

Policy Number	Policy Title
LPP03	Outbuildings and other non-habitable buildings in zones listed in Clause 5.18 of the Scheme

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, place 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.

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 in zones listed in Clause 5.18 of the Scheme*.

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 set maximum floor areas, heights and specific provisions to outbuildings that meet the needs of the residents and/or occupiers whilst being appropriate to the zone and permitted land use of the site;

3. To provide further guidance and consistency on the assessment of development applications for outbuildings;
4. 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 outbuildings for LPP03 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 buildings attached to the outbuilding in the following zones within the Shire of Irwin:

- Special Residential
- Rural Residential
- Rural Smallholdings
- General Farming

Please refer to the Guidelines to see a breakdown of the 3 local planning policies that relate to outbuildings in various zones and to help determine which policy applies to your property.

4.1 Outbuildings that do not require Development Approval

- (a) Outbuildings, less than 10sqm in aggregate, do not require Development Approval and are exempt from this Policy.
- (b) Outbuildings, in aggregate, that are greater than 10sqm but less than the floor area of Clause 5.18 of the Scheme (as listed below), that meet all of the Policy requirements for the relevant zone and are not listed as requiring Development Approval in Clause 8.2 of the Shire of Irwin Local Planning Scheme No 5, do not require Development Approval:
 - Special Residential – 80sqm
 - Rural Residential – 100sqm
 - Rural Smallholdings – 200sqm
 - General Farming – 200sqm
- (c) Outbuildings in 4.1(b) above that do not meet one or more Policy requirements for the relevant zone require Development Approval.
- (d) Outbuildings, in aggregate, that exceed the floor area of Clause 5.18 of the Scheme (as listed in 4.1(b) above) require Development Approval.

Please refer to the Guidelines for further guidance on the types of outbuildings that do and don't require Development Approval in each zone.

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 to the extent of calculating maximum floor area and open space. 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 for outbuildings and other non-habitable buildings relevant to the respective zones that are the subject of a Development Application.

5.1 Special Residential Zone

5.1.1 Development Provisions

Zone/Land Size	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
Special Residential	120sqm	150sqm	3.2m	4.5m	As per Clause 5.24 of the Scheme, unless otherwise stated	No

- (a) Outbuildings are to be sited behind the rear building line/s of the dwelling from the primary street boundary and front building line/s from the secondary street boundary.
- (b) Outbuildings constructed of masonry product that matches the dwelling are permitted to be setback 10m from the primary street boundary or positioned up to the front building line/s of the dwelling, whichever is the greater distance.
- (c) Up to 40sqm, individually or collectively, of unenclosed non-habitable building attached or abutting 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 colour and materials match the outbuilding; and
 - (iii) The building meets all other 5.1.1 Development Provisions of this Policy.
- (d) An outbuilding must be detached from a dwelling as per Clause 5.26.2 ii) of the Scheme.

5.2 Rural Residential Zone

5.2.1 Development Provisions

Zone/Land Size	TABLE 5.2.1					
	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
Rural Residential	200sqm	250sqm	3.6m	4.8m	As per Clause 5.24 of the Scheme and, if applicable, Provision 5.2.1(b)	No

- (a) The outbuilding shall meet relevant Development Provisions as contained within Clause 5.30 of the Local Planning Scheme. More specifically Clause 5.30.12 of the Local Planning

- Scheme restricts Development Approval for an outbuilding on a lot where either a residence exists or is part of the first stage with the outbuilding of a Development Approval.
- (b) Outbuildings greater than 10sqm in area shall require a 30m setback to a boundary of a Major Road and 50m setback to a boundary of a Highway (refer to the Local Planning Scheme maps for road hierarchy) regardless if that boundary is the front, rear or side boundary.
 - (c) Up to 80sqm, individually or collectively, of unenclosed non-habitable building attached to or abutting 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 colour and materials matches the outbuilding; and
 - iii. The building meets all other 5.2.1 Development Provisions of this Policy.
 - (d) Outbuildings greater than 100sqm in area shall be located behind the main building line of the dwelling as viewed from the primary and secondary street (if applicable) boundaries.

5.3 Rural Smallholdings Zone

5.3.1 Development Provisions

Zone/Land Size	TABLE 5.3.1					
	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
Rural Smallholdings – less than 20ha	300sqm	450sqm	5m	7m	As per Clause 5.24 of the Scheme and, if applicable, Provision 5.3.1(d)	No
Rural Smallholdings – greater than 20ha	400sqm	600sqm	5m	7m		

- (a) Outbuildings greater than 10sqm in area shall be contained within the approved building envelope.
- (b) Outbuildings greater than 200sqm in area on lots less than 20ha are to be sited behind the main building line of the dwelling as viewed from the primary and secondary street boundaries. In the circumstance where no dwelling exists, the Applicant shall demonstrate compliance to this with the dwelling shown on the site plan.
- (c) Outbuildings, in aggregate, above 200sqm on vacant land (not associated with a dwelling) will be subject to the determination of an associated permitted land use of the site and will include assessment to its suitability in accordance with the Local Planning Scheme.
- (d) Outbuildings greater than 10sqm in area shall require a 30m setback to a boundary of a Major Road and 50m setback to a boundary of a Highway (refer to the Local Planning Scheme maps for road hierarchy) regardless if that boundary is the front, rear or side boundary.
- (e) Up to 100sqm, individually or collectively, of unenclosed non-habitable building attached or abutting 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 colour and materials matches the outbuilding; and
 - iii. The building meets all other 5.3.1 Development Provisions of this Policy.

5.4 General Farming Zone

5.4.1 Development Provisions

Zone/Land Size	TABLE 5.4.1					
	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
General Farming – less than 20ha	450sqm	600sqm	6m	8m	As per Clause 5.24 of the Scheme and, if applicable, Provision 5.4.1(c).	Yes
General Farming – greater than 20ha	No maximum	No maximum	No maximum	10m		

- (a) Outbuildings, in aggregate, less than 200sqm that meet the requirements of Table 5.5.1 do not require Development Approval.
- (b) Outbuildings, in aggregate, above 200sqm on vacant land (not associated with a dwelling) will be subject to the determination of an associated permitted land use of the site and will include assessment to its suitability in accordance with the Local Planning Scheme.
- (c) Outbuildings greater than 10sqm in area shall require a 30m setback to a boundary of a Major Road and 50m setback to a boundary of a Highway (refer to the Local Planning Scheme maps for road hierarchy) regardless if that boundary is the front, rear or side boundary.
- (d) There is no prescribed maximum area for unenclosed non-habitable buildings attached to or abutting an outbuilding in the General Farming Zone.

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 outbuildings to LPP03 (to be finalised)

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