

What is a Building Envelope?

A building envelope is an area of land within a lot outside of which building development is not permitted.

A building envelope is often applied to Rural Residential and Rural Smallholding lots (and in some cases to lots in other zones) for a number of reasons, including the protection of native vegetation, minimising the impact of development on waterways, retaining the natural contours of the site, managing bushfires and protecting the rural amenity of the land.

How do I find the building envelope for my property?

Building envelopes are normally shown on the Certificate of Title as a Notification on the Title as a restriction on the land, and/or approved Structure Plan (previously known as an Outline Development Plan or Subdivision Guide Plan).

Some of the older Rural Residential subdivisions in the Shire do not have designated building envelopes. In these instances the zone setbacks apply, which are:

- Rural Residential – buildings must be setback 15m from the front boundary of the property and 10m from any rear and side boundary. Setbacks from watercourses shall be based on the proposed use and the significance of the watercourse, however in general a 50m setback shall apply to a perennial watercourse.
- Rural Smallholdings – buildings must be setback 25m from the front boundary of the property and 20m from any rear and side boundary.
- Watercourses – setbacks from watercourses shall be based on the proposed use and the significance of the watercourse, however in general a 30m setback shall apply to a perennial watercourse.

Do I need Shire Approval to vary my building envelope?

Yes. Any new development proposed outside the approved building envelope requires development approval for a variation.

An application to modify or relocate a building envelope will be assessed against the provisions of clause 4.30.7 of the Shire of Northam Local Planning Scheme No. 6 (LPS6) as outlined in this Information Sheet.

The development application process is a merit-based process and some applications may not be supported.

How do I apply for approval?

You will need to complete an application form and complete the attached checklist which will assist you in ensuring that all the required documentation is submitted with your application. Please note that the checklist requires the submission of a detailed statement, which should provide justification for the proposed development in accordance with LPS6 and any relevant Policies or Strategy.

In your application you should also demonstrate that:

- (a) the visual amenity and rural character of the locality is not affected;
- (b) protection of the property from the risk of bushfire is not rendered more difficult to achieve;
- (c) the proposed size and location of the envelope can accommodate future development, including on-site septic effluent disposal systems and water supply tanks; and
- (d) the future building envelope will not have a detrimental effect on the environment.

What are the main requirements?

The following matters will be considered by the Shire with any application to vary the location of a building envelope:

1. Whether the objectives of the zone are compromised;
2. Whether the proposed location of the building envelope complies with the standard setbacks for the zone;
3. Whether or not the visual amenity and rural character of the locality will be affected to any greater degree by development within the proposed new building envelope to that which might have occurred within the building envelope as originally proposed;
4. Whether development within the proposed new building envelope would render the protection of the property from the risk of bushfire any more difficult to achieve than would be the case with the approved building envelope;
5. Whether the proposed size and location of the envelope can accommodate future development, including on-site septic effluent disposal systems and water supply tanks, and not have a detrimental effect on the environment; and
6. Where a lot as part of a subdivision is the subject of an Environmental Management Plan, the matters set out within the Plan will be considered.

Assessment criteria

Variations to existing approved building envelopes will only be permitted if:

- (a) applications are consistent with the objectives and requirements of LPS6 and any relevant Shire policies. In this regard, applicant must demonstrate that there are no adverse environmental impacts and how the Council's objectives for the locality are realised;

- (b) the area of the modified building envelope is similar in size to the original building envelope;
- (c) the new envelope is of a regular shape and comprises a one single contiguous area;
- (d) there have been no previous variations to the building envelope;
- (e) it is demonstrated that the varied building envelope will not result in an adverse environmental impact, including any matters identified in an applicable Environmental Management Plan;
- (f) it is demonstrated that the location of the varied building envelope will not result in an unacceptable level of bushfire risk, in accordance with the Western Australian Planning Commission's *Planning for Bushfire Protection Guidelines*; and
- (g) there are no unacceptable amenity impacts to neighbours.

In reaching a decision on an application to vary the location and/or size of a building envelope, conditions may be imposed to achieve zone objectives and policy provisions.

Consultation

All applications seeking approval to vary the location and size of building envelopes will be the subject of a process of community consultation with the owners of affected or adjoining properties.

In this regard, the owners of all the adjoining properties and any other property that, in the opinion of the assessing officer may be affected, will be invited to comment on all applications to vary a building envelope to determine whether the variation is likely to impact upon the adjoining/nearby properties.

