

9. Economic Services and Development

9.3 C-9CVRL03 – Outbuildings and Temporary Accommodation in Rural Residential and Special Use-Rural Development Zones

PART A- Policy

Introduction

Part 2 of Shire of Dandaragan Local Planning Scheme No 7 provides for the local government to prepare local planning policies to assist it in making decisions under the Scheme.

This policy provides direction and guidance on the floor area and height of outbuildings, and approval processes for outbuildings, within Rural Residential and Special Use-Rural Development zones of the Shire of Dandaragan.

This policy does not exempt compliance with all other requirements of the Shire of Dandaragan Local Planning Scheme and any other policy of Council.

Objective

To ensure outbuildings in Rural Residential and Special Use-Rural Development zones do not adversely affect the amenity of neighbouring properties or the locality generally.

To establish appropriate procedures for the consideration and determination of outbuilding applications within Rural Residential and Special Use-Rural Development zones.

To provide guidelines for those wanting to build an outbuilding on land zoned Rural Residential and Special Use-Rural Development.

To provide guidelines to a Rural Residential and Special Use-Rural Development Lot owner of Council's requirements for temporary accommodation approval on a lot where a permanent dwelling is being constructed.

Definitions

“Ancillary Accommodation” is a self-contained living accommodation on the same lot as a single house which may be attached to, integrated with or detached from the single house.

“Lean-to” is a roof extension to an outbuilding that extends the roof profile only and is designed to accommodate one or more motor vehicles, unenclosed except to the extent that it abuts an outbuilding.

“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.

“Self-contained” is a structure that has its own kitchen, bathroom, and toilet not shared by others.

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Statutory Powers

This policy is made pursuant to the Shire of Dandaragan Local Planning Scheme.

Policy Statement

Positioning of Outbuildings

1. Where there is a designated building envelope for a lot, an outbuilding is to be located within that building envelope, unless an alternative building envelope is granted planning approval.
2. Where there is no designated building envelope, adjoining landowners shall be consulted regarding any application for planning approval to an outbuilding on that lot.
3. Any application for planning approval for an outbuilding on a lot without a designated building envelope that is subject of objection from adjoining landowner(s) requires Council approval.
4. In considering such applications, the Council shall have regard to boundary setback requirements of the Local Planning Scheme but also the nature of any reasonable objections based on planning grounds. If Council believes the objections can be addressed by modifying the location of the outbuilding, then Council may require the outbuilding to be relocated.

Fill for Building Pads

5. Any fill or retaining in excess of 500mm above natural ground level as part of any outbuilding development plans requires planning approval.
6. Proposed cut and fill needs to be shown on plans submitted with an application for planning approval.
7. For the purposes of measuring wall / ridge height and for any cut / fill, natural ground level will be measured from the midpoint point of the natural ground for the area where development is proposed.
8. Adjoining landowners shall be consulted regarding any proposal for an alternative base point.

Lean-tos

9. Subject to compliance with other provisions, lean-tos not exceeding a roof area of 54m² and not resulting in a total roof area of greater than 216m² do not require consultation with adjoining landowners and shall be approved.
10. The Council may approve applications for lean-tos that exceed the size limits defined in Clause 9 where the following criteria apply:
 - a) The lean-to is located to the rear of an existing outbuilding or is otherwise located in a way that Council considers makes it difficult to see the lean-to from street frontage(s) and any other key view points;

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- b) The Council comes to the conclusion that the lean-to will not adversely affect the streetscape or amenity of the area;
 - c) The lean-to is adequately screened with landscaping to lessen the visual impact on adjoining properties and streetscape; and
 - d) Notification to adjoining landowners has been obtained.
11. All lean-tos shall be constructed of materials that match or complement the outbuilding to which they are attached.

