

# Minor Residential Development Local Planning Policy

## Responsible Directorate: Planning and Community Development

**Objectives:** To provide conditions and objectives to guide and control minor residential development within the City of Joondalup.

To ensure that minor residential development does not have a negative impact on surrounding residential amenity, particularly visual impact on adjoining owners and the streetscape.

### 1. Authority:

This Policy has been prepared in accordance with Schedule 2, Part 2 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* which allows the local government to prepare local planning policies relating to planning and development within the Scheme area.

### 2. Application:

This policy applies to all minor residential development, as detailed in Table 1, in the City of Joondalup.

### 3. Definitions:

**“amenity”** means all those factors which combine to form the character of an area and include the present and likely future amenity as defined in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

**“cubby house”** means an enclosed structure, such as a small-scale replica of a dwelling, and includes tree houses, which is usually of simple construction and used primarily by children for the purposes of play, but excludes unenclosed platforms. A cubby house may also be commonly referred to by other names, such as an outdoor fort or children’s den.

**“natural ground level”** means the levels on a site which precede the proposed development, excluding any site works unless approved or established as part of subdivision of the land preceding development.

**“residential development”** means the following types of development:

- Single house
- Grouped dwelling
- Multiple dwellings
- Aged and dependent persons dwellings
- Single bedroom dwellings
- Ancillary dwelling
- Residential building
- Caretaker’s dwelling.

**4. Statement:**

The *Planning and Development (Local Planning Schemes) Regulations 2015* provide exemptions from the need to obtain development approval for some categories of minor residential development. This local planning policy also provides exemptions from the need to obtain development approval for some further categories of minor residential development. Where an application for development approval is required, this local planning policy provides a framework to guide the approval process to ensure that the quality of the streetscape and the amenity of adjoining residents is considered.

**5. Details:**

The Minor Residential Development table of this policy (Table 1) applies to the minor development as stated. The ‘Conditions’ column sets out the development conditions that apply for minor development to be exempt from the need for development approval. Where the conditions are not met or are not applicable, an application for development approval is required and the proposed development will be assessed against the corresponding ‘Development Objectives’ set out in the table.

**6. Community consultation:**

Refer to the City’s *Planning Consultation Local Planning Policy*.

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<b>Creation Date:</b>	May 2022
<b>Amendments:</b>	CJXX-05/22
<b>Related Documentation:</b>	<ul style="list-style-type: none"><li>• <i>Planning and Development (Local Planning Schemes) Regulations 2015</i></li><li>• <i>Local Planning Scheme No 3</i></li><li>• <i>Planning Consultation Local Planning Policy</i></li></ul>

