

SHIRE OF CHITTERING

TOWN PLANNING SCHEME NO. 6

**Local Planning Policy
No. 18**

SETBACKS

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LOCAL PLANNING POLICY No. 18
SETBACKS**

1. STATUTORY CONTEXT

The Shire of Chittering, as enabled under Part 2 of Town Planning Scheme (TPS) No. 6, hereby makes this Local Planning Policy (LPP) regarding Setbacks throughout the Shire of Chittering.

Any LPP prepared under this Part shall be consistent with the Scheme and if any inconsistency arises the Scheme shall prevail.

A LPP is not part of the Scheme and shall not bind the Local Government in any respect of an application for Planning Approval but the Local Government shall have due regard to the provisions of any Policy and the objectives that the Policy is designed to achieve before making its decision.

TPS No. 6 controls setbacks, building envelopes and variations thereto via the following provisions: 5.5, 5.7, 5.8, 5.15, 6.3, 6.4, 6.6 and 10.2. This policy interprets those provisions and applies to all land zoned within the Shire of Chittering. It supersedes LPP No. 18 Setbacks adopted 26 April 2006.

2. DEFINITIONS

Unless inconsistent with the context, the following definitions apply:

“Building” means any structure whether fixed or moveable, temporary or permanent, placed or erected upon land, and the term includes dwellings and structures appurtenant to dwellings such as carports, garages, verandas, patios, outbuildings and retaining walls, but excludes boundary fences, pergolas and swimming pools. (Residential Design Codes)

“Building Clearing Area” means the area within a defined building envelope that may be cleared for the purposes of erecting a dwelling, outbuildings and management of vegetation for gardens, car parking, driveways and fire hazard reduction. (TPS No.6)

“Building Envelope” means an area of land within a lot marked on a plan approved by the responsible authority within which all buildings and effluent disposal facilities on the lot must be contained. (TPS No. 6)

“Setback” means the horizontal distance between development, being a wall, structure or excavation at any point and an adjacent lot boundary, measured at right angles (90 degrees) to the boundary.

3. BACKGROUND

Building setbacks have traditionally been included in town planning schemes to provide adequate light and ventilation, separation for noise and visual privacy, and buffer separation for hazardous and dangerous land uses.

More recently, setbacks have been introduced for aesthetic and environmental reasons and applied to retaining walls and other_than buildings eg. dams. It is now accepted that there is clearing for firebreaks, minimum distances from main roads to preserve rural character,

and setbacks from watercourses and native vegetation for conservation purposes. TPS No. 6 requires setbacks in most of these instances.

The opposite of setbacks is to define a building envelope with maximum cleared area and contain all building within it. This can be a useful approach when building is preferred on some parts of a lot but not others, such as in cleared areas but not in naturally vegetated areas. This approach is applied in most of the Rural Residential zones in TPS No. 6.

Within the Wannamal, Muchea and Bindoon Townsites there are designated R Coded areas where the Residential Design Codes apply. In these areas building setbacks and permitted variations are controlled by the Residential Design Codes. Outside these areas, and also in Agricultural Resource zones, setbacks are generally not specified and are at the discretion of Council under the TPS.

This policy provides guidance on appropriate setbacks where they are not specified in the Scheme; also where there are inconsistencies within the Scheme eg. different setback requirements where an R Coded area adjoins a Major Road .

4. OBJECTIVES

The objectives of this policy are:

To maintain the rural character of the Shire;

To allow maximum flexibility for building while maintaining rural character, ensuring light, safety and visual privacy, preserving natural vegetation, protecting water courses and wetlands from encroachment and keeping firebreaks clear.

5. POLICY STATEMENT

- 5.1 Where specified, setbacks are to be in accordance with the requirements of Local Planning Policies, Development Plans (including any building envelopes) and the Residential Design Codes. The procedure for variation is as specified in TPS No. 6 and the Residential Codes respectively.
- 5.2 In strategic firebreaks there are to be no buildings, swimming pools, dams, water tanks, fences or gates constructed.
- 5.3 In the special control areas providing buffers for Basic Raw Materials and Land Refuse, there are to be no new residential buildings constructed but Council may allow additions to an existing building.
- 5.4 In the special control area that is Water Prone and areas liable to flooding the minimum building setback is 30m from an existing water body or highest known flood level, as decided by Council.
- 5.5 The minimum building setback from a drainage easement is 10m;
- 5.6 In the special control area for Landscape Protection, dams, buildings and other structures are to be setback from ridgelines.
- 5.7 Otherwise, the following minimum setbacks generally apply to buildings (including retaining walls), dams and water tanks:

- (a) **Agricultural Resource Zone**
 Highway – 100m
 Major Road – 50m
 Other Road – 30m
 Rear – 30m
 Side – 30m
- (b) **Rural Residential, Small Rural Holdings and Rural Retreat Zones**, in the absence of building envelopes
 Highway – 100m
 Major Road – 50m
 Other Road – 20m
 Secondary Road Frontage – 15m
 Rear – 20m
 Side – 15m
 The minimum separation between dwellings on adjoining lots is 50m
- (c) **Townsite Zone**, in the absence of Residential Design Codes
 Highway – 50m
 Major Road – 30m
 Other Road – 20m
 Secondary Road Frontage – 15m
 Rear – 20m
 Side – 15m

5.8 The following minimum setbacks apply to bores and wells in all zones:

- (a) Effluent disposal system – 30m
- (b) Existing property boundary – 3m
- (c) Existing bore on adjoining property – 10m
- (d) Proposed road widening – 3m

5.9 If a site is to have a sand pad for a proposed dwelling greater than 0.5 metres above natural ground level, then for every 0.5 metre of height above natural ground level, setback distances specified in 5.1 to 5.7 above are to be increased by 2 metres.

5.10 Applications for planning approval may be dealt with by the Chief Executive Officer under delegation issued by Council in accordance with Section 5.42 of the *Local Government Act 1995* in the following circumstances:

- (a) where setbacks conform to the requirements of 5.1 to 5.7 above
- (b) where effluent disposal facilities are located outside a building clearing area or within a setback area, provided the location has previously been cleared of natural vegetation and satisfies health requirements.

5.11 Council may permit variations to the minimum setbacks specified in 5.5 and 5.7 above, as permitted by TPS No. 6, in the following circumstances:

- (a) additions to an existing building
- (b) reduced size or irregularly shaped lot
- (c) commercial or industrial use
- (d) temporary or minor structures
- (e) heritage buildings
- (f) other cases where it is reasonable to do so, as determined by Council.

ADOPTED FOR PRELIMINARY APPROVAL by resolution of the **Shire of Chittering** at the Ordinary Meeting of the Council held on the 24th day of January 2007.

ADOPTED FOR FINAL APPROVAL by resolution of the **Shire of Chittering** at the Ordinary Meeting of the Council held on the 16th day May 2007

and the seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of:

PRESIDENT.....

CHIEF EXECUTIVE OFFICER.....

Date: