

# Cubby Houses Policy

## Council Policy

### Responsible Directorate: Planning and Community Development

**Objective:** To establish criteria for determining when planning approval is required for the construction of cubby houses.

**1. Authority:**

This Policy has been prepared in accordance with Clause 8.11 of the *City of Joondalup District Planning Scheme No. 2*, which allows Council to prepare planning policies relating to planning or development within the Scheme area.

**2. Application:**

This Policy applies to the whole of the City of Joondalup.

**3. Definitions:**

**“architectural feature”** means finial or other minor decorative feature built into the design and construction of the building.

**“amenity”** means all those factors which combine to form the character of the area to residents and passers-by and shall include the present and likely future amenity, as defined within the *City of Joondalup District Planning Scheme No. 2*.

**“building”** means any structure or appurtenance thereto, whether fixed or moveable, temporary or permanent, and without limiting the generality of the foregoing, includes a shed, stall, fence, wall, barrier, hoarding, outbuilding, tent, caravan or swimming pool, as defined within the *City of Joondalup District Planning Scheme No. 2*.

**“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.

“**natural ground level**” means the levels on a site which precede the proposed development, excluding any site works unless approved by the Council or established as part of subdivision of the land preceding development, as defined within the *Residential Design Codes of Western Australia*.

#### 4. **Statement:**

In order to ensure that cubby house structures are not detrimental to the amenity of adjoining properties, the City supports the establishment of criteria to determine when planning approval is required for the construction of cubby houses on residential land.

#### 5. **Details:**

##### 5.1. **Structures Not Requiring Planning Approval:**

A cubby house structure does not require planning approval provided each of the following criteria are met:

- a. The structure does not have a floor level elevated more than 0.5 metres above natural ground level.
- b. The structure is not located within the primary street setback area.
- c. The structure will not be used for habitable purposes.
- d. There will be a limit of one cubby house per survey strata or green title lot.
- e. The structure will not exceed 2.1 metres in height above the natural ground level, with the exception of architectural features or a flagpole, which shall not exceed 2.5 metres above natural ground level.
- f. The structure will not exceed 6 square metres in total floor area.
- g. The structure will not be attached to a boundary fence or other buildings.
- h. The structure will not abut more than one side or rear boundary.
- i. Apart from statement (h), must be setback a minimum of 1 metre from all other boundaries.
- j. The structure will contain all stormwater run-off on-site.

##### 5.2. **Structures Requiring Planning Approval:**

If a cubby house structure fails to satisfy any one or more of the above in Section 5.1, an *Application for Planning Approval* will be required.

Where an *Application for Planning Approval* is required, such applications will be considered on their individual merits.

- a. For cubby houses with a floor level of more than 0.5 metres above natural ground level, openings or balconies shall be setback 4.5 metres from the boundary, or screened in accordance with the *Residential Design Codes of Western Australia*.

- b. All *Applications for Planning Approval* will require the City of Joondalup to consult with property owners likely to be affected by the proposal for a minimum period of 14 days, prior to the determination of the Application.
- c. In determining whether to approve an *Application for Planning Approval*, the City of Joondalup will consider whether the proposal has the potential to adversely impact adjoining properties and/or streetscape with regard to:
- the comments of any objectors or supporters of the Application;
  - the degree to which the proposal impacts the amenity of adjoining properties and/or streetscape;
  - the need to protect the privacy of adjoining properties by preventing views into adjoining active habitable spaces and outdoor living areas;
  - the requirement to consider matters stipulated under Clause 6.8 of the *City of Joondalup District Planning Scheme No. 2*; and
  - any other relevant planning matter the City of Joondalup considers appropriate or is required to consider.
- d. When submitting an *Application for Planning Approval*, the applicant is required to provide justification addressing the abovementioned planning considerations.

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**Creation Date:** February 2009

**Amendments:** CJ168-08/12

**Related Documentation:**

- *City of Joondalup District Planning Scheme No. 2*
- *Residential Design Codes of Western Australia*