

Title	Incidental Structures
Policy Number (Governance Purpose)	LPP 1.8



Policy Type

Local Planning Policy

Policy Purpose

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.

Policy Statement

(1) Application

This policy applies to the development of land within all land zoned under the City of Cockburn Town Planning Scheme No. 3 (TPS 3).

(2) 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 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.

(3) Cubby Houses

1. Resource and Rural Zones:

- i. Planning Approval is not required for any cubby houses, except if located in a heritage-protected place.

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2. Rural Living Zone:

- i. Planning Approval is not required for any cubby house where the development complies with the following criteria:
 - a) Located a minimum 6m from the primary street;
 - b) Located a minimum 2.5m from any other boundary; and
 - c) Is not located within a heritage-protected place.

3. All Other Zones:

- i. Planning Approval is not required for the development of a cubby house where the development complies with the following criteria:
 - a) The lot is subject to the Residential Design Codes of WA;
 - b) The lot is deemed a Single House or Grouped Dwelling;
 - c) There is only one cubby on the lot;
 - d) Located behind the primary street setback area;
 - e) Does not have a footprint or floor area of greater than 10m²;
 - f) Is not located within a heritage-protected place; and
 - g) Does not exceed a building height of 3 metres measured from the existing natural ground level.

- 4. In all other instances, a cubby houses is required to obtain Planning Approval.

(4) Shade Sails

1. Local Centre, District centre, Regional Centre, Mixed Business, Light and Service Industry, Industry and Strategic Industry Zones:

- i. Planning Approval is not required for shade sails where the development complies with the following criteria:
 - a) Located a minimum 15m from the primary street lot boundary;
 - b) Located a minimum 3m from any other boundary;
 - c) Where a lot has frontages to two streets (excluding the secondary street) then both street setbacks shall be 15m; and
 - d) Is not located within a heritage-protected place.
 - e) Are not obstructing landscaping, vehicle parking and vehicle access, to the satisfaction of the City.

2. All Other Zones

- i. Planning Approval is not required for the development of shade sails where the development complies with the following criteria:
 - a) The lot is subject to the Residential Design Codes of WA;
 - b) The lot is deemed a Single House or Grouped Dwelling; and
 - c) Is not located within a heritage-protected place.

- 3. In all other instances, shade sails are required to obtain Planning Approval

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(5) Flagpoles

1. The erection of a flagpole is considered exempt from requiring planning approval where the proposed flagpole is in accordance with CI 61 of the Planning and Development (Local Planning Scheme) Regulations 2015.

(6) Camera Poles

1. Resource and Rural Zones

- i. Planning Approval is not required for any camera poles where the development complies with the following criteria:
 - a) Located a minimum 20 m from the primary street;
 - b) Located a minimum 10 m from any other boundary; and
 - c) Is not located within a heritage-protected place.

2. Rural Living Zone

- i. Planning Approval is not required for any camera poles where the development complies with the following criteria:
 - a) Located a minimum 6m from the primary street;
 - b) Located a minimum 2.5m from any other boundary; and
 - c) Is not located within a heritage-protected place

3. Regional Centre Zone

- i. Planning Approval is not required for any camera poles where the development complies with the following criteria:
 - a) Located a minimum 15m from any boundary that adjoins residential zoned land;
 - b) Is not located within a heritage-protected place; and
 - c) Where there is not more than one (1) camera pole per 2,000m² of lot area.

4. All Other Zones

- i. Planning Approval is not required for any camera poles where the development complies with the following criteria:
 - a) 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;
 - b) Where the structure is located behind the alignment of the existing/proposed dwelling;
 - c) Where only one (1) camera pole is proposed per lot;
 - d) 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;
 - e) Where the structure is not proposed on a lot on the Heritage List identified under TPS 3;

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- f) 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; and
- g) Is not located within a heritage-protected place.

5. In all other instances, camera poles are required to obtain Planning Approval. The development application must be advertised to potentially affected adjoining and nearby properties for comment.

6. Camera poles are not encouraged in residential areas and security cameras (if required) should be fixed to the existing/proposed dwelling.

(7) Satellite Dishes

1. All Zones

- i. Planning Approval is not required for any satellite dishes where the development complies with the following criteria:
 - a) Less than 1.2m in diameter on land zoned Residential or Local Centre;
 - b) Less than 3m in diameter on land zoned Regional Centre, District Centre, Mixed Business, Rural, Rural Living, Resource, Light and Service Industry or Industry;
 - c) Where two or more dishes, including those for which approval is not required, are located within the one lot.
 - d) Planning Approval is not required for Dishes associated with:-
 - i. Temporary mobile communication facilities; located at any one specific place for a period not exceeding one week; or
 - ii. State Emergency Services Communication Equipment; or
 - iii. Any other public authority communications infrastructure; and
 - e) Is not located within a heritage-protected place.

2. In all other instances, camera poles are required to obtain Planning Approval and the General Guidelines below are to be addressed:

i. General Guidelines

- 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. Establishment of mature fast growing plantings;
 - ii. Construction of standalone lattice screening (or similar) inside the property boundary i.e. in close proximity to the dish itself;

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- 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.

(8) Pergolas/Vergolas

1. Planning Approval is not required for pergolas/vergolas where the development complies with the following criteria:
 - a) Located a minimum 15m from the primary street lot boundary;
 - b) Located a minimum 3m from any other boundary;
 - c) Where a lot has frontages to two streets (excluding the secondary street) then both street setbacks shall be 15m; and
 - d) Is not located within a heritage-protected place.
2. All Other Zones
 - i. Planning Approval is not required for the development of pergolas where the development complies with the following criteria:
 - a) The lot is subject to the Residential Design Codes of WA; and
 - b) Is not located within a heritage-protected place
3. In all other instances, pergolas are required to obtain Planning Approval.

(9) Other minor works:

1. Any other minor works require written planning advice and shall be determined on a case by case basis by the Local Government.

Strategic Link:	Town Planning Scheme No. 3
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