

Policy Number	Policy Title
<b>LPP02</b>	<b>Outbuildings and other non-habitable buildings associated with residential development in the Residential and Town Centre Zones</b>

## DEFINITIONS

Outbuilding (as per the Local Planning Scheme) – means a detached enclosed non-habitable structure, including garages, storage sheds, studios, games rooms and patios, but not carports, pergolas or structures that are connected to or form part of the main building (except within the Residential zone, where the Residential Design Codes' definition for Outbuilding prevails).

Enclosed (as per the Residential Design Codes) – an area bound on three or more sides by a permanent wall and covered in a water impermeable material.

Reflective Materials – includes zincalume or similar product, shiny metallic finish, white coloured metallic material

Amenity – means all those factors which combine to form the character of an area and include the present and likely future amenity.

Unenclosed (as per the Residential Design Codes) – an area bounded on no more than two sides by a permanent wall and covered in a water impermeable material.

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

Unenclosed non-habitable building (for the purpose of this Policy) - does not include a carport that abuts a dwelling unless the carport abuts or is also attached to the outbuilding.

Residential Development (as per the Residential Design Codes) – development of permanent accommodation for people, and may include all dwellings, the residential component of mixed-use development, and residential buildings proposing permanent accommodation.

## POLICY

### 1.0 Citation

This is a local planning policy prepared under the *Planning and Development (Local Planning Schemes) Regulations 2015* and the *Shire of Irwin Local Planning Scheme No. 5*. It may be cited as the *Local Planning Policy – Outbuildings and other non-habitable buildings associated with residential development in the Residential and Town Centre Zones*.

The local government may prepare a local planning policy in respect of any manner related to the planning and development of the Scheme area. In making a determination under the Scheme the local government must have regard to each relevant local planning policy to the extent the policy is consistent with the Scheme.

### 2.0 Policy Objectives

1. The location, design, external colour and appearance, scale and bulk of the outbuilding,

- including unenclosed non-habitable buildings attached to or abutting the outbuilding, shall not have adverse amenity impacts on adjoining properties or the area when viewed from public roads;
2. To allow for the regional variation to the R-Codes for outbuildings in residential areas;
  3. To set maximum floor areas, heights and specific provisions to outbuildings associated with residential development that are reflective of the needs for the Residential and Town Centre zones;
  4. To provide further guidance and consistency on the assessment of development applications for outbuildings;
  5. To facilitate the effective and timely processing of outbuilding applications where in accordance with this policy;

### 3.0 Application Requirements

Development Applications for outbuildings shall be accompanied with the information requirements set out in Part 3 of the R-Codes for outbuildings.

As per Part 3.3 of the R-Codes and Clause 9.2(d) of the Shire's Local Planning Scheme, the local government may require additional information or supporting documentation, as considered necessary dependent on the proposal and context surrounding the proposal, to enable assessment and determination of the application.

*Please refer to the Guidelines for residential outbuildings for further information and guidance on what is required with a Development Application.*

### 4.0 Applications subject of this Policy

This Policy applies to outbuildings and unenclosed non-habitable buildings abutting or attached to the outbuilding in the Residential and Town Centre zones only where the R-Codes apply.

#### 4.1 Outbuildings that do not require Development Approval

- (a) Outbuildings associated with Residential Development in the Residential and Town Centre zones that meet the Deemed-to-comply requirements referred to as 'standards for small outbuildings' as set out in Clause 5.4.3 C3i of the R-Codes as provided below do not require Development Approval and are exempt from this Policy:
  - (i) No more than one outbuilding per dwelling site;
  - (ii) Has no more than two boundary walls;
  - (iii) Does not exceed 10sqm in area;
  - (iv) Does not exceed a wall and ridge height of 2.7m;
  - (v) Not located within the primary or secondary street setback area; and
  - (vi) Does not reduce open space and outdoor living area requirements in Table 1 of the R-Codes.
  
