

## LOCAL PLANNING POLICY

### LPP24: OUTBUILDINGS IN THE RURAL RESIDENTIAL, RURAL SMALLHOLDING & RURAL ZONES

<i>Responsible Department</i>	Development Services
<i>Resolution Number</i>	C.3602
<i>Resolution Date</i>	21/06/2017
<i>Next Scheduled Review</i>	2021
<i>Related Shire Documents</i>	Local Planning Scheme No. 6
<i>Related Legislation</i>	Planning and Development Act 2005 Planning and Development (Local Planning Schemes) Regulations 2015

#### OBJECTIVES

- Recognise the unique characteristics of rural residential development within the Shire as it relates to outbuilding size and construction;
- Provide Acceptable Development standards for outbuildings in rural residential areas; and
- Ensure that constructed outbuildings are not utilised for unapproved purposes.

#### PRELIMINARY

##### Authority to prepare and adopt a Local Planning Policy

Division 2 of Schedule 2, Part 2, clause 3(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, also known as the 'deemed provisions for local planning schemes', allows Council to prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme area.

This policy will be made effective once Council has completed the process stipulated in clause 4(1) up to and including clause 4(4) of the *deemed provisions for local planning schemes*.

### Relationship of this Policy to the Scheme

If a provision of this Policy is inconsistent with the Scheme, the Scheme prevails. This Local Planning Policy is not part of the Scheme and does not bind Council in respect of any application for development approval. However, Council shall have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

## **APPLICATION OF THE POLICY**

### Definitions

**Carport** means a roofed structure designed to accommodate one or more motor vehicles unenclosed except to the extent that it abuts a dwelling or a property boundary on one side, and being without a door unless that door is visually permeable.

*Carports that are included under the main roof of a dwelling are not subject to this Policy.*

**Garage** means any roofed structure, other than a carport, designed to accommodate one or more motor vehicles and attached to the dwelling.

Detached Garages – A garage that is detached from the house is considered an outbuilding.

Attached Garages – Garages that are incorporated into the house design and under the same roof line are not subject to this policy.

**Lean-to** is an ancillary structure to an outbuilding that is attached to an existing or proposed outbuilding and has at least three open sides, generally designed to accommodate one or more motor vehicles.

**Natural Ground Level** or “NGL”, is the level on a site which precedes the proposed development, excluding any site works unless approved by the Council.

**Outbuilding** means an enclosed non-habitable structure that is detached from any dwelling.

### Application

The purpose of this Policy is to provide development controls for the construction of residential outbuildings in the ‘Rural Residential’, ‘Rural Smallholding’ and ‘Rural’ zones as identified by the Scheme.

### Exclusions

This Policy does not apply to:

- Residential outbuildings on land zoned ‘Residential’ and ‘Mixed Use’ as Local Planning Policy No.23 ‘Outbuildings in the Residential and Mixed Use Zones’ applies in this case;

- Carports included under the main roof of a dwelling;
- Garages attached (i.e. structurally joined) to a house and incorporated under the same roof line;
- Verandahs, patios, pergolas, unenclosed gazebos and similar;
- Garden sheds with a floor area of less than 10m<sup>2</sup> and height of 2.4m and not located in the front setback area;
- Commercial or industrial sheds and outbuildings;
- Detached buildings that are to be used for habitable purposes, such as ancillary dwellings ('granny flats'), as this form of development will be considered under the provisions of Local Planning Policy No.13 'Ancillary Accommodation'; and
- Sea Containers & other similar storage structures as this form of development will be considered under Clause 4.23 of the Scheme and the provisions of Local Planning Policy No.5 – 'Use and Control of Sea Containers and Similar Storage Containers'.

#### Relationship of this Policy to other Local Planning Policies

This Policy is to be read in conjunction with any other relevant Local Planning Policy.

### **APPROVAL REQUIREMENTS**

#### Exemptions under the deemed provisions for local planning schemes

Under Clause 61(1)(i) of the *deemed provisions for local planning schemes*, the Development Approval of the Shire is not required for outbuildings, detached carports and detached garages that comply with the Development Guidelines listed under section 5.1 up to and including 5.13 of this Policy.

The above-mentioned exemption does not apply if the outbuilding is located in a place that –

- comes under the *Heritage of Western Australia Act 1990*;
- is included on a heritage list;
- is located within an area designated under the Scheme as a heritage area;
- is within a Special Control Area under the Scheme; and/or
- accessed by an unconstructed road.

#### Variations to the Development Guidelines

Where an outbuilding is proposed that does not meet one or more requirements of this Policy, a written justification of the variation to the Policy sought is required to be lodged for consideration together with the Application.

Council will take into account the following matters when considering granting approval to a development that varies a provision of this Policy:

- consistency with the primary objectives of this Policy; and
- the likely impact on the amenity of the locality and adjoining properties.

Where Council considers the proposed variation will adversely impact on the amenity of the locality and adjoining properties, it may place conditions on the approval to ensure the development complies with this Policy or refuse the application outright.

#### Lean-To Requirements

The maximum size of an ancillary "Lean-To" shall be 30% of the roof cover of the existing or proposed outbuilding.

