

2.11: CONSIDERATION OF AMENDMENTS TO LOCAL PLANNING SCHEME 1A AND 3 POLICY MANUAL FOR POLICY 2A - OUTBUILDINGS

Land Description	: City of Albany
Proponent	: City of Albany
Owner	: City of Albany
Business Entity Name	: N/A
Attachments	: Amended Outbuilding Policy
Appendices	: Nil
Councillor Workstation	: Nil
Responsible Officer(s)	: Executive Director Planning & Development Services (Dale Putland)

IN BRIEF

- It is recommended that Council adopt amendments to the Policy 2A – Outbuildings for advertising purposes in accordance with Clause 6.9 of Town Planning Scheme No. 3 and Clause 7.21 of Town Planning Scheme No. 1A.

RECOMMENDATION

**ITEM 2.11 RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT the amendments to the Local Planning Scheme 1A and 3 Policy Manual for Policy 2A Outbuildings be ADOPTED for the purposes of advertising in accordance with Clause 6.9 of Town Planning Scheme No. 3 and Clause 7.21 of Town Planning Scheme No. 1A.

BACKGROUND

1. The City adopted its Local Planning Scheme 1A & 3 Policy Manual in 2011. The policy manual consists of a consolidation of policies with provisions and objectives to be taken into account in respect to decision making.
2. Since the adoption of the policy manual, staff have been assessing applications for outbuildings with reference to provisions and objectives contained within. Contentious issues have arisen in regards to the following:
 - There are no provisions to address the size of outbuildings on lots <450m² and lots between 2000m² and 4000m²;
 - The community is concerned that the amenity of an area may be impacted as a result of outbuildings being approved on vacant lots; and
 - The Policy is being used contrary to Part 5 of the Residential Design Codes.

DISCUSSION

3. The current outbuilding policy restricts the size of outbuildings relative to the size of a lot. For example, the larger the lot, the larger the size of outbuilding permitted. However, the policy fails to adequately indicate a suitable size outbuilding for Lots <450m² and for lots between 2000m² and 4000m².

4. Further, the outbuilding policy does not adequately address the potential amenity impact of outbuildings on vacant lots. If not sensitively located (eg behind dwelling), outbuildings can impact on the amenity of nearby residents, the streetscape, character and environmental attributes of the area.
5. There is some concern that the WAPC R Codes contain some ambiguities.

Part 5 of the Residential Design Codes states the following:

5.3.1 Local Planning policies may contain provisions that:

(a) *Vary or replace the following acceptable development provisions set out in part 6 and part 7 of the codes:*

streetscape

building design/appearance

boundary walls

site works

building height

external fixtures

Special purpose dwelling requirements or aged or dependent persons dwellings

6. The above clause implies that new provisions may not be adopted to vary the acceptable development provisions for outbuildings – as identified in clause 6.10.1. However, clause 5.3.2 states:

5.3.2

Despite clause 5.3.1, a council may, with the approval of the WAPC, vary any other acceptable development provision within the codes by means of a local planning policy where it can be demonstrated to the satisfaction of the WAPC that there is a need specific to a particular region that warrants such a variation.

7. While clause 5.3.1 implies that the acceptable development provisions for outbuildings cannot be varied, clause 5.3.1 does make an allowance for a variation as long as the variations are endorsed by the WAPC.
8. It is recommended that the outbuilding policy is amended by adding the following additional provisions and by getting endorsement from the WAPC:
 - to restrict the development of outbuildings on Lots <450m² and between 2000m² and 4000m²; and
 - to restrict the development of outbuildings on vacant lots.

GOVERNMENT CONSULTATION

9. It is considered appropriate that should Council adopt the amendments to the outbuilding policy for the purposes of advertising, the WAPC should also be invited to make comment.

PUBLIC CONSULTATION / ENGAGEMENT

10. Should Council adopt the amendments to the outbuilding policy for the purposes of advertising, the policy 2A - Outbuildings will be advertised once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the policy may be inspected and where, in what form, and during what period (being not less than 21 days) representations may be made to the Council.
11. The Council shall then review the amended provisions in the light of any representations made, decide to finally adopt the policy with or without amendments and refer to the WAPC for endorsement.
12. Following final endorsement of the policy, details thereof shall be advertised publicly and a copy kept with the scheme documents (Policy Manual) for inspection during normal office hours.