Application requirements

An application for development approval to vary a building envelope needs to be accompanied by –

- (a) A written submission describing the proposal providing justification for the variation of the building envelope, including assessment of alternative options.
- (b) A site plan drawn to a scale that shows:
 - (i) the existing approved building envelope;
 - (ii) the proposed building envelope;
 - (iii) the location of any existing building or improvements;
 - (iv) the location of any existing vegetation.
- (c) Details regarding the building/s to be constructed within the Building envelope need to be submitted with applications to enable a full assessment of the proposal, and should include method of construction, existing and finished site levels, retaining walls, building materials and colours and the proposed height of the buildings.
- (d) If the site is designated as a Bushfire Prone Area or, in the Shire's opinion, is subject to a bushfire risk, a Bushfire Attack Level Assessment, prepared in accordance with the Western Australian Planning Commission's *Planning for Bushfire Protection Guidelines* (the Guidelines) needs to be submitted with the application. If a Bushfire

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Management Plan has been previously prepared for the site, the plan will need to be updated where necessary to reflect the varied building envelope location. The Shire will only consider proposals that provide for an acceptable level of bushfire risk in accordance with the Guidelines.

- (e) Any specialist environmental studies that the Shire may require the applicant to undertake in support of the application. If the Shire considers the proposal is likely to generate significant environmental impacts, the applicant may be required to submit a report from a suitably qualified and experienced Environmental Consultant substantiating that there is no adverse environmental impact.
- (f) Payment of the application fee as detailed in the Shire's adopted Fees and Charges.

Where do I find more information?

Further information can be obtained from the Shire's Website
Click on this link: www.northam.wa.gov.au

Phone: Planning Services Department on 9622 6100
Email: records@northam.wa.gov.au



The information contained in this brochure is intended as a guide only. It is recommended that the advice and assistance of the Shire's Planning Services Department be sought prior to lodgement of a Development Application. The Shire of Northam disclaims any liability for any damages sustained by a person acting on the basis of this information.

DEVELOPMENT APPLICATION CHECKLIST

Building Envelope Modifications

This checklist has been prepared to guide applicants in preparing application for development approval to vary a building envelope. This checklist contains the minimum information required to deem the application 'complete' and enable the application to be processed in a timely manner.

Development Application Form

- Completed Application for Development Approval (Schedule 2 Form)
- Must be ink signed by ALL landowners registered on the certificate of title, or accompanied by a letter of authorisation signed by ALL landowners.

Current Copy of the Certificate of Title

- This is to confirm ownership details and check for any caveats and memorials that may affect the proposed development. Certificate of Title's are available to purchase from Landgate.

Covering Letter

- Outlining the general nature, details of the proposed modification, and reasons for the variation.

Additional Information

- Completed Additional Information for Building Envelope Modification.

Site Plan (drawn to an appropriate scale – 1:100 / 1:200);

To include the following information:

- Street and lot number and road name;
- North point;
- Natural ground, proposed ground, and finished floor levels (relative to nominated datum point or AHD);
- Access points, driveway and/or right of way access;
- Boundary and lot dimensions;
- Building envelope setbacks to all boundaries;
- Details and location of any fencing;
- Location of any easements;
- Tree Survey detailing the location of tree trunks and canopy and tree heights and diameters;
- Details of any vegetation to be removed and/or trimmed if located within a Special Control Area.

Bushfire Attack Level (BAL) Assessment

Properties designated bushfire prone on the Map of Bush Fire Prone Areas require a Bushfire Attack Level (BAL) Assessment report prepared by an Accredited Bushfire Practitioner. In accordance with State Planning Policy 3.7, lots exceeding 1,100m² with a BAL-40 or BAL-FZ also require a Bushfire Management Plan (BMP) prepared by a Level 3 Accredited Bushfire Practitioner.

Notes:

- 1) The above information is required to enable an initial assessment of the application only. If required the Shire may make a further request for additional supporting information to facilitate the assessment process.
- 2) It is recommended that you discuss your proposed with the Shire's Planning Section on 9622 6100, via email at records@northam.wa.gov.au, or in person at the Shire Administration Building during office hours, Monday – Friday.
- 3) An inspection will be conducted as a part of assessing your application. No works can be commenced until all approvals have been obtained, including clearing of vegetation. Noting exemptions for clearing only apply once the building permit has been issued.
- 4) This is not an application for a Building Permit. A separate application must be made to the Shire's Building Services.