

## Local Planning Policy 3.21: Local Law 43: Building on Endowment Lands and Limekilns Estate

### BACKGROUND

The Cambridge Endowment Lands Act 1920 was gazetted to assist the development of the area known as the Endowment Lands and Limekilns Estate. The area comprises most of Floreat and City Beach. A map showing the boundary of this area is located at the end of this Schedule.

Local Laws were enacted under this Act, including Local Law 43 (Building on Endowment Lands and Limekilns Estate). The contents of the Local Law reflect the development control needs and statutory processes available at the time of its gazettal (1950s). At that time, the former City of Perth had no Town Planning Scheme, and thus the Local Law was necessary to control land use and introduce development standards for the area.

The land use provisions have been made redundant by the Scheme, which reinforces the same requirements as the Local Law. Furthermore, the R-Codes and the Town's Design Guidelines have superseded a number of requirements. There are, however, other development requirements contained in Local Law 43 that are still relevant and are used to assess development proposals within the Endowment Lands and Limekilns Estate. These requirements are listed below.

Clause 2B of Local Law 43 allows Council to approve development proposals that do not comply with the requirements of Local Law 43, if the Council is satisfied by absolute majority that:-

- (i) *the development would be consistent with the orderly and proper planning of the locality and the preservation of its amenities, and*
- (ii) *the use to be made of the land and the non-compliance with the prescribed standard or requirement will not have any adverse effect upon the occupiers or users of the development or the property in or the inhabitants of the locality or the likely future development of the locality.*

Additional 'design principles' are included below, to assist the Council in determining variations to the requirements of Local Law 43.

### REQUIREMENTS

#### Materials of Construction

##### **Clause 7 of Local Law 43**

- (a) *All single storey single occupancy dwelling houses and all buildings other than dwelling houses shall be constructed of brick, stone, concrete or similar material, or of brick veneer.*
- (b) *All other dwelling houses shall be constructed of brick, stone, concrete or similar material.*
- (c) *Notwithstanding the provisions of this paragraph, the Council may at its discretion permit wooden gables to be incorporated in any building.*

## **Roof Reflectivity**

### **Clause 8 of Local Law 43**

*All buildings shall be roofed with materials constructed or terracotta concrete, slate, metal or other incombustible material approved by the Council provided that metal roofs, with a pitch of more than 5° shall not be constructed with metal sheeting having a solar reflectivity index exceeding 40% unless approved by the Council.*

## **Outbuildings**

### **Clause 8(A) of Local Law 43**

*Notwithstanding any other provisions of this Local Law one outbuilding of temporary construction for use as a garden shed or similar storage purpose may be erected on each lot provided:-*

- (i) its floor does not exceed 12 square metres and its height does not exceed 2.4 metres;*
- (ii) it has a skillion roof;*
- (iii) the external wall sheeting and roof material does not have a solar reflectivity index greater than 40%;*
- (iv) it is located at the rear of the existing dwelling as follows:-*
  - (a) where the lot has a frontage only to one street by projecting a line from along the rear of the existing dwelling and extending to the side boundaries of the lot;*
  - (b) where the lot has a frontage to more than one street a further line, in addition to (a) above, shall be projected from along the side of the existing dwelling nearest the street other than the street which such dwelling faces and extended to the rear boundary of the lot.*

## **DESIGN PRINCIPLES USED TO ASSESS VARIATIONS TO LOCAL LAW 43**

### **General (Clause 2B of Local Law 43)**

- (i) the development would be consistent with the orderly and proper planning of the locality and the preservation of its amenities, and*
- (ii) the use to be made of the land and the non-compliance with the prescribed standard or requirement will not have any adverse effect upon the occupiers or users of the development or the property in or the inhabitants of the locality or the likely future development of the locality.*

### **Materials of Construction**

Materials of a high quality finish may be used, which result in buildings of a high architectural and structural standard.

## **Roof Reflectivity**

Where, due to the position, location, and pitch, the proposed roofing is not considered to result in excessive glare upon neighbours and the streetscape.

Notes:

1. Zinalume (silver) and Surf Mist (off white) colorbond are deemed to exceed 40% solar reflectivity index.

2. Other roofing materials such as polycarbonate, plastic, fibreglass or similar roofing is acceptable provided that the material does not have a solar reflectivity index exceeding 40% unless approved by the Council.

### **Outbuildings**

Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.