



SHIRE OF IRWIN
DONGARA-PORT DENISON
A BRILLIANT BLEND

OUTBUILDINGS

Local Planning Policy

August 2023



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Policy Status

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1 CITATION

This is a local planning policy prepared under Schedule 2, Part 2 of the deemed provisions as set out in the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the Shire of Irwin Local Planning Scheme No. 5. This policy may be cited as the *OUTBUILDINGS* local planning policy.

2 POLICY INTENT

The intent of this policy is to provide guidance on the exercise of discretion when dealing with the design, planning and assessment of applications for, or related to outbuildings.

3 BACKGROUND

An outbuilding (or shed) is defined by the R-Codes as “*an enclosed non-habitable structure that is detached from any dwelling.*” Based on this definition, an outbuilding can only be built on a lot where a dwelling exists or where a dwelling is capable of being approved under the local planning scheme.

It is important to note that outbuildings / sheds are not land uses in themselves, therefore a land use needs to be established to determine whether it is permissible under the local planning scheme. For example a shed may be considered works associated with a ‘light industry’ land use for incidental storage and repairs. Similarly a shed may be considered works associated with an ‘agriculture extensive’ land use for storage of equipment and materials directly associated with farming operations.

4 POLICY OBJECTIVES

The objectives of this policy are to:

- a. To ensure that the outbuilding remains an ancillary use to the main dwelling on the lot.
- b. To encourage the use of outbuilding materials and colours that complements the landscape and amenity of the locality.
- c. To specify when the development approval of the Shire is not required for an outbuilding.
- d. To provide further clarity to the definition of an ‘outbuilding’.

5 POLICY MEASURES

5.1 Outbuildings on Vacant Residential Land

The erection of an outbuilding on vacant Residential land will only be supported where the following requirements have been satisfied:

- a. The concrete slab or footings of an approved dwelling has been completed; or
- b. A building permit for a dwelling has been issued by the local government and evidence is provided of a signed building contract with a registered builder for the construction of that dwelling with a commencement date that is within 6 months.

5.2 Use of Outbuildings

- 5.2.1 Outbuildings shall only be used for incidental storage purposes associated with a dwelling and the residential use of the lot. Outbuildings shall not be used for any commercial or industrial use or the storage of any items in connection with a commercial or industrial operation (with the exception of an approved home based business).
- 5.2.3 Under the National Construction Code series (NCC) an outbuilding is a as a non-habitable (Class 10) structure. An outbuilding cannot be used to live in (even on a temporary basis) unless it has been constructed/upgraded to meet the standards for a habitable (Class 1) building, such as a house.

5.3 Location and Appearance

- 5.3.1 For Residential and Rural Residential land an outbuilding or detached garage is to be located entirely behind any existing dwelling on the lot unless the outbuilding or detached garage is consistent in design and constructed in the same materials and colours as the dwelling.
- 5.3.2 For Residential and Rural Residential land all non-masonry outbuildings in excess of 60m² in area are to be constructed of a colour so as to complement the dwelling on the lot and/or the visual character of the landscape (in general non-reflective buildings materials, however zincalume roofing is permitted).
- 5.3.3 Masonry constructed outbuildings or detached garages shall have an exterior finish and be constructed of materials that are similar (or complimentary) the dwelling on the lot.

5.4 Development Approval Not Required

Development approval is not required for an outbuilding if the following conditions (in addition to the requirements of this policy, the R-Codes and the Scheme) are satisfied in relation to the zone in which the lot is located:

	Zone	Conditions
1	Residential R10 and higher	a. Individually or collectively does not exceed 90m ² in area (plus an additional 30m ² unenclosed lean-to area) or 15% in aggregate of the site area, whichever is the lesser. b. Maximum 3.6m wall height and maximum 4.5m total height.
2	Special Residential, Residential R5 and lower	a. Individually or collectively does not exceed 180m ² in area (plus an additional 60m ² unenclosed lean-to area). b. Maximum 4.2m wall height and maximum 5m total height.
3	Rural Residential	a. Individually or collectively does not exceed 240m ² in area (plus an additional 90m ² unenclosed lean-to area). b. Maximum 4.8m wall height and maximum 6.5m total height.
4	Rural Smallholdings, Rural (less than 20ha)	a. Individually or collectively does not exceed 480m ² in area (plus an additional 120m ² unenclosed lean-to area). b. Maximum 4.8m wall height and maximum 6.5m total height.
5	Rural (greater than 20ha)	a. All outbuildings ancillary to the rural use of the land. b. Clustered with other buildings if other buildings are located on the lot.

Note: Heights are measured from natural ground level.

5.5 Variations

5.5.1 Regardless of zoning, in the case of lots with the potential for further subdivision, the Shire may grant development approval for outbuildings that meet the maximum standards comparable with the size of the lot.

Note: For example a lot with a R12.5 density that is 2,000m² in area may (subject to the discretion of the Shire) have an outbuilding that individually or collectively does not exceed 180m² in area (plus an additional 60m² unenclosed lean-to area).

5.5.2 The development approval of the Shire is required where an outbuilding is proposed either outside of an approved building envelope or within a building exclusion area.

5.5.3 The Shire will only consider variations to the maximum standards as per clause 5.4 in exceptional circumstances and the accumulation of personal items or vehicles is not considered an exceptional circumstance.

6 DEFINITIONS

The terms used in this policy complement those contained in the *Planning and Development (Local Planning Schemes) Regulations 2015* and the Shire of Irwin Local Planning Scheme No. 5. The following additional definitions apply within this policy.

Detached means detached in the sense of ‘not belonging’, ‘standing apart’, ‘not contiguous’ or ‘separate’ to another building.

Note: A structure can be connected to a dwelling whilst still being ‘detached’ from it in the relevant sense. The true nature and function of the building and whether it is separate or stands apart from the dwelling is most relevant, not just whether it is connected to the dwelling. If a new structure is proposed to be connected to any part of a habitable building, either existing or proposed (i.e. via a verandah, walkway, breezeway, carport, garage etc.) then for it not to be considered an outbuilding it must be constructed in the same materials and finish to the habitable building, and to the Class 1 building standards under the National Construction Code Series. If not then the proposed structure shall be considered an outbuilding even though it is physically connected to a dwelling.

Exceptional circumstances means circumstances that are, individually or together, uncommon, unusual, special or out of the ordinary. To be exceptional a circumstance need not be unique, or unprecedented, or very rare; but it cannot be one that is regularly, or routinely, or normally encountered. The ordinary and natural meaning of exceptional circumstances includes a combination of factors which, when viewed together, may reasonably be seen as producing a situation which is out of the ordinary course, unusual, special or uncommon.

Lean-to means a roofed structure (similar in nature to a carport or patio) attached to an outbuilding on one side only and is completely unenclosed except to the extent where it abuts the outbuilding.

Non-habitable means a Class 10 building as defined under the National Construction Code Series.

Note: For a structure detached from the dwelling to be considered ‘habitable’ it must be built to a Class 1 standard as prescribed under the National Construction Code Series.