

Policy Title:	Local Planning Policy: Minor Structures (including Outbuildings)
Policy No.:	3.5
Previous Policy (No.):	Minor Structures (Including Outbuildings) (No. 50)
Date Adopted:	18 August 2009 (decision no. 167/09)
Date Last Reviewed:	7 June 2011 (decision no. 118/11)
Legal Parent:	Planning and Development Act 2005
Legal Subsidiary:	<u>City of Bunbury Town Planning Scheme No. 7, Part 2 – Local Planning Policy Framework.</u>

PART A

1. PRELIMINARY

1.1 Citation

This Local Planning Policy is made under section 2.1 of the City of Bunbury Town Planning Scheme No. 7 (the “Scheme”), and may be cited as Local Planning Policy: Minor Structures (including Outbuildings) (herein referred to as the “Local Planning Policy”).

1.2 Commencement

This Local Planning Policy was adopted by the Council of the City of Bunbury (the “City”) on 18 August 2009. The reviewed Local Planning Policy commenced operation on 23 June 2011.

1.3 Relationship to the Scheme and other Local Planning Policies

1.3.1 Pursuant to section 2.2 of the Scheme, this Local Planning Policy supplements the provisions of the Local Planning Scheme. Where a provision of this Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.

1.3.2 Where a provision of this Local Planning Policy is inconsistent with another adopted Local Planning Policy that relates to a designated area, then the provisions of the Local Planning Policy that relate to design guidelines for a designated area shall prevail.

1.3.3 The provisions of this Local Planning Policy comprises of the Policy Text. The Local Planning Policy is to be read in conjunction with the Scheme.

- Notes:
1. Land use and development within the Local Planning Policy Area is also subject to the Local Planning Scheme.
 2. 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.

1.4 Relationship with Local Laws

- 1.4.1 This Local Planning Policy operates in conjunction with the Local Government's Local Laws in the regulation of development and the use of land within the Scheme Area.
- 1.4.2 Where a provision of the Local Planning Policy is inconsistent with a Local Law, the provision of the Local Law shall prevail.

2 PURPOSE

The purpose of this Local Planning Policy is to enable a consistent and accountable approach to the assessment of proposed minor structures (including outbuildings) within the City and to maintain the established level of residential amenity.

3 OBJECTIVES

In accordance with the Aims of the Scheme, achievement of the following objectives is sought for all minor structures (including outbuildings) within the Local Planning Policy Area -

- (a) To ensure that the Performance Criteria of the Residential Design Codes are appropriately addressed;
- (b) To ensure that minor structures (including outbuildings) are appropriately located on premises;
- (c) To preserve and enhance the amenity of the area and to limit the visual impact of minor structures (including outbuildings) by controlling building bulk (size and height);
- (d) To ensure that materials used, and the design of minor structures (including outbuildings) are of an acceptable standard; and
- (e) To improve customer service standards through the timely processing of applications for minor structures (including outbuildings).

4 LOCAL PLANNING POLICY AREA

This Local Planning Policy applies to all land within the local government district of the City of Bunbury, and as such, the Local Planning Policy Area is the Scheme Area.

5 APPLICATION

- 5.1 The provisions of this Local Planning Policy apply to all minor structures (including

outbuildings, sheds, garages, carports and patios) that are not attached to any dwelling on residential properties. This policy does not alter or change in any way the Performance Criteria of the Residential Design Codes and does not exempt compliance with all other requirements of the Residential Design Codes and any other Local Planning Policy (e.g. Design Guidelines) as determined by the Local Government.

- 5.2 Subject to the Scheme, development of minor structures (including outbuildings) shall be in accordance with the standards and requirements of this Local Planning Policy; and except as otherwise provided, shall require the prior planning approval of the Local Government in accordance with the provisions of the Scheme.

Note: Minor structures (including outbuildings) proposed on lots containing a 'Single House', which comply with the standards and requirements of this Local Planning Policy do not require planning approval. (Refer to Clause 6 of this policy.)

- 5.3 In considering an application for planning approval where a variation is proposed to one or more requirements prescribed under this Local Planning Policy, the Local Government may require the submission of a Development Impact Statement (with terms of reference determined by the Local Government), which has been undertaken by an appropriately qualified person or body at the applicant's expense, as part of any application for planning approval.

Note: Section 10 of this Local Planning Policy sets out terms of reference for a Development Impact Statement.

6 EXEMPTIONS FROM PLANNING APPROVAL

Except as otherwise provided in the Scheme and the Residential Design Codes, the following development does not require the planning approval of the Local Government:

The erection of incidental minor structures and outbuildings on a lot of a 'Single House' where the proposal complies with the standards and requirements of this Local Planning Policy and does not require the exercise of a discretion by the Local Government to vary the provisions of this Local Planning Policy.

7 MEANING OF TERMS

- 7.1 Unless the context otherwise requires, words and expressions used in this Local Planning Policy have the same meaning as they have -

- (a) in the Planning and Development Act 2005; or
- (b) if they are not defined in that Act -
 - i. in the Dictionary of Defined Words and Expressions in Schedule 1 of the City of Bunbury Town Planning Scheme No. 7; or
 - ii. in the Residential Design Codes; or
 - iii. Building Code of Australia; or
 - iv. in a relevant Australian Standard.

7.2 The meaning of other specific words and expressions relevant to this Local Planning Policy are given below:

(a) General definitions -

“attached to the dwelling” for the purpose of this policy means that a structure is abutting a wall of the dwelling, is under the main roof of the dwelling and is built of the same material as the dwelling.

“minor structure” for the purpose of this policy shall be any structure (including outbuildings, sheds, garages, carports and patios) that is not attached to any dwelling.

“walls up to the boundary” for the purpose of this policy shall be any wall, column or post within 1.0m of a side or rear boundary.

7.3 Notes, and instructions printed in italics, are not part of the Local Planning Policy.

PART B

8 GENERAL STANDARDS FOR DEVELOPMENT

8.1 Development of minor structures (including outbuildings)

The development of minor structures (including outbuildings) is to be in accordance with the requirements of –

- (a) this Local Planning Policy: Minor Structures (including Outbuildings);
- (b) the Residential Design Codes for residential and mixed use developments, subject to the variations;
- (c) the applicable zone provisions under the Scheme;
- (d) relevant Special Control Area(s);
- (e) relevant Local Planning Policies or Local Laws; and
- (f) applicable Australian Standards.

Note: Section “8 General Standards for Development” of this Local Planning Policy sets out the prescriptive provisions by which minor structures (including outbuildings) must be carried out as part of any development within either or both the Scheme Area and Local Planning Policy Area.

8.2 Restriction of Use

- 8.2.1 The erection of a minor structure (including outbuildings) on vacant land in residential areas is not permitted.
- 8.2.2 Minor structures (including outbuildings) shall be used for purposes incidental to the domestic enjoyment of the dwelling or the residential activities conducted on the property.
- 8.2.3 Minor structures (including outbuildings) shall not be used for permanent occupation, temporary accommodation, tourist accommodation or commercial purposes with the exception of an approved Home Based Business or Industry-Cottage.

8.3 Location

- 8.3.1 Minor structures (including outbuildings) other than a carport shall not be located within the primary street setback area in accordance with Table 1 of the Residential Design Codes.
- 8.3.2 Where a minor structure (including outbuildings) is located to the side or forward of the dwelling and is visible from the primary street (including rights-of-way) the minor structure shall not impact on the streetscape and/or the amenity of the area, and shall match/complement the material, colours and built form (including roof pitch and style) of the existing dwelling to the satisfaction of Development Services.

Note: Zinalume or colourbond walls will not be permitted in front of existing dwellings.

- 8.3.3 Where a minor structure (including outbuildings) is visible from the secondary street (including rights-of-way), the minor structure shall not impact on the streetscape and/or the amenity of the area, taking into consideration the materials, colours, scale and built form of the minor structure (including outbuildings) in relation to the existing dwelling.

8.4 Setbacks

- 8.4.1 Setbacks, other than street setbacks, of minor structures (including outbuildings) are to be determined in accordance with the Scheme and Table 2a and 2b of the Residential Design Codes.
- 8.4.2 Where a wall up to the boundary is proposed, which is not in accordance with the acceptable development Criteria for 'Buildings on boundary' of the Residential Design Codes, then comments from the affected adjoining owner/s and a codes approval application form are required to be submitted for consideration.
- 8.4.3 A wall up to the boundary within R15 shall not be higher than 2.7m with a length of up to 9m to one side boundary only.

Where a wall up to the boundary is proposed, which is not in accordance with these requirements then comments from the affected adjoining owner/s and a codes approval application form are required to be submitted for consideration.

Note: Where walls up to two or more boundaries are proposed, then comments of all adjoining owner's and a codes approval application form are required to be submitted for consideration.

8.5 Open Space

Minor structures (including outbuildings) shall not reduce the amount of open space required in the Residential Design Codes.

