



## **SHIRE OF YORK**

### **DRAFT Local Planning Policy**

### **Outbuildings in Residential Zones**

#### **PURPOSE**

To provide criteria consistent with the provisions of the Residential Design Codes for the construction of outbuildings in the Residential, Rural Town Site and Rural-Residential zones.

#### **POLICY OBJECTIVES**

- a) To provide flexibility for outbuilding size, construction and materials to meet the needs of local residents.
- b) To ensure that outbuildings are constructed and located in such a way as to minimise their impact on the amenity of the locality.
- c) 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).

#### **BACKGROUND**

Under the Shire of York's Town Planning Scheme No. 2, planning approval is required for the construction of outbuildings when the site is located in a heritage precinct or when the proposed outbuilding does not meet the requirements of the R-Codes acceptable development criteria.

The R-Codes is a state-wide policy and does allow sufficient flexibility to cater for the individual needs of owners of residential, rural townsite and rural-residential properties, particularly with regards to the size and height of outbuildings.

Local planning policies are policies that are adopted to address local issues. Council has identified the need for a local planning policy to regulate the construction of outbuildings on land that is primarily used for residential purposes and to enable appropriate variations of the provisions of the R-Codes without being subjected to the requirements of a planning application.

This Policy enables the construction of outbuildings in residential, rural townsite and rural-residential zones without planning approval and for complying development proposals to be required to be approved through the Building Licence process only.

## **SCHEME PROVISIONS**

Clause 4.2 of the York Town Planning Scheme No. 2 (the Scheme) permits ancillary outbuildings to be constructed without first obtaining planning consent from the Shire, unless the proposal requires Council to use the exercise of discretion to vary the provisions of the Residential Design Codes, or if the development will be located in a heritage precinct designated under the Scheme.

Clause 8.8 of the Scheme enables Council to prepare a planning policy for any matter related to the planning or development of the Scheme Area.

## **RESIDENTIAL DESIGN CODES**

The State Government introduced the Residential Design Codes (or R-Codes) to provide a comprehensive basis for the control, through local government, of residential development throughout Western Australia. They are intended to cover all requirements for development control purposes and to minimise the need for local government to introduce separate planning policies concerning residential development and apply to all R-coded (residential) land.

The acceptable development criteria for outbuildings are set out in Clause 6.10.1 as follows:

*“Outbuildings that:*

- i. are not attached to the dwelling;*
- ii. are non-habitable;*
- iii. collectively do not exceed 60 sq m in area or 10 per cent in aggregate of the site area, whichever is the lesser;*
- iv. do not exceed a wall height of 2.4 m;*
- v. do not exceed a ridge height of 4.2 m;*
- vi. are not within the primary street setback area;*
- vii. do not reduce the amount of open space required in table 1; and*
- viii. 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.”*

A proposal for an outbuilding that meets the criteria of this Policy is considered by Council to meet the performance criteria outlined in the R-Codes.

## **APPLICATION OF POLICY**

This Policy applies to outbuildings that require planning approval under the York Town Planning Scheme No. 2 and not to outbuildings that require only a Building

Licence, such as permitted development under the Scheme or that comply with the provisions of the R-Codes.

An outbuilding is defined as ancillary residential development in the Scheme and R-Codes and means any Class 10A building under the Building Code of Australia, which is not substantially connected to a dwelling. Sea containers are not included in the definition of an outbuilding. Refer to Council's Local Planning Policy for Sea Containers.

Pre-fabricated garden sheds, kennels and other animal enclosures (such as aviaries) less than 20m<sup>2</sup> in aggregate area and less than 2.1 metres in height are exempt from this policy.

Outbuildings on vacant sites (that do not have a dwelling constructed or being constructed), grouped and multiple dwelling properties require planning approval to be granted. The development will be assessed against the Scheme, R-Codes and any relevant Local Planning Policy, including this Policy. Planning Approval must be granted prior to issue of a Building Licence.

Notwithstanding that Planning Approval is not required, or may be granted by Council, a Building Licence is required to be sought and issued prior to on-site works commencing. The outbuilding will need to meet all relevant requirements under the Building Code of Australia and Australian Standards. Building Licence fees and levies are payable in accordance with the current Shire of York Fees and Charges.

## **THE POLICY**

This policy is made pursuant to Clause 8.8 of the York Town Planning Scheme No. 2 and applies to all residential, rural townsite and rural-residential zoned land within the Shire of York.

