



## **LOCAL PLANNING POLICY**

POLICY NO:	LPP 1
POLICY SUBJECT:	OUTBUILDINGS
ADOPTION DATE:	18 December 2013
LAST REVIEW:	18 November 2014

### **OBJECTIVES**

The primary objectives are to:

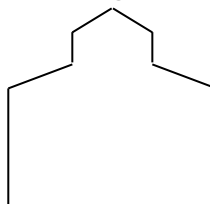
- (a) Ensure that no outbuilding adversely impacts upon the amenity of the area or upon vistas from public roads;
- (b) Provide certainty for landowners of the requirements within the Shire and guidance to the Shire's officers by ensuring that all development issues are considered when applying for planning approval and that the rural nature of the Shire is maintained;
- (c) Limit the impact of outbuildings by specifying such things as maximum floor/roof areas, wall heights, ridge heights, location, material colour and landscaping;
- (d) Allow sufficient scope for the siting of outbuildings sympathetic with landscape features, distance from neighbouring properties and roads;
- (e) Ensure that constructed outbuildings are not utilised for unapproved purposes.

### **DEFINITIONS**

The following are definitions that may be used as part of this policy in addition to the definitions included in Local Planning Scheme No 6:

**“Attached”** means that a structure is joined at the roof to another structure.

**“Barn”** means the same as an outbuilding, however, has a profile similar to the included diagram.





**“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.

**“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 the residence are not subject to this policy.

**“Combined Floor Area of Outbuildings”** for the purpose of this policy is the total floor area of all of the outbuildings located on the subject land.

**“Combined Roof Area of Outbuildings”** for the purpose of this policy is the total roof area of all outbuildings located on the subject land.

**“Council”** means the elected members of the Shire.

**“Detached”** means that no part of a structure is joined to any part of another structure.

**“Development”** shall have the same meaning given to it in the Planning and Development Act 2005.

**“Dwelling”** means a building or portion of a building being used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than six persons who do not comprise a single family.

**“Earthworks”** means the movement of earth on land which is carried out in conjunction with the construction of a structure or independently and exceeds 0.5m in height at any given point.

**“Enclosed”** means an area bound on three of more sides by a permanent wall and covered in a water impermeable material.



**“Floor Area”** shall have the same meaning given to it in and for the purposes of the Building Code of Australia published by the Australian Building Codes Board.

**“Garage”** Any enclosed roofed structure, other than a **carport**, designed to accommodate one or more motor vehicles provided for the sole use of the dwelling and designed to be integrated with the dwelling. Garages that are included under the main roof of the residence are not subject to this policy.

**“Garden Shed”** means a prefabricated steel structure with a maximum floor area of 12.25m<sup>2</sup>, a maximum wall height of 1.8m and a maximum ridge height of 2.1m.

**“Integrated”** means that a garage or outbuilding is constructed of similar roof pitch, colours, materials and design in reference to the existing dwelling’s roof pitch, colours, materials and design.

**“Lean To”** means a structure with a single sloping roof that is structurally attached to an existing building. Lean to’s that are attached to an outbuilding are subject to this policy.

**“LPS 6”** means Local Planning Scheme No 6.

**“Outbuilding”** has the same meaning given to it in the Residential Design Codes and is also a structure used for the housing/storage of machinery or household items which may be provided with power and water and incorporates such structures as sheds and barns but does not include a garage or carport. An outbuilding also means a Class 10A building as defined by the Building Code of Australia, which class 10 refers to a “non-habitable” building.

**“Patio”** has the same meaning given to it in the Residential Design Codes and is an unenclosed structure covered in a water impermeable material which may or may not be attached to a dwelling. Patios that are attached to the dwelling are not subject to this policy.

**“Residential Design Codes”** or **“RDC”** means State Planning Policy 3.1 issued by the Department of Planning.



**“Ridge Height”** means the maximum vertical distance between the **finished floor level** and the finished roof height directly above.

**“Scheme”** means Local Planning Scheme No 6.

**“Second Hand Materials”** means any construction materials that have previously been used in the construction of any other structure.

**“Setback”** means the distance from boundaries as defined in Local Planning Scheme No 6 or the Residential Design Codes.

**“Shed”** means, for the purposes of the Scheme, a structure with a floor area of greater than 12.25m<sup>2</sup> used for the housing / storage of machinery or household items which may be provided with power and water but does not have any ablution facilities and does not include garden sheds and carports. A shed also means a Class 10A building as defined by the Building Code of Australia, which class refers to a “non-habitable” building.

**“Shire”** means the Shire of Northam.

**“Substantially Commenced”** means the commencement of the approved development either by way of undertaking associated earthworks, construction, placement or otherwise of the approved development to a minimum of one third complete.

