

SHIRE OF CUNDERDIN LOCAL PLANNING POLICY – OUTBUILDINGS

BACKGROUND

Residents of the Shire of Cunderdin have different needs to those in metropolitan Perth, therefore this Policy recognises the need to vary the usual Residential Design Code recommendations by increasing outbuilding space (areas and heights) for garaging of vehicles, storage of boats, caravans and other items, domestic workshops, games rooms, studios, stables, etc. As a general rule people expect to be able to have larger outbuildings on larger lots.

Many local residents are downsizing and/or moving from farms and require larger and higher storage needs, as long as there are no adverse impacts on neighbours, the streetscape or amenity of the area, it is acceptable for Council to vary the provisions of the R-Codes that is a one-size fits all State-wide policy.

PURPOSE

- To provide a framework for the approval of outbuildings in the Shire of Cunderdin.
- To provide flexibility for outbuilding size, construction and materials to meet the needs of local residents.
- To ensure that outbuildings are constructed and located in such a way as to minimise their impact on the amenity of the locality.
- To provide direction and clarity on the application of the Performance Criteria with regard to Clause 6.10.1 – Outbuildings of the Residential Design Codes (R-Codes).

OBJECTIVE

To achieve a balance between providing for the various legitimate needs of residents for outbuildings and minimising any adverse impacts that such outbuildings may have on neighbours, a street, a neighbourhood, locality or the Shire as a whole.

SCOPE

Clause 3 of the Planning and Development (Local Planning Schemes) Regulations 2015 provides for the preparation of local planning policies to apply generally or to a particular class or classes of matters and throughout the Scheme area or in one or more parts of the Scheme area.

This policy will apply to the construction of outbuildings throughout the Scheme area (i.e. the whole of the Shire of Cunderdin) but does not apply to sea containers that are regulated separately.

Outbuildings for the purposes of this Policy are defined as any Class 10a building under the Building Code of Australia which is not substantially connected to a dwelling. It is important to note that outbuildings are 'ancillary' buildings and therefore must be constructed in conjunction with another permitted land use such as a house.

A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

It is not intended that a policy be applied rigidly, but each application be examined on its merits, with the objectives and intent of the policy the key for assessment.

The Shire encourages applicants to produce innovative ways of achieving the stated objectives and acknowledges that these may sit outside the more traditional planning and architectural approaches. In these instances the local government is open to considering (and encourages) well-presented cases having due regard to the outcome of any public consultation undertaken and the orderly and proper planning of the locality.

This Policy when adopted will supersede any previous policies regulating outbuildings in the Shire of Cunderdin in accordance with Clause 3(4) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

POLICY PROVISIONS

Exempt Development

The following development is exempt from this Policy and therefore does not require planning approval:

- (a) residential outbuildings that comply with the requirements of State Planning Policy 3.1 – Residential Design Codes and are an ancillary structure to an existing dwelling;
- (b) Pre-fabricated garden sheds, kennels and other animal enclosures (such as aviaries) less than 20m² in aggregate area and less than 2.4 metres in height are exempt from this policy.
- (c) garden structures (i.e. structures without a solid roof - pergolas with shade cloth and arbours) are considered exempt from the provisions of the policy; and

- (d) farm buildings used in conjunction with an approved use in the General Agriculture Zone setback no less than 15 metres from the primary road frontage and 10 metres from side and rear boundaries.

Development Requirements

Outbuildings in the Residential Zone

Objective

The objective of these development requirements is to achieve a balance between:

- providing for the legitimate garaging, storage and other domestic needs of people living in residential areas; and
- minimising the adverse impacts the use and appearance of outbuildings may have on the amenity and character of residential neighbourhoods, and on neighbours.

Residential Design Codes

The acceptable development criteria for outbuildings on R-Coded land are set out in Clause 6.10.1 as follows:

“Outbuildings that:

- are not attached to the dwelling;*
- are non-habitable;*
- collectively do not exceed 60 sq m in area or 10 per cent in aggregate of the site area, whichever is the lesser;*
- do not exceed a wall height of 2.4 m;*
- do not exceed a ridge height of 4.2 m;*
- are not within the primary street setback area;*
- do not reduce the amount of open space required in table 1; and*
- comply with the siting and design requirements for the dwelling, but do not need to meet rear setback requirements of table 1.”*

Where a proposed development for an outbuilding does not comply with the acceptable development criteria of the R-Codes, a development can be assessed against the performance criteria.

The Performance Criteria of Clause 6.10.1 for outbuildings states:

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

If the proposed outbuilding meets the following criteria, it is considered that the proposal meets the performance criteria of Clause 6.10.1 of the R-Codes and accordingly, does not require planning consent:

General Criteria

- Must be for legitimate residential purposes.
- Use of outbuildings for commercial/business uses is not permitted except where planning approval has been granted for a home based business.
- Use of outbuildings for human habitation is not permitted.

Setbacks

As per provisions of the State Planning Policy 3.1 – Residential Design Codes.

Size

- Maximum aggregate area of outbuilding(s) per lot:
 - 10% of site area where lot 1,000m² or less;
 - 100m² where lot is greater than 1,000m².
- Maximum wall height – 3.0 metres
- Maximum ridge height – 4.2 metres

Materials

- Second-hand materials will generally not be supported.
- Materials of low-reflectivity should be used to ensure that the structure does not adversely impact on neighbours.

Outbuildings in the Rural Residential Zone**Objective**

The objective of these development requirements is to achieve a balance between:

- Providing for the legitimate garaging, storage and other domestic needs of people living in rural residential areas; and
- Minimising the adverse impacts the use and appearance outbuildings may have on the amenity and character of the rural residential area.

If the proposed outbuilding meets the following criteria, planning approval is not required:

General Criteria

- Must be for legitimate residential purposes.
- Use of outbuildings for commercial/business uses is not permitted except where planning approval has been granted for a home based business.

Setbacks

As per Table 2 of the Cunderdin Local Planning Scheme No. 3, 15 metres from the primary street frontage and 10 metres from side and rear boundaries, unless special provisions apply in the Scheme.

Size

- Maximum aggregate area of outbuilding(s) per lot – 200m².
- Maximum wall height – 4.5 metres
- Maximum ridge height – 6.0 metres

Materials

- Second-hand materials will generally not be supported.
- Materials of low-reflectivity should be used to ensure that the structure does not adversely impact on neighbours.