- (b) Outbuildings associated with Residential Development in the Residential and Town Centre zones that meet the following Deemed-to-comply requirements do not require Development Approval and are exempt from this Policy:
  - (i) Individually or collectively do not exceed 60sqm in area or 10% in aggregate of the site area, whichever is the lesser;
  - (ii) Set back in accordance with Table 2a of the R-Codes;
  - (iii) Does not exceed a **wall height of 2.7m**;
  - (iv) Does not exceed a ridge height of 4.2m;
  - (v) Not located within the primary or secondary street setback area;
  - (vi) Does not exceed the open space and outdoor living area requirements in Table 1 of the R-Codes; and
  - (vii) Not listed as requiring Development Approval in Clause 8.2 of the Shire of Irwin Local Planning Scheme No 5.

*Note: Provision 4.1(b) is reflective of Clause 5.4.3 C3ii of the R-Codes except with the increase of wall height from 2.4m to 2.7m (shown in bold); a variation to the Deemed-to-comply requirement of the R-Codes permitted by this Policy and reference to the Scheme’s exemption requirements.*

*Please refer to the Guidelines for residential outbuildings for further information and guidance on the types of outbuildings that don’t require Development Approval.*

#### 4.2 Shipping Containers used as an outbuilding

Shipping Containers that are not for temporary use and used as an outbuilding are to be assessed against this Policy only to the extent of calculating the maximum floor area and open space for outbuildings on the property. For placement, number of containers permitted and other specific Shipping Container provisions – refer to LPP01 Shipping Containers.

#### 5.0 Policy Provisions

Section 5 of this Policy sets out development provisions applicable to outbuildings and other non-habitable buildings that are the subject of a Development Application.

##### 5.1 Residential and Town Centre Zone

###### 5.1.1 Development Provisions

Zone Land Size or Sub-precinct	TABLE 5.1.1					
	Maximum Floor Area per Outbuilding	Maximum Aggregate Outbuilding Floor Area	Maximum Wall Height (above natural ground level)	Maximum Ridge Height (above natural ground level)	Minimum Setbacks	Reflective Materials permitted
Residential (up to 600sqm)	60sqm or 10% of site area, whichever is the lesser		2.7m	4.2m	As per the R- Codes - unless the outbuilding meets the criteria of Provisions 5.1.1(b) and (c)	No
Residential (601sqm- 1000sqm)	80sqm		3m	4.5m		
Residential (1001sqm- 2000sqm)	80sqm	100sqm	3m	4.5m		
Residential (2001sqm and greater)	100sqm	120sqm	3m	4.5m		
Town Centre  Moreton Terrace – Mainstreet  Irwin River – Tourist Residential	60sqm or 10% of site area, whichever is the lesser		2.7m	4.2m	As per the R- Codes for R30 development	

Town Centre (all other sub-precincts)	70sqm or 10% of site area, whichever is the lesser	3m	4.2m		
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Provisions applicable to both the Residential and Town Centre zones:

- (a) An outbuilding that does not meet one or more of the Deemed-to-comply requirements set out above in Provision 4.1(a) and (b) of this Policy requires Development Approval and is to be assessed against the requirements of this Policy.
- (b) Outbuildings that exceed one or more of the following:
  - (i) 60sqm or 10% of the site area, whichever is the lesser;
  - (ii) 2.7m wall height; and/or
  - (iii) 4.2m ridge height
 are to be sited behind the rear building line/s of the dwelling to the primary street/s boundary and sited behind the front building line/s of the dwelling to the secondary street (where used or capable for access) boundary (please refer to Guidelines for further guidance and explanation) unless a greater setback is required as per Provision 5.1.1(c) below.
- (c) For lots with secondary street access that is an Important Local Road, Major Road or Highway (refer to Local Planning Scheme maps for road hierarchy), outbuildings are required to meet the minimum primary street setback to this secondary street boundary unless Provision 5.1.1(b) requires greater, in which case the greater setback prevails.
- (d) For lots with a rear boundary with no permitted access that is an Important Local Road, Major Road or Highway, outbuildings shall meet the minimum setback for the rear boundary as per Table 2a of the R-Codes.
- (e) The outbuilding and any attached or abutting non-habitable unenclosed building does not reduce the open space and outdoor living area required by Table 1 of the R-Codes.
- (f) Outbuildings, individually and collectively, do not have a floor area greater than the plot ratio area of the Single House.
- (g) An outbuilding must be detached from a dwelling and cannot be constructed on a vacant lot.
- (h) Outbuildings that are constructed of masonry that match the construction material and colour of the dwelling are supported to be positioned up to the front building line/s of the dwelling.
  - (i) The colours and materials of the outbuilding shall compliment the design and appearance of the dwelling.