### **Residential Zones**

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 does not require planning consent:

1. General:
  - a. are not attached to the dwelling;
  - b. are non-habitable or used for commercial or industrial purposes;
  - c. are not within the primary street setback area;
  - d. do not reduce the amount of open space required in the R-Codes; and
  - e. comply with the siting and design requirements of the R-Codes for the dwelling, with the exception of the rear setback requirements.
2. Floor Area:
  - a. Outbuildings on a residential lot coded R12.5 and above that have a combined area not exceeding 80m<sup>2</sup> in area or 10 per cent in aggregate of the site area, whichever is lesser shall be deemed as meeting the performance criteria of Clause 6.10.1 of the Residential Design Codes; or
  - b. Outbuildings on a residential lot coded R10 and below that have a combined area not exceeding 100m<sup>2</sup> or 10 per cent in aggregate of the site area,

whichever is lesser shall be deemed as meeting the performance criteria of Clause 6.10.1 of the Residential Design Codes; or

- c. Outbuildings on a residential lot that is within 5% of the requirements of a or b above and the applicant has provided a copy of the proposed plans (including elevations of the proposed outbuilding) that have been endorsed in writing on the plans by the affected adjoining property owner(s) indicating that there is no objection to the proposed outbuilding.
3. Height:
    - a. Outbuildings on a residential lot coded R12.5 and above that has a maximum wall height less than 3.0m and ridge height of 4.2m; or
    - b. Outbuildings on a residential lot coded R10 and below that has a maximum wall height of 3.5m, a ridge height of 4.2m; or
    - c. An outbuilding on a residential lot that is within 5% of the requirements of a or b above and the applicant has provided a copy of the proposed plans (including elevations of the proposed outbuilding) that have been endorsed in writing on the plans by the affected adjoining property owner(s) indicating that there is no objection to the proposed outbuilding.
  4. Materials:
    - a. Outbuildings on sites located within Council's Restricted Building Materials areas, must be constructed in accordance with the adopted Policy.
    - b. Second-hand materials may only be used where the materials are in good condition and are sufficient to provide a consistent appearance to the building. Council's Building Surveyor may request a report from a structural engineer for use of second-hand building materials.
    - c. Materials of low-reflectivity should be used to ensure that the structure does not adversely impact on neighbours.

### **Rural Townsite Zone**

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

1. General:
  - a. are not attached to the dwelling;
  - b. are non-habitable or used for commercial or industrial purposes;
  - c. are not within the primary street setback area; and
  - d. are setback at least 1 metre from the side and rear boundaries.
2. Floor Area:
  - a. Outbuildings on a rural townsite lot that have a combined area not exceeding 80m<sup>2</sup> in area or 10 per cent in aggregate of the site area, whichever is lesser; or
  - b. Outbuildings on a rural townsite lot that is within 5% of the requirements of the above and the applicant has provided a copy of the proposed plans (including elevations of the proposed outbuilding) that have been endorsed in writing on the plans by the affected adjoining property owner(s) indicating that there is no objection to the proposed outbuilding.
3. Height:

- a. Outbuildings on a rural townsite lot that has a maximum wall height less than 3.0m and ridge height of 4.2m; or
  - b. An outbuilding on a rural townsite lot that is within 5% of the requirements of the above and the applicant has provided a copy of the proposed plans (including elevations of the proposed outbuilding) that have been endorsed in writing on the plans by the affected adjoining property owner(s) indicating that there is no objection to the proposed outbuilding.
4. Materials:
- a. Outbuildings on sites located within Council's Restricted Building Materials areas, must be constructed in accordance with the adopted Policy.
  - b. Second-hand materials may only be used where the materials are in good condition and are sufficient to provide a consistent appearance to the building. Council's Building Surveyor may request a report from a structural engineer for use of second-hand building materials.
  - c. Materials of low-reflectivity should be used to ensure that the structure does not adversely impact on neighbours.

### **Rural-Residential Zone**

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

1. General:
  - a. are not attached to the dwelling;
  - b. are non-habitable or used for commercial or industrial purposes;
  - c. are not within the primary street setback area; and
  - d. are setback at least 15 metres from a side or rear boundary.
2. Floor Area:
  - a. Outbuildings on a rural-residential lot that have a combined area not exceeding 200m<sup>2</sup> in area or 10 per cent in aggregate of the site area, whichever is lesser; or
  - b. Outbuildings on a rural townsite lot that is within 5% of the requirements of the above and the applicant has provided a copy of the proposed plans (including elevations of the proposed outbuilding) that have been endorsed in writing on the plans by the affected adjoining property owner(s) indicating that there is no objection to the proposed outbuilding.
3. Height:
  - a. Outbuildings on a rural townsite lot that has a maximum wall height less than 3.0m and ridge height of 4.2m; or
  - b. An outbuilding on a rural townsite lot that is within 5% of the requirements of the above and the applicant has provided a copy of the proposed plans (including elevations of the proposed outbuilding) that have been endorsed in writing on the plans by the affected adjoining property owner(s) indicating that there is no objection to the proposed outbuilding.
4. Materials:
  - a. Outbuildings on sites located within Council's Restricted Building Materials areas, must be constructed in accordance with the adopted Policy.

- b. Second-hand materials may only be used where the materials are in good condition and are sufficient to provide a consistent appearance to the building. Council's Building Surveyor may request a report from a structural engineer for use of second-hand building materials.
- c. Materials of low-reflectivity should be used to ensure that the structure does not adversely impact on neighbours.