

Title	Design Requirements for Incidental Development
Policy Number (Governance Purpose)	LPP 1.8



Policy Type

Local Planning Policy

Policy Purpose

(1) Application

This policy applies to all zones under the City's Town Planning Scheme No. 3, with exception to the Development Zone, Special Use Zone or works that are part of a heritage-protected building or within a heritage-protected place.

It is not the intention of this policy to provide more onerous requirements than the requirements for assessment under the City's Town Planning Scheme.

In February 2021 amendments were made to the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) which introduced multiple criteria for incidental development into the planning framework.

The purpose of this policy is to allow for greater flexibility than the Regulations, by identifying structures of an incidental nature, and establish criteria specific to the City of Cockburn to exempt development from the requirement to obtain planning approval.

Incidental structures are structures which are considered minor or incidental in nature to established development.

The purpose of this policy is to provide guidance on the development of incidental structures and similar developments in the City of Cockburn whilst minimising any impacts on the streetscape and the amenity of nearby properties.

(2) Implementation

1. Where a specified development is located in a zone specified in 'Column 2' and meets the conditions found in 'Column 3', a development approval is not required with the City of Cockburn.
2. The policy has effect under Clause 61 (1), Table No. 20 under the *Planning and Development (Local Planning Schemes) Regulations 2015*, as works specified in a Local Planning Policy that do not require development approval.
3. Where a proposal does not meet the provisions of or is not addressed in this policy, a development approval is required, and advertising may be required for assessment of the impact to adjoining landowners

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Policy Statement

(1) Provisions

Solar Panels			
	<u>Column 1</u> <u>Works</u>	<u>Column 2</u> <u>Applicable Zone</u>	<u>Column 3</u> <u>Conditions</u>
1.	Roof-mounted solar energy systems	All zones	The works are not located on a heritage protected building or within a heritage protected place.
2.	Free standing (ground mounted) solar energy systems	Residential, Regional Centre, District Centre and Local Centre Zone	<ul style="list-style-type: none"> The works do not occupy an area greater than 25m² and have a maximum height of 3m as measured from the natural ground level, The works, if located on a residential zoned lot, is setback from side and rear boundaries in accordance with Table 2a of the Residential Design Codes (as if it were a wall with no major opening/s), The works are not the predominant use of the lot, and The works are not forward of a dwelling or building alignment.
		Mixed Use, Mixed Business, Light and Service Industry, Industry, Rural Living, Rural and Resource Zone	<ul style="list-style-type: none"> The works do not occupy an area greater than 50m², The works are not the predominant use of the lot, and The works are not forward of a dwelling or building alignment.

Wind Energy Systems			
	<u>Column 1</u> <u>Works</u>	<u>Column 2</u> <u>Applicable Zone</u>	<u>Column 3</u> <u>Conditions</u>
3.	Horizontal Axis Wind Turbine	All zones	<ul style="list-style-type: none"> The works do not exceed the maximum building height requirements applicable to the site, For any lot which is 2000m² or less in area, the maximum

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<u>Wind Energy Systems</u>			
	<u>Column 1</u> <u>Works</u>	<u>Column 2</u> <u>Applicable Zone</u>	<u>Column 3</u> <u>Conditions</u>
			blade diameter does not exceed 2m, <ul style="list-style-type: none"> • The works are not the predominant use of the lot, and • The works are not forward of the dwelling alignment.
4.	Vertical Axis Wind Turbine	All zones	<ul style="list-style-type: none"> • The works, where located on an existing residential building, do not exceed the maximum height requirements applicable to the site by 1m, • The works, where not installed on an existing building, are not located on a residential-zoned lot, and • The works are not the predominant use of the lot.
5.	Windmills	All zones except Residential	<ul style="list-style-type: none"> • For any lot which is 2000m² or less in area, the maximum blade diameter does not exceed 2m. The works are not the predominant use of the lot, and • The works, if forward of the dwelling alignment, is appropriately screened from any street with landscape screening and/or vegetation and are complementary in colours or materials to the premises.