**Table 1. Minor Residential Development**

Development	Exemption Conditions	Development Objectives
<p><b>Cubby House</b></p>	<p><i>As per Schedule 2, Part 7 cl. 61 (1) 13. of the LPS Regulations:</i></p> <ul style="list-style-type: none"> <li>a. The cubbyhouse is not erected or installed in the street setback area of a building.</li> <li>b. The floor of the cubbyhouse is no more than 1 m above the natural ground level.</li> <li>c. The wall height of the cubbyhouse is no more than 2.4 m above the natural ground level.</li> <li>d. The building height of the cubbyhouse is no more than 3 m above the natural ground level.</li> <li>e. The area of the floor of the cubbyhouse is no more than 10 m<sup>2</sup>.</li> <li>f. The cubbyhouse is not erected or installed within 1 m of more than 1 boundary of the lot.</li> </ul>	<ul style="list-style-type: none"> <li>a. The degree to which the cubby house impacts the amenity of adjoining properties and/or the streetscape.</li> <li>b. The need to protect the privacy of adjoining properties by preventing views into adjoining active habitable spaces and outdoor living areas.</li> <li>c. A cubby house to more than one boundary is considered acceptable where the other conditions are met.</li> </ul>
<p><b>Flag Poles</b></p>	<p><i>As per Schedule 2, Part 7 cl. 61 (1) 14. of the LPS Regulations:</i></p> <ul style="list-style-type: none"> <li>a. The height of the flagpole is no more than 6 m above the natural ground level.</li> <li>b. The flagpole is no more than 200 mm in diameter.</li> <li>c. The flagpole is not used for advertising.</li> <li>d. There is no more than 1 flagpole on the lot.</li> </ul>	<ul style="list-style-type: none"> <li>a. As per the design principles of clause 5.4.4 of the <i>State Planning Policy 7.3 Residential Design Codes Volume 1</i>:  <i>"...external fixtures integrated into the design of the building to not be visually obtrusive when viewed from the street and to protect the visual amenity of surrounding properties."</i></li> </ul>
<p><b>Satellite Dish</b></p>	<ul style="list-style-type: none"> <li>a. The satellite dish is located on the roof and has a diameter of not greater than 0.9 m.</li> <li>b. If located at ground level, the combined satellite dish and support is 2.4 m or less in any dimension (the dish is to be located so as not to be visible from any street or adjoining property).</li> <li>c. There is a maximum of one satellite dish per property.</li> </ul>	<ul style="list-style-type: none"> <li>a. The satellite dish is to be located to minimise the visual impact on adjoining properties.</li> <li>b. The satellite dish is to be located or screened so as not to be visible from the street.</li> <li>c. A satellite dish with a diameter greater than 0.9 m should be located at ground level only. Any dish located at ground level is to be a maximum height (combined dish and support) of 4 m above natural ground level.</li> </ul>

Development	Exemption Conditions	Development Objectives
<b>Antenna/Aerial/Mast (including an internet dish of no more than 400 mm in diameter)</b>	<ul style="list-style-type: none"> <li>a. The antenna/aerial/mast is not greater than 2 m in height if mounted on the roof.</li> <li>b. The antenna/aerial/mast does not project more than 2 m above the roof ridge if located at ground level.</li> <li>c. The antenna/aerial/mast is not located between the street and the house.</li> <li>d. A domestic television antenna is not greater than 4 m in any dimension.</li> <li>e. A maximum of one form of antenna/aerial/mast is permitted per property, exclusive of a domestic antenna.</li> </ul>	<ul style="list-style-type: none"> <li>a. The antenna/aerial/mast to be located to minimise the visual impact on adjoining properties and the streetscape.</li> </ul>
<b>Sea Containers (temporary)</b>	<ul style="list-style-type: none"> <li>a. The sea container is only used in conjunction with building construction or subdivision work that is occurring or approved to occur on the subject site, and only up to a maximum of 12 months; or</li> <li>b. The sea container is only used for the loading or unloading of goods that is occurring on the subject site and only up to a maximum of 7 days; and</li> <li>c. The sea container is positioned so as not to obscure vehicle sightlines; and</li> <li>d. A formal request is received and a letter issued from the City approving the temporary use of the sea container, and its period of use, in accordance with the provisions of cl. 61(2)(f) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>; and</li> <li>e. The sea container shall not be used for commercial or industrial purposes.</li> </ul> <p>Note. Does not apply if the sea container is in place for less than 48 hours (in accordance with clause 61(2)(f) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>).</p>	<ul style="list-style-type: none"> <li>a. Temporary sea containers are only allowed in accordance with the exemption conditions.</li> </ul>

Development	Exemption Conditions	Development Objectives
<b>Sea Containers (permanent)</b>	Not applicable.	<ul style="list-style-type: none"> <li>a. The sea container is only to be used in conjunction with an approved use on the lot.</li> <li>b. The sea container is not visible from the street.</li> <li>c. The sea container is clad with materials and is a colour that matches or is complementary to, the materials and colour of the existing buildings on the property.</li> <li>d. The sea container shall not be used for commercial or industrial purposes.</li> </ul>