



Outbuildings

Local Planning Policy

VERSION 6

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1.0 ADOPTION

Version	Council Adoption	Item Number	Comment
1	24 July 2007	DS015	Draft for advertising
	24 July 2007	DS015	Advertising concluded 17 August 2007 Final – no objections received
2	11 September 2007	DS044	Final Approval
3	14 October 2008	SC12	Advertising concluded 7 November 2008
			Final – no objections received
4	8 December 2009	SC128	Advertising
4	8 December 2009	SC128	Advertising concluded 15 January 2010
			Final – no objections received
5	6 July 2010	SC172	Draft for Advertising
5	6 July 2010	SC172	Advertising concluded 23 July 2010
			Final – no objections received
5	1 July 2011	SC001	Draft for Advertising
			Advertising concluded 1 August 2011 Final – no objections received

2.0 PURPOSE

Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. The Scheme prevails should there be any conflict between this Policy and the Scheme.



It is not intended that a policy be applied rigidly, but each application be examined on its merits, with the objectives and intent of the policy the key for assessment. However, it should not be assumed that the local government, in exercising its planning discretion, be limited to the policy provisions and that mere compliance will result in an approval. This approach has produced many examples of inappropriate built form that has a long-term impact on the amenity and sustainability of the locality.

The City encourages applicants to produce innovative ways of achieving the stated objectives and acknowledges that these may sit outside the more traditional planning and architectural approaches. In these instances the local government is open to considering (and encourages) well-presented cases, during pre-application consultation, having due regard to the outcome of any public consultation undertaken and the orderly and proper planning of the locality.

3.0 SCOPE

A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

4.0 OBJECTIVE

- 4.1 To allow for a regional variation to the Residential Design Codes for Clause 5.4.3 – Outbuildings.
- 4.2 To provide a clear definition of what constitutes an “outbuilding”.
- 4.3 To ensure that outbuildings are not used for habitation, commercial or industrial purposes by controlling building bulk (size and height).
- 4.4 To limit the visual impact of outbuildings.
- 4.5 To encourage the use of outbuilding materials and colours that complement the landscape and amenity of the surrounding areas.
- 4.6 To ensure that the outbuilding remains an ancillary use to the main dwelling or the principle land use on the property.

5.0 POLICY STATEMENT

5.1 Definitions

An “**Outbuilding**” is defined in the Residential Design Codes as:

“an enclosed non-habitable structure that is detached from any dwelling, but not a garage.”

“**Enclosed**” is defined in the Residential Design Codes as:

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

For the purposes of this policy the following clarification is provided:

- eg. An enclosed side includes walls with a number of openings (windows etc).
- eg. The non-enclosed side of any outbuilding is required to be fully open. A partial wall on any side of an outbuilding is considered enclosed.

Examples of a Fully Open Side (Non-Enclosed Sides)



Examples of Partial Walls (Enclosed Sides)



eg. A shade sail is not considered an 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 (ie. must contain ablutions, kitchen, laundry facilities etc).

“**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 (ie. 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.

“**Aggregate**” means a sum, or assemblage of particulars; a total or gross amount.

5.2 Standards

5.2.1 Pre-fabricated garden sheds, “cubby houses”, kennels and other animal enclosures (such as aviaries, but excluding stables) less than 9m² in total aggregate area and less than 2.1m in height (measured from natural ground level) are exempt from this policy provided they are located to the rear of the residence.

5.2.2 Maximum standards for outbuildings are as follows (these area requirements do not override the open space requirements of Table 1 of the Residential Design Codes or any specific Scheme requirements):

a. Residential R10 and higher density – 120m² in area or 20% in aggregate of the site area, whichever is the lesser, with a maximum wall height of 3.6m and a total maximum height of 4.5m measured from natural ground level.

Increases in total maximum height to a maximum of 5.0m will be considered where all of the following criteria can be achieved:

- i. The outbuilding must be constructed in the same materials and finish to the existing (or approved) dwelling;
- ii. The roof pitch of the outbuilding is to match the roof pitch of the existing (or approved) dwelling;
- iii. The overall total maximum height of the outbuilding is not to be any higher than the highest part of the existing (or approved) dwelling;

- iv. The outbuilding is not within the primary street setback area;
 - v. The outbuilding footprint is not greater than the existing (or approved) dwelling footprint;
 - vi. The aggregate of all floor areas (including mezzanine levels) is not greater than the maximum area prescribed in Clause 5.2.2a (the intent is if higher outbuildings are approved, the footprint of the outbuilding is reduced, thereby reducing building bulk);
 - vii. Setbacks to the outbuilding comply with the Residential Design Codes.
 - viii. Consultation with affected landowners is required.
- b. Residential R5 and lower density – 180m² in aggregate area with a maximum wall height of 4.2m and a total maximum height of 5.0m measured from natural ground level.

Increases in total maximum height to a maximum of 5.5m will be considered where all of the following criteria can be achieved:

- i. The outbuilding must be constructed in the same materials and finish to the existing (or approved) dwelling;
 - ii. The roof pitch of the outbuilding is to match the roof pitch of the existing (or approved) dwelling;
 - iii. The overall total maximum height of the outbuilding is not to be any higher than the highest part of the existing (or approved) dwelling;
 - iv. The outbuilding is not within the primary street setback area;
 - v. The outbuilding footprint is not greater than the existing (or approved) dwelling footprint;
 - vi. The aggregate of all floor areas (including mezzanine levels) is not greater than the maximum area prescribed in Clause 5.2.2b (the intent is if higher outbuildings are approved, the footprint of the outbuilding is reduced, thereby reducing building bulk);
 - vii. Setbacks to the outbuilding comply with the Residential Design Codes;
 - viii. Consultation with affected landowners is required.
- c. Rural Residential & Rural Smallholdings – 240m² in aggregate area with a maximum wall height of 4.8m and total maximum height of 6.5m measured from natural ground level.
- d. Setbacks Residential R5 and higher density:
 The setback to the side/rear boundary can be reduced to nil (subject to compliance with the National Construction Code Series) provided affected landowner consent is given.
 No planning application required.