**“Wall Height”** means the maximum vertical distance between the **finished floor level** and the finished wall height directly above.

## **STATUTORY POWERS**

This Local Planning Policy is made pursuant to clause 2.2 of the Shire’s Local Planning Scheme No 6.

## **POLICY STATEMENT**

### **Location of Outbuilding**

Within the “Residential”, “Rural Residential”, “Rural Smallholdings” and “Rural” (under 40ha) zones, outbuildings other than a carport will not be



permitted in the area between the house and the front boundary of the property.

### Setback Requirements

Where a building envelope has been allocated, all development involving the construction of a structure must be erected within the confines of the building envelope. Development is not permitted to be erected outside of a building envelope. Building envelopes may be modified subject to planning approval being granted by the Shire.

Where no building envelope has been nominated on the lot, all development shall be subject to the appropriate setback requirements to the external face of a wall of the development, as outlined in Table 2 of the Scheme.

**Table 1 - Minimum Setbacks to Outbuildings**

Zone	Setback From	Minimum Distance
Residential	Front Boundary Side/Rear Boundaries	As per RDC, refer to Location and Parapet Walls in Residential Zone
Rural Residential	Front Boundary Side Boundary Rear Boundary	As per LPS 6: 15m 10m 10m
Rural Smallholdings	Front Boundary Side Boundary Rear Boundary	As per LPS 6: 25m 20m 20m
Rural	Front Boundary Side Boundary Rear Boundary	As per LPS 6: 25m 20m 20m

### Parapet Walls in Residential Zone

Parapet walls can be supported for outbuildings constructed on the side or rear property boundary only:

- (a) On land with a residential density code of “R15” or higher;



- (b) When the written support of the owner(s) of the adjacent property on whose boundary the parapet is to be placed has been obtained;
- (c) With a maximum length of 6m and height of 3m from **finished floor level**; and
- (d) In accordance with the Design Principles of the RDC for Boundary Walls.

Parapet walls are to be designed to the Building Codes of Australia standards for fire protection, to the satisfaction of the Shire and in consultation with the adjoining landowner.

### **Cladding Materials and Design Requirements**

Within the “Residential”, “Rural Residential” and “Rural Smallholding” zones non-painted steel wall cladding will only be supported for use on outbuildings with a floor area of or less than 12.25m<sup>2</sup> and where the Shire’s officers are satisfied that reflection will not cause undue impact to neighbouring properties or passing road traffic.

Within the “Rural” zone, non-painted steel wall cladding will only be supported for use on outbuildings where the lot is over 40ha and where the Shire’s officers are satisfied that reflection will not cause undue impact to neighbouring properties or passing road traffic.

For all outbuildings in the “Residential”, “Rural Residential”, “Rural Smallholding” and “Rural” zones, non-painted custom-orb or similar roofing will only be supported where the Shire’s officers are satisfied that reflection will not cause undue impact to neighbouring properties or passing road traffic.

The Shire will support the use of factory applied painted steel wall and roof cladding in a colour that is sympathetic to the surroundings and colour scheme of the dwelling.

Where masonry construction is to be employed, the wall and roof colour and appearance of any outbuilding should be complementary to the design and construction of the dwelling.



The use of second hand materials will only be approved where all materials have been inspected and deemed appropriate by an officer of the Shire prior to construction and an application being approved. The materials are to have an “as new” appearance. The applicant is to comply with any conditions placed upon the use of the materials as outlined in the approval within 30 days of construction commencing.

In the “Residential” zone, barn style outbuildings will not be permitted.

### Maximum Combined Floor Area

The maximum floor area is construed to mean the combined floor area of any existing outbuildings on the lot together with any proposed outbuildings yet to be constructed on the lot.

Table 2 outlines the maximum floor area allowable under this policy in each zone.

Table 2 - Maximum Floor Areas (proposed)

Zone	Maximum Floor Area (combined)
Residential R20 - R40	80m <sup>2</sup> or 10% of the site area whichever is the lesser
Residential R10-R15	80m <sup>2</sup>
Residential R5	90m <sup>2</sup>
Residential R2.5	120m <sup>2</sup>
Rural Residential	200m <sup>2</sup>
Rural Smallholdings	300m <sup>2</sup>
Rural (8ha and under)	300m <sup>2</sup>
Rural (over 8ha up to and including 40ha)	500m <sup>2</sup>
Rural (over 40ha up to and including 100ha)	1,000m <sup>2</sup>
Rural (over 100ha)	Assessed on a Case by Case Basis

Table 2 - Maximum Floor Areas (current policy)

Zone	Maximum Floor Area (combined)
Residential	80m <sup>2</sup>
Rural Residential (up to and including 1.5 ha)	150m <sup>2</sup>
Rural Residential (over 1.5 ha)	200m <sup>2</sup>



Zone	Maximum Floor Area (combined)
Rural Smallholdings	250m <sup>2</sup>
Rural (8ha and under)	300m <sup>2</sup>
Rural (over 8ha up to and including 40ha)	500m <sup>2</sup>
Rural (over 40ha up to and including 100ha)	1,000m <sup>2</sup>
Rural (over 100ha)	Assessed on a Case by Case Basis

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

Note that lean-tos attached to an outbuilding are considered to be a part of the outbuilding and therefore the total floor area is included in the aggregate outbuilding floor area calculation.

