



1. POLICY AREA

This policy applies to all residential development within the Shire.

2. POLICY OBJECTIVE

To provide guidance for the use of discretion under the Residential Planning Codes.

To provide for the efficient processing of applications for planning consent for residential development.

3. POLICY STATEMENT

3.1 GENERAL

The following provisions of this statement are general expressions of the Council's intentions for the use of discretion under the Residential Planning Codes. However, after considering the circumstances in any particular instance the Council may decide it should exercise its discretion in a different manner.

The development of some dwellings do not require planning consent under Council's Town Planning Scheme. To avoid processing Applications for Planning Consent for these developments purely because of the discretions permitted under the Codes, this policy statement, indicates those discretions which are exercised under delegated responsibility and those which require referral to Council.

For the purpose of this Policy Statement Residential Planning Codes are as referred to in Clause 5.2.1 of the Shire of Gingin Town Planning Scheme No. 8 and these Clauses referred to in this Statement hereafter are Clauses of the Residential Planning Codes.

3.2 PLANNING CONSENT

Where an application for a building license is received for a dwelling that does not require planning consent under the Town Planning Scheme, but requires the exercise of discretion under the Residential Planning Codes, and the Council has indicated in this policy statement that discretion should be exercised under delegated powers, the application shall be treated as including an application for planning consent.

In such cases an appropriate approval detailing the exercise of discretion may be issued with the Building License but the Planning Consent shall only contain conditions relating to the exercise of the particular discretion.

3.3 DEFINITION OF GROUPED DWELLING – (Clause 5)

The definition of a grouped dwelling does not permit any dwelling to be directly above another unless Council considers there are special conditions of landscape or topography. The discretion permitted in this Clause shall only be exercised by the Council.

3.4 INTERCHANGE OF SIDE AND REAR SETBACK – (Clause 11[1])

The Codes provide for the location of private open space for a single dwelling at the side or rear of the building by allowing the side and rear setbacks to be interchanged. For the purposes of this Clause, the side and rear setback requirements may be interchanged provided neither of the boundaries in question is a street boundary.

3.5 WALL CONFIGURATIONS – (clause 11[2])

The Codes provide alternatives to allow reduced setbacks for certain wall configurations. The discretion permitted under this Clause is exercised under delegated responsibility.

3.6 VARIATION OF BUILDING SETBACK (Clause 12[1])

The Codes provide Council with a general discretion to vary building setbacks after considering certain criteria. The discretion permitted under Clause 12 (1) will only be exercised by the Council after considering the circumstances in a particular instance.

3.7 SETBACK FROM RIGHT OF WAY – (Clause 15[a])

The setback from a Right of Way or Pedestrian Accessway shall be calculated from the mid-point of any adjoining Right of Way or Pedestrian Accessway.

3.8 SETBACKS FOR CORNER LOTS – (Clause 15[b])

Discretion is provided to reduce the building setback from a second street frontage to 1.5 metres. This discretion is exercised under delegated responsibility to allow a minimum setback from a second street of three metres. The discretion permitted to allow a relaxation of the second street setback to less than three metres will only be exercised by the Council after considering the circumstances in a particular instance.

3.9 AVERAGE SETBACKS – (Clause 15[c])

This Clause provides discretion to average the building setback from a front or rear boundary provided the minimum is not reduced by more than 50 percent. This

discretion is exercised under delegated responsibility as set out in Clause 15 © and Figure 2 provided the minimum setback is not already reduced by the application of Clause 15 (b).

3.10 SETBACKS FOR ATTACHED HOUSES – (Clauses 15[d] and 15[e])

These Clauses provide discretion to reduce building setbacks for attached housing developments. The discretion permitted under these Clauses will only be exercised by the Council after considering the circumstances in a particular instance.

3.11 WALLS ON BOUNDARIES – (Clause 15[f])

The Codes provide discretion to construct the walls of a dwelling (which includes garages and other outbuildings) up to a lot boundary provided Council considers the wall satisfies specified requirements. The discretion to construct the walls of a dwelling to a side or rear boundary will be exercised under delegated responsibility. Adjoining landowners shall be notified in accordance with Clauses 13 (1) and 13 (2) upon receipt of such a proposal provided it complies with the requirements of Clause 15 (f).

If objections are received or the Building Surveyor is of the opinion the amenity of the adjoining owners may be adversely affected, the discretion will be exercised by Council after considering the circumstances in the particular instance.

3.12 CAR PARKING SPECIAL CONDITIONS – (Clause 17[1])

This Clause provides discretion for Council to impose Special conditions relating to car parking. This discretion will only be exercised by Council after considering the circumstances in a particular instance.

3.13 CAR PARK LEVELS – (Clause 17[2c])

This Clause gives Council the discretion to require the car parking to be constructed below footpath level. This discretion will only be exercised under delegated responsibility after considering the circumstances in a particular instance.

3.14 ADDITIONAL ACCOMMODATION (Clauses 19 and 20)

Clauses 19 and 20 give Council the discretion to permit the construction of an additional dwelling unit ('aged persons flat') on a lot with a single house. This discretion will only be exercised by the Council after considering the circumstances in a particular instance.

3.15 AGED PERSON'S DWELLINGS – (Clause 21)

This Clause gives Council the discretion to increase the maximum density for aged or dependant person's dwellings by up to 50 percent. This discretion will be exercised by the Council to allow the development of up to 50 percent more dwellings on a lot than otherwise permitted by the Codes, provided Council considers the developer is committed to the management of the project for housing

aged or dependant persons and that the increase in density will not result in a decrease in amenity to the future occupants or to surrounding occupants.

3.16 RESIDENTIAL AMENITY – (Clause 22)

Except where Council has already expressed a general requirement in a policy statement such as Council's Policy Statement 1.2 – Foreshore Protection Areas, the discretion permitted under Clause 22 relating to amenity will only be exercised by the Council after considering the circumstances in a particular instance.