

## **LOCAL PLANNING POLICY**

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| <b>POLICY NO:</b>      | <b>LPP.13</b>                            |
| <b>POLICY SUBJECT:</b> | <b>OUTBUILDINGS IN RESIDENTIAL AREAS</b> |
| <b>ADOPTION DATE:</b>  | <b>20 August 2009</b>                    |
| <b>LAST REVIEW</b>     | <b>13 May 2010</b>                       |

### **STATEMENT OF INTENT**

This policy provides direction and guidance on the area and height of outbuildings that the Council will permit within the Residential areas of the Shire of Toodyay. The policy provides the basis for determining applications for outbuildings that do not meet the Acceptable Development Criteria of the Residential Design Codes.

This policy only applies to the Residential zones and where the Residential Design Codes are applicable. The policy does not apply to the 'Rural Residential' or 'Rural Living' zones.

### **OBJECTIVES**

- To provide some flexibility in the requirements for outbuildings in residential areas.
- To ensure that the provisions of the Residential Design Codes are appropriately addressed.
- To improve customer service standards through the timely processing of planning and building applications for outbuildings.

### **DEFINITIONS**

**Outbuilding** is an enclosed non-habitable structure that is required to meet the standards of the Building Code of Australia and is detached from any dwelling.

**Carport** is a roofed structure designed to accommodate one or more motor vehicles unenclosed except to the extent that it abuts a dwelling or a property boundary on one side and being without a door unless that door is visually permeable.

**Garage** is any roofed structure, other than a carport, designed to accommodate one or more motor vehicles.

*Note: All definitions extracted from the Residential Design Codes (2002).*

### **STATUTORY POWERS**

This Local Planning Policy is made pursuant to Clause 2.2 of the Shire of Toodyay Local Planning Scheme No 4 and Part 5 of the Residential Design Codes.

In accordance with the provisions of the Residential Design Codes (Clause 6.10.1 – Outbuildings), where an outbuilding exceeds an area of 60m<sup>2</sup> (or 10% of the site area, whichever is the lesser) or has a wall height greater than 2.4m or a ridge height greater than 4.2m, Council's approval should be sought under the performance criteria.

The performance criteria relative to outbuildings (Clause 6.10.1) states:

*“Outbuildings that do not detract from the streetscape or the visual amenity of the residents or neighbouring properties.”*

Clause 6.2.7 of the Residential Design Codes states that buildings are to comply with any local planning policy made under the Scheme in respect of the design of carports and garages, including the colour, scale, materials and roof pitch of buildings. This policy is made subject to this clause and provides design requirements for carports and garages, however it does not interfere with any other requirement of the Residential Design Codes relating to carports and garages.

This policy does not alter or change in any way the acceptable development criteria of the Residential Design Codes .

## **POLICY STATEMENT**

### **CARPORTS AND GARAGES**

1. All garages and carports shall not exceed a floor area of 40m<sup>2</sup>, a wall height of 3.0m or a ridge height of 4.5m.
2. The Council may consider applications for carports and garages that exceed the size limitations defined in Part 1, where the following criteria may be achieved:
  - a) The garage or carport is attached to and forms part of the adjoining dwelling;
  - b) The garage or carport is situated under the roof line of the adjoining dwelling;
  - c) The garage or carport is located to the rear of an existing dwelling and can not be viewed from the street;
  - d) The garage or carport will not have an impact on the streetscape or amenity of the area; and
  - e) The garage or carport complies with any design guidelines adopted by Council.
3. All carports and garages shall be constructed of materials that match or complement the dwelling on the site.

4. The use of zincalume wall cladding in garages and carports will not be supported.

#### OUTBUILDINGS

5. Outbuildings within a Residential area shall be deemed as meeting the performance criteria of Clause 6.10.1 of the Residential Design Codes where the following area and height requirements can be achieved:

| <b>Residential Density Code of Property</b> | <b>Permitted Area of Outbuilding</b>   | <b>Permitted Wall Height</b> | <b>Permitted Ridge Height</b> |
|---|--|------------------------------|-------------------------------|
| R2.5  | 120m <sup>2</sup>  | 3.5m                         | 5.0m                          |
| R10   | 81m <sup>2</sup>   | 3.0m                         | 4.5m                          |
| R50   | 30m <sup>2</sup><br>Or 10% of the site area up to 60m <sup>2</sup> , whichever is the greater. | 2.7m                         | 4.2m                          |

6. Any proposed outbuilding that does not meet the requirements specified in Part 5 shall be referred to Council for determination, following consultation with all landowners adjoining the subject property.
7. The adjoining landowners shall be provided a copy of the proposed plans for the outbuilding, including the elevations of the structure. The adjoining owners will be provided 21 days to lodge a written submission to the Council and if no submission is received, it shall be assumed that they have no objection to the oversized outbuilding.
8. This policy does not exempt compliance with all other requirements of the Residential Design Codes and any other policy of Council.
9. The construction of an outbuilding on a Residential property that does not have an existing dwelling will not be supported.
10. All outbuildings must be located behind the existing dwelling on a property.
11. Unless necessary to meet heritage guidelines, the use of zincalume wall cladding will not be permitted in the Residential zones for outbuildings exceeding 40m<sup>2</sup> in area and with a wall height greater than 2.4m.
12. The wall and roofing materials used in the outbuilding should match or complement the existing dwelling on the property.

**Adopted as TP Policy 22 September 2005**

**Reviewed Council Meeting 24 November 2005**

**Reviewed Council Meeting 16 November 2006**

**Reviewed Council Meeting 15 November 2007**

**Amended Council Meeting 21 May 2009**

**Reviewed Council Meeting 13 May 2010**