### Maximum Wall and Ridge Heights

The maximum wall height from natural ground level for outbuildings shall be as outlined in Table 3.

Table 3 - Maximum Wall and Ridge Heights

Zone	Wall Height	Ridge Height
Residential	3.5m	4.5m
Rural Residential	4m	5m
Rural Smallholdings	4.5m	5.5m
Rural (8ha and under)	4.5m	5.5m
Rural (over 8ha up to and including 40ha)	5m	5.5m
Rural (over 40ha up to and including 100ha)	5m	6m
Rural (over 100ha)	Assess on Individual Merit	Assess on Individual Merit

### Construction Restrictions





### Construction of Outbuildings on Land Without a Constructed Dwelling

The construction of an outbuilding on vacant land within the “Residential”, “Rural Residential” and “Rural Smallholding” zones under this Policy will not be permitted without a building permit for the construction of a dwelling having been approved by the Shire’s Building Surveyor and the dwelling having been substantially commenced.

Alternatively, if the applicant/landowner can provide the proof of financial commitment eg: a contract entered into between a builder (providing construction of a dwelling) and the applicant together with a deposit paid as well as financial evidence to demonstrate capability to pay for completion of a dwelling, the Shire may issue planning approval for the construction of an outbuilding prior to the issue of a building permit for the construction of a dwelling. This provision does not apply to property zoned “Residential”.

In the “Rural” zone, the construction of an outbuilding on vacant land which is under 40ha will not be permitted without a building permit for the construction of a dwelling having been received, approved by the Shire’s building surveyor and the dwelling having been substantially commenced.

Construction of the dwelling for which a building permit has been approved by the Shire’s Building Surveyor must commence within twelve (12) months and completed and occupied within two (2) years of the date of issue of a building permit of an outbuilding. Should the dwelling fail to be completed within two (2) years without satisfactory justification, the Shire will require the removal of the outbuilding.

Construction of an outbuilding in a “Residential” or “Rural Residential” zone may be permitted under this Policy if the subject vacant land adjoins land which consists of a dwelling and is owned by the applicant. Amalgamation of the lots may be required by the Shire.

### Accommodation in Outbuildings

Outbuildings shall not be approved for permanent occupation, tourist accommodation or commercial purposes with the exception of a home based business or cottage industry or other use(s) as approved by the



Shire via an application for planning consent or an amendment to the Scheme.

### Temporary Accommodation in Outbuildings Whilst Constructing a Dwelling

Outbuildings may be approved by the Shire's Environmental Health Officer for temporary accommodation whilst constructing a dwelling subject to the land being located within the "Rural Smallholdings", "Rural Residential" or "Rural" zone, compliance with Council's policy for temporary accommodation and obtaining approval from the Shire's Building Surveyor and Environmental Health Officer for the use of an outbuilding for temporary accommodation.

Upon completion and occupation of a dwelling, the outbuilding previously approved for temporary accommodation may only be used as a Class 10A building as defined in the Building Codes of Australia. Further, the Shire may request the removal of the installed facilities in the outbuilding.

## **Carports, Garages and Garden Sheds**

### Detached Carports and Garages

Carports and garages not incorporated under the main roof of the residence are subject to the relevant requirements outlined in this Policy. **Detached garages must be enclosed and designed to accommodate motor vehicles provided for the sole use of the dwelling. The appearance of the garage or carport must reflect the materials of the dwelling in terms of roof pitch, colour and wall cladding and designed to be integrated with the dwelling.** Front setbacks for carports and garages will be assessed in accordance with the requirements of the RDC and the provisions of this Policy.

Carports and garages that are incorporated under the main roof of the residence are not subject to this policy and will be assessed under the relevant requirements relating to the dwelling contained in the RDC.

### Garden Sheds

No planning approval is required for one (1) prefabricated garden shed of or less than 12.25m<sup>2</sup> in floor area with a wall height of or less than 1.8m



and a ridge height of or less than 2.1m per “Residential” or “Rural Residential” lot.

No planning approval is required for up to two (2) prefabricated garden shed of or less than 12.25m<sup>2</sup> in floor area with a wall height of or less than 1.8m and a ridge height of or less than 2.1m per “Rural Smallholdings” or “Rural” lot.