STATUTORY IMPLICATIONS

13. Clauses 6.9 of the City of Albany Town Planning Scheme 3 and 7.21 of Town Planning Scheme 1A set out the processes to adopt and modify town planning scheme policies and also provides direction on what function the policies have in the decision-making process.
14. The Policy may only be altered or rescinded by:
 - (a) Preparation and final adoption of a new policy, specifically worded to supersede an existing policy; and
 - (b) Publication of a formal notice of rescission by the Council twice in a newspaper circulating in the area.

STRATEGIC IMPLICATIONS

15. The amendments are consistent with the City's Strategic Plan as follows:

Governance.
The City of Albany will be an industry leader in good governance and service delivery.
16. The policy also supports the strategic principles in the Albany Local Planning Strategy in relation to issues such as land use conflict, tourism, housing diversity, protection of agricultural land, environmental management, transport, industry and the settlement hierarchy.

POLICY IMPLICATIONS

17. Should the amendments to the policy be adopted by Council for advertising purposes, after the advertising period has been completed and the policy is re-presented to Council for final consideration, Council will need to formally rescind the existing planning policy.

RISK IDENTIFICATION & MITIGATION

The risk identification and categorisation relies on the City's Risk Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i><u>Organisational Operations</u> Poor decision making as a result of peculiarities, inconsistencies and lack of provisions in the City's Policy Manual.</i>	<i>Likely</i>	<i>Medium</i>	<i>Medium</i>	<i>Adopt amendments to the Policy to solve peculiarities, inconsistencies and lack of provisions.</i>

FINANCIAL IMPLICATIONS

18. There are no financial implications related to this item.

LEGAL IMPLICATIONS

19. There are no legal implications related to this item.

ALTERNATE OPTIONS

20. Council has the options of:
- a. adopting the amended policy for advertising;
 - b. not adopting the amended policy for advertising, which would leave in place the existing planning policy framework; or
 - c. adopting the amended policy for advertising, with additional modifications.

SUMMARY CONCLUSION

21. It is recommended that Council releases the amended Outbuilding Policy for government and public exhibition.

Consulted References	:	Local Planning Scheme 1A and 3 Policy Manual
File Number (Name of Ward)	:	City of Albany
Previous Reference	:	OCM 19/04/11 - Item 1.1 (Adoption of Final version of Policy Manual).

2A OUTBUILDINGS

Objective:

To achieve a balance between providing for various legitimate storage needs of residents whilst minimising any adverse impacts outbuildings may have on the neighbourhood or locality.

1 Definitions

“**Outbuilding**” means an enclosed non-habitable structure that is detached from any dwelling.

An “**Outbuilding**” may be approved by Council for use as an Ancillary Accommodation. Where this is located within, attached to, or forms part of a larger non-habitable structure.

Notes:

- *An outbuilding with a floor area of 10m² or less and under 2.4m in height is considered exempt from the provisions of the policy (small garden shed).*
- *A second outbuilding with a floor area of 10m² or less and under 2.4m in height is to be assessed in accordance with the Outbuilding Policy.*
- *The maximum permitted floor area for outbuildings applies to the combined total floor area of all existing and proposed outbuildings on a lot.*
- *On lots zoned Residential, Tourist Residential, Future Urban and Residential Development, the outbuilding shall not be larger than the existing or proposed dwelling.*
- *The applicant may be required to plant trees or shrubs or employ another method of screening to assist in reducing the visual impact of the outbuilding.*
- *Garden related structures (eg. unenclosed gazebos) are considered exempt from the provisions of the policy.*
- *Shade houses are to be assessed in accordance with the Outbuilding Policy.*

“**Reflective Materials**” includes factory applied finishes such as zincalume, galvabond and light colorbond colours such as white, off-white (Surfmist) and smooth/classic cream.

“**Height**” is the height of the outbuilding as measured vertically from the natural ground level to the highest point of the building above that point, as stipulated in the R-Codes, and not the measurement taken above the proposed finished floor level of the outbuilding.

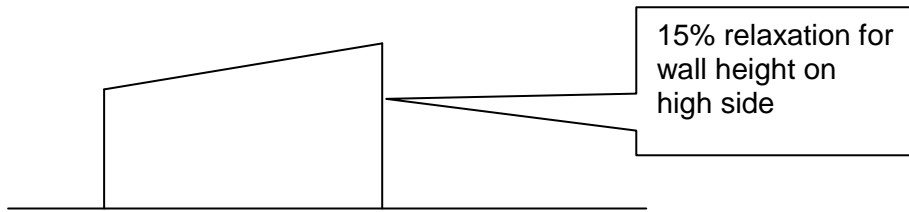
2 Policy Statement

The specific policy requirements for outbuildings within the different zones are set out in Table 1 below. Proposals compliant with the criteria in Table 1 may be determined under officer delegation.