<u>Rainwater Tanks</u>			
	<u>Column 1</u> <u>Works</u>	<u>Column 2</u> <u>Applicable Zone</u>	<u>Column 3</u> <u>Conditions</u>
6.	Rainwater Tanks	Residential	<ul style="list-style-type: none"> • The works comply with the requirements of a 'small outbuilding' as defined in the Residential Design Codes, except for the number of outbuildings or rainwater tanks per site, and

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<u>Rainwater Tanks</u>			
	<u>Column 1</u> <u>Works</u>	<u>Column 2</u> <u>Applicable Zone</u>	<u>Column 3</u> <u>Conditions</u>
			<ul style="list-style-type: none"> The works, if forward of the dwelling alignment, is appropriately screened from any street with landscape screening and/or vegetation and are complementary in colours or materials to the premises.
		Rural Living, Rural and Resource	<ul style="list-style-type: none"> The height of the works does not exceed 5m above the natural ground level, The works are located within an approved building envelope OR where the lot does not have an assigned building envelope, the structure complies with Scheme setback requirements for rural properties, and The works, if forward of the dwelling alignment, is appropriately screened from any street with landscape screening and/or vegetation and are complementary in colours and materials to the surrounding environment.
		Regional Centre, District Centre, Local Centre, Mixed Business, Mixed Use, Light and Service Industry and Industry	<ul style="list-style-type: none"> The works, are only for the purposes of rainwater collection and do not include the storage of other liquids, and The works are not visible from the public realm and complementary in colours or materials to the premises.

<u>Battery Installations</u>			
	<u>Column 1</u> <u>Works</u>	<u>Column 2</u> <u>Applicable Zone</u>	<u>Column 3</u> <u>Conditions</u>
7.	Electric Motor Vehicle (EMV) Charging Stations	All zones except Residential	<ul style="list-style-type: none"> The works are not the predominant use of the lot, The works are to an existing car parking bay(s), approved

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Battery Installations			
	<u>Column 1</u> <u>Works</u>	<u>Column 2</u> <u>Applicable Zone</u>	<u>Column 3</u> <u>Conditions</u>
			<p>by the local government and do not reduce the overall number of parking bays available, and</p> <ul style="list-style-type: none"> The works are complementary in colours or materials to the premises.
8.	Battery Systems and Installations	All zones	<ul style="list-style-type: none"> The works are not the predominant use of the lot, and The works are screened from view from the public realm.

Cubby Houses			
	<u>Column 1</u> <u>Works</u>	<u>Column 2</u> <u>Applicable Zone</u>	<u>Column 3</u> <u>Conditions</u>
9.	Cubby Houses as defined by the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>	Resource and Rural Zones	<ul style="list-style-type: none"> The works are not located on a heritage protected building or within a heritage protected place
		Rural Living Zone	<ul style="list-style-type: none"> Located a minimum 6m from the primary street Located a minimum 2.5m from any other boundary The works are not located on a heritage protected building or within a heritage protected place
		All Other Zones	<ul style="list-style-type: none"> The lot is subject to the Residential Design Codes of WA The lot is deemed a Single House or Grouped Dwelling There is only one cubby on the lot Located behind the primary street setback area

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Cubby Houses			
	<u>Column 1</u> <u>Works</u>	<u>Column 2</u> <u>Applicable Zone</u>	<u>Column 3</u> <u>Conditions</u>
			<ul style="list-style-type: none"> Does not have a footprint or floor area of greater than 10m² Is not located within a heritage-protected place Does not exceed a building height of 3 metres measured from the existing natural ground level

Shade Sails			
	<u>Column 1</u> <u>Works</u>	<u>Column 2</u> <u>Applicable Zone</u>	<u>Column 3</u> <u>Conditions</u>
10.	Shade Sails	Local Centre, District centre, Regional Centre, Mixed Business, Light and Service Industry, Industry and Strategic Industry Zones	<ul style="list-style-type: none"> Located a minimum 15m from the primary street lot boundary Located a minimum 3m from any other boundary Where a lot has frontages to two streets (excluding the secondary street) then both street setbacks shall be 15m Is not located within a heritage-protected place Are not obstructing landscaping, vehicle parking and vehicle access, to the satisfaction of the City
		All other Zones	<ul style="list-style-type: none"> The lot is subject to the Residential Design Codes of WA The lot is deemed a Single House or Grouped Dwelling Is not located within a heritage-protected place

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Poles			
	<u>Column 1</u> <u>Works</u>	<u>Column 2</u> <u>Applicable Zone</u>	<u>Column 3</u> <u>Conditions</u>
11.	Flag Poles	All Zones	<ul style="list-style-type: none"> The height of the flagpole is no more than 6m above the natural ground level The flagpole is no more than 200mm in diameter The flagpole is not used for advertising There is no more than 1 flagpole on the lot The works are not located in a heritage-protected place
12.	Camera Poles	Resource and Rural Zones	<ul style="list-style-type: none"> Located a minimum 20 m from the primary street Located a minimum 10 m from any other boundary The works are not located in a heritage-protected place
		Rural Living Zone	<ul style="list-style-type: none"> Located a minimum 6m from the primary street Located a minimum 2.5m from any other boundary Is not located within a heritage-protected place
		Regional Centre Zone	<ul style="list-style-type: none"> Located a minimum 15m from any boundary that adjoins residential zoned land Is not located within a heritage-protected place Where there is not more than one (1) camera pole per 2,000m² of lot area
		All other Zones	<ul style="list-style-type: none"> Where the height of the structure does not exceed the wall height of the existing/proposed dwelling on-site, to a maximum height of 6m Where the structure is located behind the alignment of the existing/proposed dwelling Where only one (1) structure is proposed per lot