Provision specific to the Residential Zone:

- (j) Up to 40sqm, individually or collectively, of unenclosed non-habitable building abutting or attached to the outbuilding (i.e. open lean-to) is permitted on a lot subject to the following:
  - (i) The overall height of the building does not exceed the wall height of the outbuilding;
  - (ii) The building does not project forward of the front building line of the dwelling;
  - (iii) The building colour and materials match the outbuilding; and
  - (iv) The building meets all other 5.1.1 Development Provisions of this Policy.

Provisions specific to the Town Centre Zone:

- (k) Outbuildings, greater than 10sqm in aggregate and not associated with Residential Development in the Town Centre Zone are covered in a separate Policy – refer to **LPP04 Outbuildings**.
- (l) The outbuilding shall meet the objectives and development requirements, with the exception of building setbacks which are specified in this Policy, of the relevant sub-precinct in the Dongara Town Centre Precinct Plan.

- (m) Up to 30sqm, individually or collectively, of unenclosed non-habitable building abutting or attached to the outbuilding (i.e. open lean-to) is permitted on a lot subject to the following:
- (i) The overall height of the building does not exceed the wall height of the outbuilding;
  - (ii) The building does not project forward of the front building line of the dwelling;
  - (iii) The building colour and materials match the outbuilding; and
  - (iv) The building meets all other 5.1.1 Development Provisions of this Policy.

## 6.0 Variations to this Policy

For development that proposes a variation to the requirements of this Policy, the applicant will need to provide detailed information justifying why the requirements of the Policy should be varied/relaxed.

*Please refer to the Guidelines for residential outbuildings for further information and guidance on the requirements and process required for outbuildings proposals that propose a variation to a requirement of this Policy.*

Applications seeking a variation will also be subject to Section 7 Consultation of this Policy and may require determination by Council at an Ordinary Council Meeting.

*Please refer to the Guidelines for residential outbuildings for further information on the steps involved and typical timeframes for a Development Application for an outbuilding where a variation is proposed.*

## 7.0 Consultation

### 7.1 Applications that meet the Policy requirements

For applications that meet all of the requirements of this Policy relevant to the development, no consultation is required prior to determination.

### 7.2 Applications that do not meet the Policy requirements

For applications that do not meet one or more of the requirements contained within this Policy, the local government, at its discretion, may notify adjoining and/or nearby landowners for the opportunity to make comment on the proposal prior to determination.

In the event an objection to the proposal is received, and is not able to be addressed, the application will require determination by Council at an Ordinary Council Meeting. In the event no objection is received, depending on the extent of variation/s, the local government may determine the application under delegated authority or by Council at an Ordinary Council Meeting.

*Please refer to the Guidelines for residential outbuildings for further information on the requirements and process involved with neighbour consultation for a Development Application for an outbuilding where a variation is proposed.*

## 8.0 Appendix

Guidelines for residential outbuildings to LPP02 (to be finalised)

<b>Date of Adoption:</b>		<b>Adoption Ref:</b>	
<b>Date of Review:</b>		<b>Review Frequency:</b>	biennial
<b>Responsible Directorate:</b>	Infrastructure and Development Services		
<b>Legislation:</b>	Planning and Development (Local Planning Schemes) Regulations 2015 Shire of Irwin Local Planning Scheme No. 5		
<b>Related Policies and/or Procedures:</b>			

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