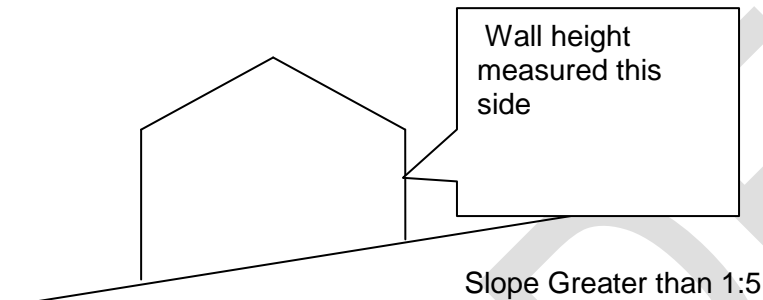
2.1 Acceptable Variations

The following variations may be approved at the Planning Officers discretion without being presented to Council:

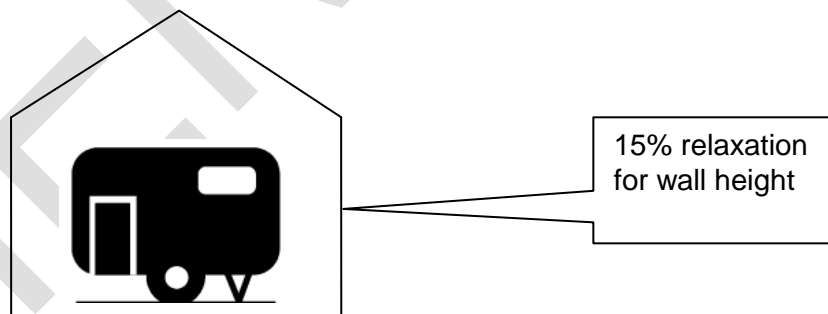
- 1) for roof forms other than a regular ridged roof, such as a mono-pitched (skillion) roof, a relaxation of the height of the wall (up to 15%) may be supported; or



- 2) where the land upon which the outbuilding is to be erected has a slope greater than 1 in 5, the height of the wall shall be measured on the wall that is located at the higher point of the site where the land has not been subject to cut and/or fill; or



- 3) where in order to accommodate larger boats, caravans or motor-homes, the applicant is to demonstrate proof of ownership of such vehicle/vessel and a relaxation of the height of the wall (up to 15%) may be supported on Residential / Tourist Residential / Future Urban / Residential Development Zone less than 4000m²; or



- 4) Where a validated need for additional floor area is made within the Residential, Tourist Residential, Future Urban and Residential Development zones, a variation to Table 1 may be considered to allow an increase in the total maximum floor area of outbuilding – up to 1% of the Lot area. For example, if the Lot area is 600m² and the max outbuilding area is 100m², 6m² may be added (total 106m²); or
- 5) A discretionary allowance of an extra 5m² over the maximum permitted floor area may be considered in cases where the stated maximum floor area allowed is unworkable due to the dimensions of a standard design.

For all other variations of the *Outbuilding Policy* the applicant shall demonstrate exceptional circumstances (judged on the merit of the application) as to why the policy should be relaxed.

2.2 Outbuilding on Vacant Lot where Predominant land use is residential
(eg zoned - 'Residential', 'Tourist Residential', 'Future Urban' or 'Residential Development')

- 1) Prior to the development of an outbuilding on a lot, a dwelling must already be established on the lot or intended to be established on the lot concurrent with the construction of the outbuilding. Intention to erect a dwelling on site can be established through approval of Planning Scheme Consent and/or a Building Licence/Permit or a Statutory Declaration stating intent to build within 12 months.

Note: The provisions under this clause do not apply to lots where the predominant land use is other than residential (eg rural uses etc).