8.6 Height & Size

- 8.6.1 Carports and patios that are not attached to any dwelling shall generally be limited to a maximum post/column height of 2.7m and a maximum ridge height of 4.2m.
- 8.6.2 Outbuildings shall not exceed a wall height of 2.4m and a ridge height of 4.2m.
- 8.6.3 The City of Bunbury may approve outbuildings that exceed the height limitation as outlined in clause 8.6.2, subject to not exceeding the maximum height as outlined in Table 1 and compliance with setback requirements as outlined in clauses 8.3.1 and 8.4.1.

If setbacks are proposed to be reduced then adjoining owner's comments, a codes approval application form and justification addressing the relevant Performance Criteria of the Residential Design Codes, namely that outbuildings do not detract from the streetscape and the visual amenity of residents or neighbouring properties, shall be submitted for consideration.

Table 1: Maximum Height of Outbuildings.

Lot Size	Max Wall Height (m)	Max Ridge Height (m)
401 m ² – 500 m ²	2.7	4.2
501 m ² – 600 m ²	2.7	4.2
601 m ² – 700 m ²	2.7	4.2
701 m ² – 800 m ²	2.7	4.2
801 m ² and larger	3.0	4.5

8.6.4 Outbuildings collectively shall not exceed 10% in aggregate of the site area or 60 m² in area, whichever is the lesser. Where there is more than one outbuilding proposed or existing on the site, the total area of all existing and proposed outbuildings is to be used to determine the maximum area.

8.6.5 The City of Bunbury may approve outbuildings that exceed the size limitation as outlined in clause 8.6.4, subject to not exceeding the maximum area as outlined in Table 2 and submitting adjoining owner's comments, a codes approval application form and justification addressing the relevant Performance Criteria of the Residential Design Codes, namely that outbuildings do not detract from the streetscape and the visual amenity of residents or neighbouring properties, for consideration.

Table 2: Maximum Area of Outbuildings.

Lot Size	Max Area (m ²)
200 m ² – 300 m ²	35
301 m ² – 400 m ²	45
401 m ² – 500 m ²	55
501 m ² – 600 m ²	65
601 m ² – 700 m ²	70
701 m ² – 800 m ²	75
801 m ² and larger	80

PART C

9 VARIATION OF DEVELOPMENT REQUIREMENTS

- 9.1 Development in accordance with this policy is deemed to comply. However, alternative designs may be considered subject to demonstration that the proposed development is in keeping with the intent and objectives of this policy to the satisfaction of the Local Government.
- 9.2 In exercising any discretion the Local Government should ensure that the variation will not contravene the following provisions of the Scheme -
- (a) intent & objectives of this Local Planning Policy;
 - (b) section 1.6 The Aims of the Scheme;
 - (c) section 4.2 Zone Objectives; and
 - (d) section 10.2 Matters to be Considered by Local Government.

10 DEVELOPMENT IMPACT STATEMENT

- 10.1 Where an application proposes a variation to one or more requirements, or is considered to have a significant impact on the existing conditions and/or amenity of a locality, the Local Government shall require a Development Impact Statement to be submitted for assessment as part of an application for planning approval, unless the requirement has been waived by the Local Government.
- 10.2 The report is to be undertaken to the satisfaction of the Local Government and contain the following information in sufficient detail to permit the Local Government to make a proper development assessment of any proposed variation as part of a planning application -
- (a) the location of the subject site and the specific design of the proposed development;
 - (b) site analysis showing the natural and finished ground levels, the location of existing and proposed buildings on the premises, relationship to adjoining and surrounding buildings, and the design of existing and likely development including the character of the streetscape in the vicinity of the subject lot/development site;
 - (c) details of proposed materials, colours and other finishes; and
 - (d) any other relevant information requested by the Local Government.

11 NOTIFICATION & ADVERTISING

Where advertising is required to be undertaken or is deemed to be required by the Local Government, advertising will be undertaken in accordance with the provisions of section 9.4 of the Scheme.

12 IMPLEMENTATION & REVIEW

12.1 Why a Local Planning Policy?

The Scheme is a prescriptive instrument that sets out the legal provisions for how land may be used and developed. Sole reliance upon it for regulating all forms of

development under all circumstances is not always practical and the Scheme makes allowance for this by enabling the Local Government to adopt Local Planning Policies from time to time in order to address specific issues or a range of issues in a specific place.

A Local Planning Policy is a tool to assist developers in preparing proposals with a greater understanding of the Council's desired outcomes for the City. This helps to ensure that developers can invest the time and resources needed in preparing applications for planning approval with increased confidence; and that the City's staff and Councillors can assess development proposals in a more consistent and transparent manner.

12.2 Policy Review

The Local Government will review this Local Planning Policy annually in conjunction with the rest of the Local Planning Policy Framework in accordance with the Planning and Development Act 2005.