

1. POLICY AREA

This Policy applies to the Residential zones within the Shire.

2. POLICY OBJECTIVE

To provide for a context and framework in which outbuilding use and development can take place within the Scheme area of Local Planning Scheme No. 9 (TPS No. 9).

To vary the Acceptable Development provisions of Clause 6.10.1 of Residential Design Codes in order to better reflect community expectations for residential outbuildings.

3. POLICY STATEMENT

3.1. Background

State Planning Policy (SPP) 3.1 Residential Design Codes (November 2010) is the primary and pre-eminent instrument under which residential development takes place within the State.

It particularly focuses upon providing a framework for the density, design, form and disposition of residential development, including incidental development such as "outbuildings".

In assessing and determining any application for incidental development, the responsible authority must have proper regard and consideration for SPP 3.1.

This Policy Statement does not substitute SPP 3.1, but rather, complements and enhances it, in the context of assessing and determining applications to erect an outbuilding on residential zoned land.

3.2 Definition of an Outbuilding

SPP 3.1 defines an "outbuilding" as *an enclosed non-habitable structure that is detached from any dwelling*

Over height Outbuilding is defined as an outbuilding with a wall height exceeding 2.4m and a ridge height not exceeding 4.2m.

An Oversize Outbuilding is defined as an outbuilding exceeding 60 square metres in area.

3.3 Permissibility of Development

For an outbuilding (shed) to be considered for approval and effected on residential zoned lots, the subject land must either contain an existing lawfully approved dwelling development (e.g. single house, grouped dwelling etc), or be the subject of substantially approved development (ie house pad).

3.4 Acceptable Uses and Activities within Outbuildings

With regard to the preceding definition, the following uses and activities are deemed acceptable to be carried out within an outbuilding:

- Storage and minor repair and servicing of household chattels, garden equipment and personal sporting and leisure equipment.
- Lawful games and entertainment.
- Hobbies, arts and crafts.
- Personal gymnasium.
- Garaging, and minor repair and servicing, of the occupier's motor vehicles, trailers, caravans, boats and the like.
- Storage of tools and equipment used in a home business or occupation approved by the Shire.
- Ablutions, but NOT associated with a habitable use.

The above uses and activities carried on within an outbuilding must also comply with any other applicable law or statute.

Proposals to conduct any other use or activity to be carried on within an outbuilding will require approval pursuant to the Town Planning Scheme No. 8.

3.5 Scale of Outbuilding Development

The maximum allowable standards for outbuildings are prescribed in the following table:

TOWNSITE	STANDARD	MAXIMUM
All Townsites (<600m ² lot size)	Area Wall Height Overall Height (single storey)	70m ² 3.0 metres 4.0 metres
Coastal Townsites I (601m ² – 1,000m ² lot size) (excluding Gingin)	Area Wall Height Overall Height (single storey)	90m ² 3.6 metres 5.0 metres
Gingin	Area Wall Height Overall Height (single storey)	90m ² 3.6 metres 4.2 metres
Coastal Townsites (1001m ² – 4,000m ² lot size) (excluding Gingin)	Area Wall Height Overall Height (single storey)	120m ² 3.6 metres 5.0 metres
Gingin	Area Wall Height Overall Height (single storey)	120m ² 3.6 metres 4.2 metres

Coastal Townsites (>4,000m ² lot size) (excluding Gingin)	Area	140m ²
	Wall Height	4.0 metres
	Overall Height (single storey)	5.2 metres
Gingin	Area	140m ²
	Wall Height	3.6 metres
	Overall Height (single storey)	4.2 metres

Wall heights are to be measured from natural ground level

An increase of up to 10% in floor area may be applied to accommodate variation in design parameters between different shed manufacturers.

There is a general presumption against allowing any reduction of the open space requirements prescribed by Table 1 in SPP 3.1 in order to accommodate an outbuilding development, including an “oversized” outbuilding, unless an applicant or proponent can demonstrate or provide sufficient reasons and justification on town planning grounds, for seeking a reduction.

Where a proposal seeks to erect an outbuilding at a greater scale as provided for in the Table above or a proposal is seeking a variation to the boundary setback requirement in the SPP3.1, the Shire may require from the Applicant additional assessment information of solar access, overlooking, ventilation, etc.

3.6 Neighbour Consultation

All proposals to erect an Oversize and Overheight outbuilding will require a Development Application to be lodged with the Shire. Consultation with affected neighbours (land owners and occupiers) will be required to be carried out for a minimum period of 21 days in accordance with LPS No. 9.

This consultation will be carried out by Shire Staff in the interest of transparency and accountability prior to the application being assessed and determined pursuant to SPP 3.1 and LPS No. 9.

3.7 Responsibilities

The Authority is delegated to the Chief Executive Officer and Executive Manager Planning and Development to process applications and issue development approvals subject to full compliance with this Policy and Boundary Setback requirements as prescribed in the Residential Design Codes.

GOVERNANCE REFERENCES

Statutory Compliance

Planning and Development Act 2005

Shire of Gingin Local Planning Scheme No. 9

POLICY ADMINISTRATION

[Adopted 15 January 2013]