TABLE 1: OUTBUILDING SPECIFICATIONS

Zoning	Max. Wall Height	Max. Ridge Height	Max. Floor Area (combined floor area of all outbuildings on lot)	Special Requirements
Residential / Tourist Residential / Future Urban / Residential Development Zone (Lots less than 450m ²)	3 metres	4.2 metres	60m ²	The use of non-reflective materials is required. The proposed outbuilding is located behind the existing dwelling.
Residential / Tourist Residential / Future Urban / Residential Development Zone (Lots less than 1000m ²)	3 metres	4.2 metres	100m ²	If the floor area of an outbuilding is to exceed 60m ² the use of non-reflective materials is required. The proposed outbuilding is located behind the existing dwelling.
Residential / Tourist Residential / Future Urban / Residential Development Zone (Lots 1000m ² – 3999m ²)	3 metres	4.2 metres	120m ²	If the floor area of an outbuilding is to exceed 60m ² the use of non-reflective materials is required. The proposed outbuilding is located behind the existing dwelling.
Residential / Tourist Residential / Future Urban / Residential Development Zone (Lots 2000m ² – 4000m ²)	3 metres	4.5 metres	120m ²	If the floor area of an outbuilding is to exceed 60m ² the use of non-reflective materials is required. The proposed outbuilding is located behind the existing dwelling.
Residential / Tourist Residential / Future Urban / Residential Development Zone (Lots 4000m ² or greater)	3.5 metres	4.25 metres	150m ²	If the floor area of an outbuilding is to exceed 60m ² the use of non-reflective materials is required. The proposed outbuilding is located behind the existing dwelling.
Yakamia Creek Zone	3.5 metres	4.5 metres	120m ²	If the floor area exceeds 100m ² the use of non-reflective materials is required.
Conservation Zone	3.5 metres	4.5 metres	140m ²	Refer relevant planning scheme requirements for siting and materials.
Special Residential Zone (Lots less than 3999m ²)	4.2 metres	4.8 metres	120m ²	Refer relevant planning scheme requirements for siting and materials.
Special Residential (Lots greater than 4000m ²)	4.2 metres	4.8 metres	150m ²	Refer relevant planning scheme requirements for siting and materials.
Special Rural Zone (Lots less than 2ha)	4.2 metres	4.8 metres	200m ²	Refer relevant planning scheme requirements for siting and materials.

Special Rural Zone (Lots 2ha to 3.99ha)	4.2 metres	4.8 metres	220m ²	Refer relevant planning scheme requirements for siting and materials.
Special Rural Zone (Lots 4ha or greater)	4.2 metres	4.8 metres	240m ²	Refer relevant planning scheme requirements for siting and materials.
Rural Zone (Lots less than 2ha)	4.2 metres	4.8 metres	200m ²	The siting of the outbuilding away from more obtrusive locations.
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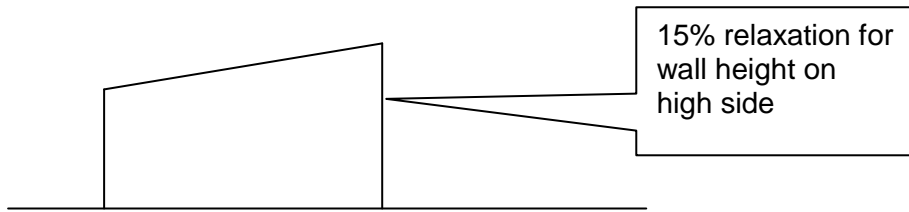
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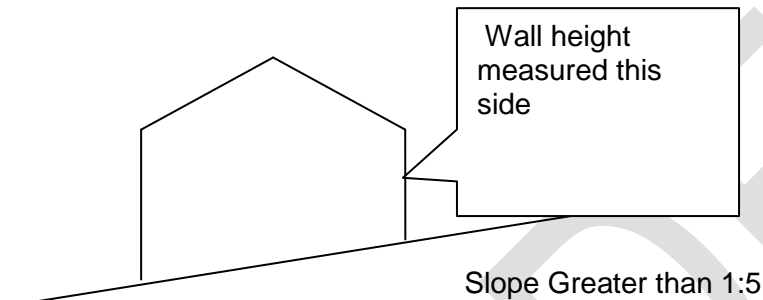
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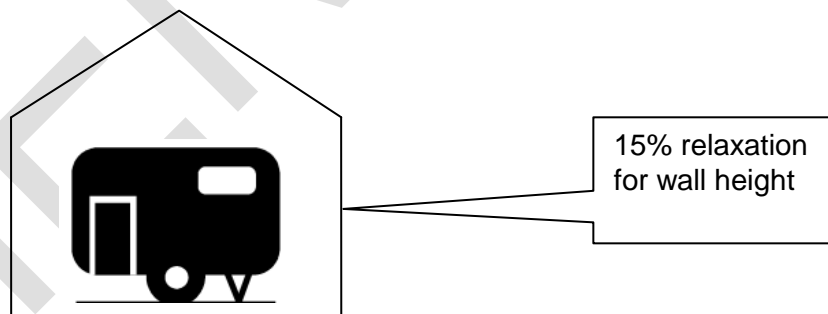
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