

1.0 POLICY AREA

This Policy applies to all “Residential” zoned land within the Shire of Gingin.

2.0 OVERLOOKING POLICY

2.1 Objective

To ensure that indoor and private outdoor habitable areas are not adversely affected by the “cone of vision”, as identified by the Residential Design Codes.

2.2 Assessment Process

2.2.1 An application for Planning Consent is required where the “cone of vision” encroaches by more than 1.5 metres into an adjoining residential lot. An encroachment of 1.5 metres or less is deemed to comply with the performance criteria of the Code.

2.2.2 Where an application for Planning Consent is required pursuant to 2.2.1 above, the application shall be referred to the affected adjoining landowner(s), in accordance with the referral requirements of the Residential Design Codes.

2.2.3 Where no objections are received from the adjoining landowner(s) within 21 days from the date of referral, the Chief Executive Officer may, under delegated authority, approve the application, and may require implementation of one or more of the overlooking mitigation measures detailed below.

2.2.4 Where objections are received from the adjoining landowner(s), the Chief Executive Officer may, under delegated authority, and in consultation with the relevant Ward Councillor/s, approve the application, provided one or more of the overlooking mitigation measures detailed below are included in the (amended) application.

2.2.5 Where there is an impasse in respect of any of the processes and details of this part of the Policy, the application shall be referred to Council for determination.

2.3 OVERLOOKING MITIGATION MEASURES

Implementation of one or more of the following measures may be deemed by the Shire of Gingin to be a suitable response to overlooking concerns:

- a) Supplement the fencing with a suitable height screen to a maximum of 2400 mm.
- b) Increase the building setback to reduce the encroachment of the “cone of vision” to an acceptable minimum.
- c) Ensure that the size of the opening(s) within the ‘offending’ wall or balcony are not greater than 20% of the total wall area.
- d) Include a solid screen of at least 1600 mm in height from the floor, for the entire balcony area of intrusion.

3.0 Height of Outbuildings Policy

3.1 Objective

To provide for outbuildings in residential areas in a manner that reflects the demands of the local community without compromising residential amenity.

3.2 Assessment Process

3.2.1 An application for Planning Consent is required where the wall height of an outbuilding exceeds 3 metres. Notwithstanding the standards of the Residential Design Codes, an outbuilding wall height of up to 3 metres is deemed to comply with the performance criteria of the Codes.

3.2.2 Where an application for Planning Consent is required pursuant to 3.2.1 above, the application shall be referred to the affected adjoining landowner(s), in accordance with the referral requirements of the Residential Design Codes with a 21 day comment period.

3.2.3 The Chief Executive Officer may, under delegated authority, approve applications pursuant to 3.2.1 above, provided all four (4) of the performance criteria detailed below are achieved.

3.3 Performance Criteria

The following performance criteria shall be used to assess the potential amenity impact of over-height outbuildings:

- a) Compliance with all the minimum setback requirements;
- b) Compliance with the Policy on oversize outbuildings;
- c) Wall height not exceeding 3.6 metres and ridge height not exceeding 4.2 metres; and
- d) No objections from adjoining landowner(s).

[Adopted 5/10/04]