



# **TOWN PLANNING SCHEME POLICY NO. 50: BUILDING ENVELOPES**

**Adopted on the XX<sup>th</sup> Month 20XX in accordance with Schedule 2,  
Part 2 of the *Planning & Development (Local Planning Schemes)  
Regulations 2015***

## 1. INTRODUCTION

This Local Planning Policy has been prepared under the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) and the *Shire of Denmark Local Planning Scheme No. 3* (the Scheme).

The purpose of this Policy is to detail how the Shire will consider proposals for modifications to building envelopes on lots where they apply.

## 2. OBJECTIVES

This Policy aims to:

- Provide detail on the purpose and intent of designating building envelopes.
- Provide guidance for the assessment of proposed modifications to building envelopes.
- Promote the designation of building envelopes that are sensitive to environmental, visual landscape, bushfire risk and other relevant planning considerations.

## 3. DEFINITIONS

In accordance with Town Planning Scheme No. 3 a Building Envelope “means an area of land within a lot marked on a plan approved by the Council within which all buildings, effluent disposal facilities and any other development such as rain water tanks, retaining walls, stone walls or any other form of revetment to retain building structures on the lot must be contained.”

References within the Scheme to ‘development envelopes’ and ‘development areas’ are considered to have a definition consistent with ‘building envelope’.

The Scheme provides for the designation of Building/ Development Envelopes for all lots within the Special Rural Zone, where deemed necessary within the Special Residential, Landscape Protection and Tourist zones and selected Additional Use sites.

## 4. DEVELOPMENT APPROVAL REQUIREMENTS

The Shire may request designation of building envelopes on subdivision guide plans or structure plans when the development or subdivision is proposed on an area of land that contains significant remnant vegetation, visual landscape values or other physical or cultural features.

When proposing development, a landowner may make application to the Shire to modify a building envelope designated on a subdivision guide plan or structure plan.

## 5. POLICY PROVISIONS

### 5.1 Assessment Criteria

The Shire will assess proposals for building envelopes and modified building envelopes in accordance with the following criteria:

- (a) Preservation of remnant vegetation, including consideration of the need for vegetation management associated with minimising bushfire risk.
- (b) Protection of water courses and other physical and cultural features of the landscape.

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#### Document Control

Draft Policy Council Adoption:

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- (c) Minimising impacts on visual landscape values, with regard to the visibility of the site when viewed from adjoining land and public vantage points.
- (d) Minimising bushfire risk to development, including accessibility for fire fighting services.

## 5.2 Provisions

- 5.2.1** Only one (1) building envelope is permitted per lot.
- 5.2.2** Except where the Scheme otherwise designates, building envelopes are to be a maximum of 2000m<sup>2</sup> in size.
- 5.2.3** Building envelopes are to be consistent with other relevant development standards for the zone, including minimum boundary setbacks.
- 5.2.4** Building envelopes are to be of a consolidated and regular shape that minimises the extent of development.
- 5.2.5** Development will not be supported outside of a building envelope, including clearing, site works and retaining, except where necessary for the establishment of:
- Lot boundary fencing.
  - A single property accessway.
  - A disposal area associated with an on-site wastewater treatment system, where no clearing of remnant vegetation is required.
  - Fire protection according to the standard prescribed in the Shire’s annual Firebreak and Fuel Management Notice, or a Bushfire Attack Level (BAL) assessment or Bushfire Management Plan prepared in accordance with the *Guidelines for Planning in Bushfire Prone Areas*.
- 5.2.6** Where necessary, the Shire may require further detailed assessment of potential impacts on visual landscape values and require development in specified materials to reduce impacts.
- 5.2.7** Proposals for modified building envelopes will be referred to adjoining landowners for comment when, in the opinion of the Shire, the proposal may have a significant impact on the amenity, bushfire risk or other planning consideration relevant to adjoining properties.

Related Policies	<i>Local Planning Scheme Policy No. 1: Dieback Disease Management</i> <i>Local Planning Scheme Policy No. 5: Minimum Setbacks</i> <i>Local Planning Scheme Policy No. 13.4: Outbuildings</i> <i>Local Planning Scheme Policy No. 40: Rainwater Tanks</i> <i>Local Planning Scheme Policy No. 49: Ancillary Dwellings</i>
Related Procedures and Documents	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> <i>Town Planning Scheme No. 3</i> <i>Information Sheet – Building Envelopes</i>
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## SCHEDULE OF SUBMISSIONS

### Draft Revised Local Planning Policy 50: Building Envelopes

#### Submissions Received from Public

Ref No.	Submitter Details	Verbatim Submission	Planning Services Comment
1	Not stated, Tame Close Shadforth	<p><i>Survey form submitted via Your Denmark</i></p> <p><i>Do you support the proposed changes to the Local Planning Policy for Building Envelopes?</i></p> <p>No</p> <p><i>What are your questions, comments or concerns?</i></p> <p>Not being allowed to put up a tennis court, a gazebo or build retaining walls to minimise the sloping land on our private property because the building envelope has to be small and square really is absurd. How these 'developments' can interfere with the enjoyment of our forest and rivers by the public is a wonder. As for 'preserving remnant vegetation' on property that used to be dairy grazing paddocks, how does that preserve our native forests? How about the shire preserving our reserves like Mt Hallowell? And protecting our bird sanctuary from irresponsible dog owners? More of a priority for me.</p>	<p>It is noted that building envelopes do not apply to any property located in Tame Close.</p> <p>The policy includes provision for building envelopes to be 'regular' in shape. This does not intend to infer that a building envelope must be square. This does seek to avoid building envelope designs that do not consolidate development (eg. multiple development areas joined by narrow 'strings').</p> <p>In some cases building envelopes have been applied on Special Rural lots that are largely cleared. In these circumstances building envelopes serve to preserve remaining vegetation, views (public and private) and avoid over-development of lots, which can result in a loss of rural amenity. If required, landowners can apply to modify their building envelope and this will be assessed on a case by case basis with the guidance provided by the proposed policy.</p> <p>Other matters raised are not within the remit of this policy.</p>