

PLANNING ASSESSMENT

Amendments to deemed-to-comply provisions

The current relevant deemed-to-comply provisions for outbuildings under the R-Codes limit the area to 60m² (or 10% in aggregate of the site area, whichever is the lesser), a wall height of 2.4m and a ridge height of 4.2m.

For areas coded R2.5 and above, LPP 7 proposes to increase the area to 120m² and maximum wall and ridge heights to 3.5m. For areas coded R10/30, LPP proposes to increase the area to 70m² with a maximum wall height of 3m and maximum ridge height of 4.5m.

The policy also makes provision for the criteria to be exceeded where neighbours do not object. Larger and higher outbuildings are appropriate on large lots where there are options to situate them to protect rural and landscape amenity. The increased wall height is no greater than the standard wall height of a single storey dwelling in residential areas. The proposed increases in area and height are supported as they are unlikely to impact on residential amenity.

The amendments proposed by LPP 7 are consistent with the criteria for R-Code variation, on the basis that they; respond to the specific need for larger outbuildings in the locality, are consistent with the objectives and design principles of the R-Codes, and can be effectively implemented. It is recommended that the amendments be approved subject to the modifications outlined below.

Modifications

An outbuilding is defined in the R-Codes as *"An enclosed non-habitable structure that is detached from any dwelling"*.

LPP 7 expands the definition to include non-habitable buildings being defined as a Class 10A building under the *Building Code of Australia* (BCA) and other structures. The BCA reference conflicts with the R-Codes definition of an outbuilding because it includes garages and carports, and because garages and carports are wholly or partly unenclosed structures. Garages, carports and patios are separately defined in the R-Codes with separate deemed-to-comply provisions. It is recommended that the outbuilding definition be deleted.

LPP 7 also includes several definitions that are otherwise defined in the R-Codes, the BCA or the Regulations. Some definitions conflict with the R-Codes and others are unnecessary in light of the required modification to the outbuilding definition. It is recommended that these definitions be deleted.

Section 3 - Policy Statement states that the policy applies to outbuildings, including detached patios, garages and carports on development sites within the Scheme area. The statement needs to be modified to remove reference to patios, garages and carports.

RECOMMENDATION

That the Statutory Planning Committee resolves to:

- 1. approve the amendment of deemed-to-comply provisions of State Planning Policy 3.1 - Residential Design Codes as contained in the Shire of Chittering Local Planning Policy No. 7 - Outbuildings, subject to the policy being modified in accordance with the attached Schedule of Modifications.***
- 2. advise the Shire of Chittering accordingly.***

ATTACHMENTS
Attachment 1 - Schedule of Modifications

Schedule of Modifications
Shire of Chittering Local Planning Policy No.7 - Outbuildings

1. Remove from Section 1.0 - Definitions the following definitions:

'attached, carport, detached, development site, enclosed, garage, habitable building, natural ground level, non-habitable building, outbuilding, patio, substantially commenced, unenclosed, wall height'.

(The proposed definition of an outbuilding conflicts with the definition under the Residential Design Codes (R-Codes) and its various deemed-to-comply provisions for garages, carports and patios. The remaining proposed definitions are currently included in the Planning and Development (Local Planning Schemes) Regulations 2015, the R-Codes or the Building Codes of Australia and are to be removed to avoid conflicting definitions.)

2. Delete the first sentence of Section 3 - Policy Statement and replace with the following sentence:

"This policy applies to outbuildings within the Scheme area."

(The proposed sentence conflicts with the R-Codes, as explained in relation to 1. above.)