Residential R2.5 and lower density:

The setback to the side/rear boundary may be reduced to nil (subject to compliance with the National Construction Code Series) provided affected landowner consent is given.

Planning application required.

Rural Residential & Rural Smallholdings:

In accordance with the Scheme requirements. Any variation will require a planning application. Consultation with affected landowners and/or occupiers will be required and affected landowner consent should preferably be given.

- e. Rural land (generally less than 20ha) adjacent to settlements, subject to future increase in density or in an area of visual prominence or heritage/high landscape amenity shall be subject to this policy with maximum standards for outbuildings determined on lot size in accordance with c. above.

Other rural land that is remote from existing settlements is exempt from this policy.

- f. Regardless of zoning, in the case of lots with the potential for further subdivision, outbuildings may be approved by the local government that meet the maximum standards comparable with the size of the lot.

eg. A lot zoned R12.5 that is 2,000m² in area may (subject to the discretion of the local government) have an outbuilding of 180m² approved.

- g. In considering applications as per f. above, consultation with affected landowners and/or occupiers will be required and abutting landowner consent should preferably be given. Due regard will be given to the objectives of this policy, and in order to protect the future amenity of the lots once subdivided, the local government may impose a condition of approval requiring that a legal agreement be lodged with the local government requiring that in the event of further subdivision of that property the outbuilding must be removed or reduced in size to conform with this policy.

5.2.3 The erection of an outbuilding on vacant residential land shall not be approved unless one of the following requirements has been satisfied:

- a. The residence has been completed up to, and including, the pouring of a concrete house slab (although variation to this is permitted where the slabs for the residence and outbuilding are poured concurrently); or
- b. The applicant has a building permit for a residence issued by the local government and provided written evidence of a signed building contract with a registered builder for the construction of that residence upon that lot, and a commitment date that is within 6 months by that builder for the commencement of construction of the residence; or
- c. In the case of an owner builder, a building permit for a residence has been issued by the local government and the applicant shall lodge with the local government a Statutory Declaration providing a commitment to construct a residence and an accompanying commencement date that is within 6 months. The applicant will also be required to lodge a bond amount equivalent to 10% of the estimated value of the outbuilding (with a minimum amount of \$1,000) that will be repaid to the applicant upon completion of the final inspection of the residence.

The approval of the outbuilding, prior to the residence, will be subject to the outbuilding not being used for habitable purposes and the applicant completing the fencing of the side and rear property boundaries for the purpose of lessening the visual impact of the building from neighbouring properties and the road to the approval of the local government.

5.2.4 Other than for general storage and/or agricultural purposes an outbuilding shall not be used for any commercial or industrial use (with the exception of an approved home based business).

The storage of accumulated personal items and any items in connection with a commercial or industrial operation (eg. Cray pots, building materials, etc) is considered contrary to the objectives of this policy and is therefore not considered sufficient justification for an increase in the maximum standards prescribed in Clause 5.2.2.

Any applications for an increase in the maximum area and/or aggregate area shall include the following information:

- A covering letter providing detailed justification for the proposed additional floor area (inclusive of specifications of equipment/vehicles to be stored).
- A scaled, floor plan depicting the utilisation of the outbuilding(s) floor areas (eg. Vehicle parking, equipment storage, personal workshop etc).

5.2.5 Regardless of zoning, on lots of 4ha or less, an outbuilding and/or detached garage is to be located entirely behind any existing dwelling on the lot unless the outbuilding and/or detached garage is consistent in design and constructed in the same materials and colours as the dwelling.

5.2.6 Other than on rural land greater than 20ha, the use of second hand cladding materials will not be permitted.

5.2.7 Masonry constructed outbuildings and/or detached garages shall be constructed of similar (or complimentary) material and exterior finish as the existing dwelling on the lot.

5.2.8 Other than on rural land greater than 20ha, all non-masonry construction of 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 consistent with the character of the area, however zincalume roofing may be permitted).

5.3 Consultation

Any variation to any part of the above policy will require consultation with affected landowners and/or occupiers and affected landowner consent should preferably be given.

5.4 Temporary Use for Habitable Purposes

Based on legal advice, it is not possible for planning approval to be granted for a Class 10 building (such as a shed) to be used for habitation, even on a temporary basis, as it contradicts the National Construction Code Series.

6.0 REFERENCE

The City of Greater Geraldton Town Planning Scheme(s) and the Planning & Development Act 2005.

7.0 RESPONSIBILITIES

The Town Planning Services Team as per the Delegations Policy and Register and further authority is delegated to the Chief Executive Officer for the following:

- a. Approval of nil side/rear boundary setback or reduced setback where no objection received (Clause 5.2.2 d and Clause 5.2.9 b).
- b. Approval of larger outbuildings where no objection received (Clause 5.2.2 f).
- c. Approval of second hand cladding materials (Clause 5.2.6).
- d. Approval of variation to colours (Clause 5.2.8).
- e. Approval of increases in total maximum height of outbuildings (Clauses 5.2.2 a and b).