

Policy Number	Policy Title
<b>LPP04</b>	<b>Outbuildings and other non-habitable buildings for commercial, industrial and other areas</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, 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 commercial, industrial and other areas*.

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 LPP04 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:

- Town Centre (where associated with commercial development)
- Service Commercial
- Neighbourhood Commercial
- Marine-Based Industry
- Light Industry
- Heavy Industry
- Other zones (not covered in LPP02 or LPP03) and reserves

*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.

*Note: Further to Provision 4.1(b), outbuildings greater than 10sqm in aggregate in the Town Centre zone require Development Approval as the zone is not specifically listed with an outbuilding floor area in Clause 5.18 of the Scheme.*

*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 Town Centre Zone

*Note: Applies to outbuildings associated with non-residential development. For outbuildings associated with residential development in the Town Centre zone, refer to LPP02.*

##### 5.1.1 Development Provisions

Zone and 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
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 Dongara Town Centre Precinct Plan	No
Town Centre (all other sub-precincts)	70sqm or 10% of site area, whichever is the lesser		3m	4.2m		

- (a) Outbuildings, in aggregate, greater than 10sqm require Development Approval and are to be assessed against the requirements of this Policy
- (b) 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.
- (c) Outbuildings that exceed one or more of the following:
  - a. 60sqm or 10% of the site area, whichever is the lesser;
  - b. 2.7m wall height; and/or
  - c. 4.2m ridge height
 are to be sited behind the rear building line/s of the main commercial building to the primary street/s boundary and sited behind the front building line/s of the main commercial building 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(d) below.
- (d) 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(c) requires greater, in which case the greater setback prevails.
  - (e) 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.
  - (f) 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:
    - a. The overall height of the building does not exceed the wall height of the outbuilding;
    - b. The building does not project forward of the front building line of the main commercial building;
    - c. The building colour and materials match the outbuilding; and
    - d. The building meets all other 5.1.1 Development Provisions of this Policy.
  - (g) The outbuilding shall be positioned behind the main building line of the commercial building as viewed from the primary and secondary streets.
  - (h) The colour, materials and roof pitch of the outbuilding shall compliment the design and appearance of the commercial building of the site.
  - (i) The outbuilding shall meet the objectives and development requirements of the relevant sub-precinct in the Dongara Town Centre Precinct Plan, unless otherwise specified in this Policy.
  - (j) An outbuilding is not permitted on a vacant lot unless a permitted commercial land use is being carried out on the land and the identified use of the outbuilding is permitted.

## 5.2 Service and Neighbourhood Zones

### 5.2.1 Development Provisions

Zone	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
Service Commercial  Neighbourhood Commercial	80sqm or 10% of site area whichever is the lesser		2.7m	4.2m	As per Clause 5.24 of the Scheme, unless otherwise stated	No

- (a) Outbuildings shall meet the Development Requirements set out in Clause 5.28.2 of the Scheme.
- (b) Outbuildings are to be sited behind the rear building line/s of the commercial building from the primary street and front building line/s from the secondary street.
- (c) 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 commercial building;
  - (iii) The building colour and materials matches the outbuilding; and

- (iv) The building meets all other 5.2.1 Development Provisions of this Policy.
- (d) An outbuilding must be associated with a permitted land use in the Service Commercial or Neighbourhood Commercial Zone.

### 5.3 Marine-Based Industry, Light Industry and General Industry Zones

#### 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
Marine-Based Industry	300sqm or 40% of site area, whichever is the lesser		6m	8m	As per Clause 5.24 of the Scheme	No
Light Industry	400sqm	600sqm	6m	8m		Yes
General Industry	No maximum		-	10m		Yes

- (a) Outbuildings shall meet the Development Requirements set out in Clause 5.29 of the Scheme.
- (b) An outbuilding on an industrial lot is subject to the assessment and determination of an associated permitted land use in the zone.

### 5.4 Reserves and Other Zones

Outbuildings greater than 10sqm in floor area in the Development zone, Special Use zone and Additional Use zone require Development Approval and will be determined on their merits with consideration given to the intent and objectives of this Policy, the Local Planning Scheme and any other matters considered relevant.

Any development on Reserve land requires prior Development Approval.

## 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 outbuildings LPP04 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 outbuildings LPP04 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 outbuildings LPP04 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 LPP04 (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>			