Outbuildings

12. The following approval processes apply to the related area and height specifications for outbuildings in Rural Residential and Special Use-Rural Development zones:

External Cladding	Floor Area (In Aggregate)	Wall Height	Ridge Height	Neighbour Consultation	Determination by Council
Zincalume, White Colorbond and Off White Colorbond	Up to 12m ²	Up to 2.4m	Up to 4.2m	Not required	Not required
Non-Reflective Material	Up to 162m ²	Up to 4.0m	Up to 5.5m	Not required	Not required
	> 162m ² – 216m ²	> 4.0m – 4.2m	Up to 5.5m	Required	Only required if objections received from adjoining landowners
Non-Reflective Material Hill River Heights	Up to 120m ²	Up to 3.6m	Up to 4.5m	Not required	Not required

13. The Council shall not approve outbuildings with a floor area greater than 300 m² in aggregate.
14. Any application for an outbuilding proposing to exceed 216m² in size and a wall/ridge height exceeding the above will need to be supported by information justifying a larger outbuilding and evidence demonstrating to Council's satisfaction that:
- the outbuilding will be compatible with the setting;
 - the amenity of the locality will not be adversely affected; and
 - the height, bulk, scale, orientation and appearance of the outbuilding is acceptable in relation to development on adjoining land or on other land in the locality.
15. Where neighbour consultation is required, Council will provide adjoining landowners (and any other landowners Council believes could be affected) shall be provided a copy of the proposed plans for the outbuilding, including elevations. Landowners who receive a copy of the proposed plans will be given a period of 14 days to lodge a written submission to the Council. If no submission is received, it shall be assumed that they have no objection to the outbuilding.

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16. In the Hill River Heights Rural Residential zone, there is a presumption against placement of outbuildings on lots prior to construction of a dwelling. Outbuildings will only be approved in the Hill River Heights Rural Residential zone where it can be demonstrated that the visual impact of the proposed outbuilding from Indian Ocean Drive is unobtrusive or where it can be shown that the visual impact can be suitably moderated so it will be unobtrusive.
17. Where there is an existing dwelling on a lot upon which an outbuilding is proposed, the outbuilding should be located behind the dwelling, as viewed from the primary street frontage, a minimum distance of 1.8m (please note that in Hill River Heights, Indian Ocean Drive is not the primary street frontage).
18. Wall and roofing materials used in the outbuilding should match or complement the existing dwelling on the property.
19. Where there is not an existing dwelling or an outbuilding is not proposed behind the existing dwelling, the application will be determined having regard for the criteria set out under Clauses 12 and 14 above.

Temporary Accommodation and Habitation of Outbuildings

20. The Building Surveyor (Manager Building Services) is authorized to approve/refuse an application for temporary accommodation on a Rural Residential and Special Use – Rural Development lot upon which approval for the construction of a permanent dwelling has been issued subject to the requirements.
21. Temporary accommodation is defined by Council as a self-contained structure which includes:
 - a) A habitable caravan.
 - b) A portable habitable single room structure.
 - c) A habitable room not exceeding 50m² in area.
 - d) An outbuilding having a habitable area not exceeding 50m².
22. The temporary accommodation is to be subject to the following:
 - a) To be supplied with a drinking water supply to the satisfaction of Council.
 - b) Connected to a power supply from Western Power.
 - c) Connected to an approved onsite effluent disposal system.
 - d) Be provided with a laundry, shower, toilet facilities and kitchen sink all connected with a supply of water and an onsite effluent disposal system.
 - e) The structure must be brought up to the minimum standards of a dwelling house as specified in the Building Code of Australia
 - f) The conditions of the development approval specifying the purpose of the habitation, its duration and its reversion following cessation of temporary habitation.
23. Approval is limited to a period of twelve (12) months, or the completion of the permanent dwelling, whichever occurs first, at which time habitation of the temporary accommodation is to cease immediately and be decommissioned.

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24. Subject to Clause 23 above, the temporary accommodation is to be decommissioned so as to not be self-contained by the removal of all kitchen facilities (bathroom and toilet facilities can be retained).
25. If the applicant wishes to reapply for temporary accommodation, given that a permanent dwelling has not been completed, an application must be received by Council prior to expiration of the approval issued. Subject to this clause, habitation of the temporary accommodation is permitted to continue until a determination is made on the subject application.
26. The accommodation is not to be used as ancillary accommodation unless approval is granted by Council.
27. Application for Temporary Accommodation is to be accompanied with a completed application for planning approval form and a non-refundable planning application fee as outlined in the Shire of Dandaragan's Annual Budget.
28. The Building Surveyor (Manager of Building Services) is to maintain a register of these properties that Council has approved under this Policy and report non-compliance of Clause 23 to Council.