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			<ul style="list-style-type: none"> Where the structure is setback from lot boundaries as if they were treated as a wall with no major openings in accordance with table 2a of the R-codes The works are not located in a heritage-protected place Where no more than two (2) security cameras are fixed to the structure and the security cameras are directed towards the subject site and/or the street, not adjoining properties
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Satellite Dishes and Communication Equipment			
	<u>Column 1</u> <u>Works</u>	<u>Column 2</u> <u>Applicable Zone</u>	<u>Column 3</u> <u>Conditions</u>
13.	Satellite Dishes	Residential and Local Centre Zones	<ul style="list-style-type: none"> Has a diameter of less than 1.2m No more than 2 dishes are proposed on any one lot The works are not located in a heritage-protected place
		All other Zones	<ul style="list-style-type: none"> Has a diameter of less than 3m No more than 2 dishes are proposed on any one lot The works are not located in a heritage-protected place
14.	Dishes associated with Temporary Mobile Communication Facilities	All Zones	No Conditions
15.	Dishes associated with State Emergency Communication Equipment	All Zones	No Conditions

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16.	Dishes associated with Other Public Authority Communication Infrastructures	All Zones	No Conditions
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Pergolas/Vergolas			
	<u>Column 1</u> <u>Works</u>	<u>Column 2</u> <u>Applicable Zone</u>	<u>Column 3</u> <u>Conditions</u>
17.	Pergolas/Vergolas	Residential	<ul style="list-style-type: none"> The lot is subject to the Residential Design Codes of WA The works are not located in a heritage-protected place
		All Other Zones	<ul style="list-style-type: none"> Located 15m from the primary street boundary Located 3m from any other boundary Where a lot has frontages to two streets (excluding the secondary street) then both street setbacks shall be 15m The works are not located in a heritage-protected place

(2) Explanatory Notes

1. Development Approval and/or a Building Permit may be required for other incidental structures within the City of Cockburn. Contact the City of Cockburn for advice prior to the commencement of any works. Any other minor works require written planning advice and shall be determined on a case by case basis by the Local Government.
2. The provision for works to be “*not forward of a dwelling or building alignment*” and “*not visible from the public realm*” refers to the fixture or building being visually obtrusive as viewed from the street. In the event of any ambiguity, please contact the City of Cockburn for advice prior to the commencement of any works.
3. Proponents are reminded of their obligation to comply with the *Environmental Protection (Noise) Regulations 1997*. Prior to the installation of any structure, information should be provided to the City which demonstrates the structure’s compliance with the Regulations.

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4. This policy does not prohibit the installation of external fixtures which comply against 5.4.4 of the Residential Design Codes or are otherwise exempt from the requirement of a development approval.
5. A rainwater tank for a rural-zoned property does not contribute to the maximum permitted floor area for other outbuildings or structures on-site
6. Satellite Dishes that require development approval (i.e., that do not meet the conditions of the above table) shall be assessed against the following standards:
 - (a) Dishes must be located to minimise their visual impact from neighbouring properties, the street or other public areas.
 - (b) Dishes must be ground mounted with a maximum diameter of 3m.
 - (c) Dishes should be erected below the height of fences where practicable and are to be adequately screened at ground level from view of neighbouring properties.
 - (d) Screening measures include the following:
 - i. Construction of standalone lattice screening (or similar) inside the property boundary i.e. in close proximity to the dish itself;
 - ii. Establishment of mature fast growing plantings
 - iii. Planting of fast growing creepers to cover the lattice or screening device; and
 - iv. Painting the dish and/or lattice structure to 'colour match' its background.

(3) Definitions

Cubby house: Means an enclosed structure, such as a small-scale replica of a dwelling, and includes tree houses, which is usually of simple construction and used primarily by children for the purposes of play, but excludes unenclosed platforms. A cubby house may also be commonly referred to by other names, such as an outdoor fort or children's den.

Flagpole: A structure designed to support a flag and containing nothing other than a flag.

Camera pole: A structure or device designed to support security cameras.

Pergola/Vergola: An open-framed structure covered in water permeable material, or operable louvered roofing, which may or may not be attached to a dwelling.

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Strategic Link:	Town Planning Scheme No. 3
Category	Planning - Town Planning & Development
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