For the purposes of calculating total floor area of an outbuilding(s), a lean-to is deemed to form part of the overall floor area if it is enclosed on two (2) or more sides (including the shared wall with the existing or proposed outbuilding).

A lean-to shall be constructed of materials that match or complement the proposed / existing adjoining outbuilding.

#### Need for a Building Permit

Notwithstanding that Development Approval is not required, or may be granted by Council (as the case might be), a Building Permit is required to be sought and issued prior to on-site works commencing. The outbuilding will need to meet all relevant requirements under the Building Code of Australia and Australian Standards. Building Permit fees and levies are payable in accordance with the current Shire of Northam Fees and Charges.

## **DEVELOPMENT GUIDELINES**

### 1. Floor area

The following maximum floor area for a single outbuilding and the combined floor area for all outbuildings on a single lot will apply, dependent on the size of the lot:

**Table 1 - Maximum floor area**

Lot Size	Maximum Outbuilding Size	Maximum Combined Area of all Outbuildings
<b>Under 2ha</b>	200m <sup>2</sup>	200m <sup>2</sup>
<b>2ha-5ha</b>	250m <sup>2</sup>	250m <sup>2</sup>
<b>5ha-40ha</b>	300m <sup>2</sup>	500m <sup>2</sup>
<b>Over 40ha</b>	1,000m <sup>2</sup>	Assessed on a case-by-case basis

Any outbuilding that does not meet the above floor area limitations will require the approval of full Council.

## 2. Height

The following maximum wall (measured from NGL) and roof ridge height for outbuildings will apply:

**Table 2 - Maximum wall height**

Zone	Wall Height	Ridge Height
<b>Rural Residential</b>	4m	5m
<b>Rural Smallholding</b>	4.5m	5.5m
<b>Rural</b>	5m	Assumed at a 10 degree pitch
<b>Rural (over 40ha)</b>	6m	Assumed at a 10 degree pitch

Any outbuilding that does not meet the above wall and ridge height limitations will require the approval of full Council.

## 3. Boundary Setbacks

All outbuildings shall employ the minimum setback distances as provided in Table 2 (Site and Development Requirements Table) of the Scheme.

## 4. Building Envelopes

All outbuildings shall be located wholly within any building envelope required by the Scheme.

5. Wall and door cladding

In areas zoned “Rural Residential” and “Rural Smallholding”, walls of steel outbuildings greater than 10m<sup>2</sup> in floor area are to be clad in a pre-painted steel sheeting and in a colour that complements the main dwelling.

The use of masonry or other non-steel cladding on outbuildings is to be in a style and colour that complements the main dwelling on the property.

6. Roof cladding

In areas zoned “Rural Residential” and “Rural Smallholding”, un-painted roof sheeting can be used on all outbuildings where staff are satisfied that reflection will not cause undue impact to neighbouring properties or passing road traffic.

7. Use of second-hand materials

The use of second-hand materials is permitted only with full Council approval and where the materials have been approved for reuse by a private building certifier and certified by a structural engineer.

Council’s approval is subject to any conditions deemed appropriate to give the materials an “as new” appearance.

8. Outbuildings on vacant land

Construction of an outbuilding on a vacant lot is not permitted unless: -

- an application to construct a dwelling on the lot is made and approved prior to or at the same time as an application for the outbuilding is made; or
- proof of financial commitment (e.g. a contract entered into between a builder and the owner) has been provided as well as financial evidence to demonstrate capability to pay for completion of a dwelling; and
- payment of a \$5,000 bond. This bond is fully refundable upon the Shire having received the notice of completion (Form BA7) from the builder for a residence on the same property.

9. Ablutions in outbuildings

Ablutions will only be permitted to be installed in outbuildings where an existing dwelling is located on the same lot.

Ablutions are not permitted in outbuildings approved on vacant land under the provisions of section 5.8 of this Policy unless ablutions are required in

conjunction with an approval under Council's 'Temporary Accommodation during Construction of a Dwelling' Policy H 6.5.

10. Habitation

No outbuilding is to be used for habitation without prior Council approval and the meeting of the relevant construction requirements for a habitable building contained in the Building Code of Australia. Where relevant, approval of an ancillary dwelling in accordance with the provisions of Council's Scheme will be required.

11. Commercial use

Use of outbuildings for commercial purposes is not permitted. Use of an outbuilding for a home occupation or cottage industry is to be in accordance with Council's Home Occupation, Home Business and Cottage Industry requirements.

12. Detached carports and garages

In addition to the maximum combined floor area permitted for outbuildings, a detached carport or garage up to 40m<sup>2</sup> is permitted provided there is no garage incorporated under the main roof of the dwelling.

13. Outbuildings in bushfire prone areas

Outbuildings within bushfire prone areas should be located in cleared areas. Where required, outbuildings are to be constructed in accordance with *Australian Standard AS 3959* construction standards.

14. Other requirements

All relevant requirements of Council's Scheme, Council Policies and Local Laws and relevant environmental health and building legislation are applicable to the development of outbuildings.