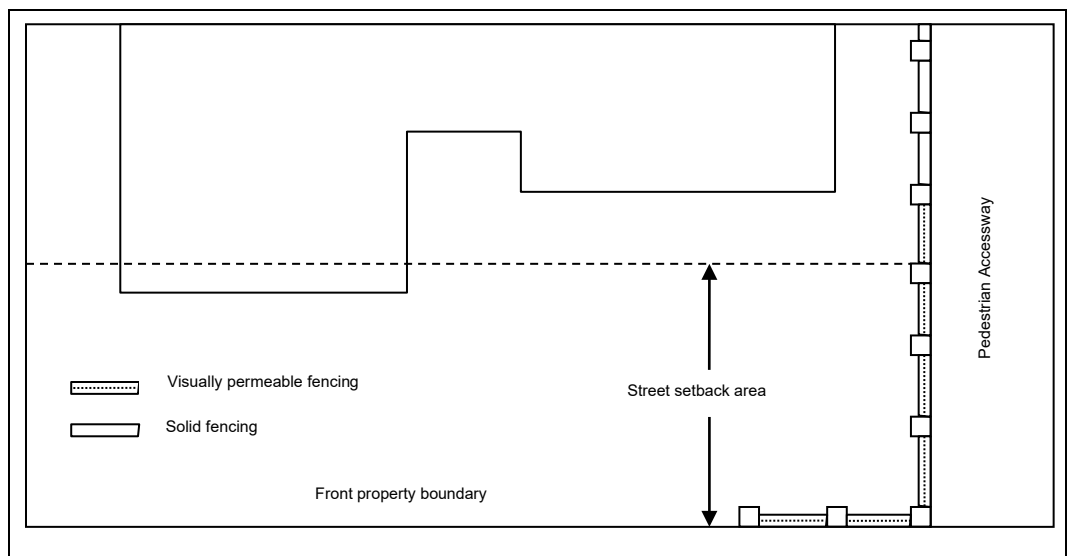


Figure 5. Fencing adjacent pedestrian accessway

- c. Uniform fencing along road reserves, with the exception of a primary street, should be:
- impermeable (solid);
  - constructed to a maximum height of 1.8 metres above natural ground level;
  - constructed of materials or finished treatments to give a long-lasting, aesthetically pleasing appearance;
  - of low-maintenance; and
  - complemented, where appropriate, with landscaping native to the locality.

Additionally, the following applies with regard to construction:

- Uniform fencing construction materials may include brick, masonry, or other materials as approved by the City.
- Brick or masonry piers shall project a maximum of 300 millimetres above the fence line and be provided at intervals of not more than 7.5 metres for brick or masonry and 6 metres for all other fences.
- Where extensive lengths of uniform fencing are proposed, these shall be articulated in the form of planting recesses, a combination of materials, colours, textures and/or other similar detailing to reduce the vertical mass and provide visual interest.

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**Creation date:** October 2009

**Formerly:**

**Amendments:** CJ256-11/12

**Last reviewed:** November 2012 (CJ256-11/12)

**Related documentation:**

- City of Joondalup District Planning Scheme No. 2
- Private Property Local Law 1998
- Reducing Crime and Anti-Social Behaviour in Pedestrian Accessway Planning Guidelines
- Residential Design Codes of Western Australia
- Road Traffic Act 1974

**File reference:** 44588