

# LOCAL PLANNING POLICY No. 3 –

## Outbuildings



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## Outbuildings

### 1. CITATION

This Local Planning Policy prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

This Policy may be cited as LPP No. 3- Outbuildings.

### 2. CRITERIA

- a. To protect the amenity of the locality in which the outbuilding is proposed.
- b. To set standards in respect to size (wall height, ridge height, floor area, location), boundary setbacks and use of the outbuildings.
- c. To create consistent and uniform guidelines for the development of outbuildings across the Shire.

### 3. INTRODUCTION

A consistent set of guidelines for the development of Outbuildings in the Shire is required, which is consistent with *Local Planning Scheme No.5 (LPS5)* and considers local needs, and to provide consistent development of Outbuildings across the Shire.

### 4. DEFINITIONS

Words and expression used in this policy have the same meaning as they have in the Local Planning Scheme and other relevant legislation.

- **Outbuilding:** has the same meaning as in *State Planning Policy 7.3: Residential Design Codes (R-Codes)*.
- **Cumulative Floor Area:** Cumulative floor area means the total area of all outbuildings & 'lean to-s' on a lot.
- **Garage:** has the same meaning as in *State Planning Policy 7.3: Residential Design Codes (R-Codes)*.
- **Lean-to:** A lean-to is defined as a roofed structure attached to an outbuilding that is completely unenclosed on all sides, except to the extent that it abuts the side or sides of the outbuilding.

## 5. DEVELOPMENT REQUIREMENTS

- a. The development of Small Outbuildings (as defined under the R-Codes) in the Residential Zone shall be as per *State Planning Policy 7.3: Residential Design Codes (R-Codes)*, Large and Multiple Outbuildings (as defined under the R-Codes) are varied as follows in Table 1:

Table 1

| Density Coding | Maximum floor area of all outbuildings and lean-to's combined (m <sup>2</sup> ) | Maximum wall height of outbuildings and lean-to's (m) | Maximum ridge height of outbuildings and lean-to's (m) | Setbacks                       |
|----------------|---|---|--|--------------------------------|
| R2-R17.5       | 150   | 4.5   | 6  | As per Table 2a of the R-Codes |
| R20-R25        | 100   | 3   | 4.5  | As per Table 2a of the R-Codes |
| R30 and above  | As per the R-Codes  | As per the R-Codes                                    | As per the R-Codes                                     | As per the R-Codes             |

- All other Deemed-To-Comply provisions under *State Planning Policy 7.3: Residential Design Codes (R-Codes)*, that are not varied above, still apply such as Location, Open Space and Outdoor Living Area requirements.
- If a dual density code applies to the lot, the base code applies unless the higher density can be achieved.

- b. Development of Outbuildings in other zones shall be as per Table 2 below:

Table 2

| Zone                 | Maximum floor area of all outbuildings and lean-to's combined (m <sup>2</sup> ) | Maximum wall height of outbuildings and lean-to's (m) | Maximum ridge height of outbuildings and lean-to's (m) |
|----------------------|---|---|--|
| Rural Residential    | 200   | 4.5   | 6  |
| Rural Village        | 200   | 4.5   | 6  |
| Tourism              | 200   | 4.5   | 6  |
| Special Use          | 200   | 4.5   | 6  |
| Rural Smallholdings  | 200   | 4.5   | 6  |
| Rural (lots <10ha)   | 200   | 4.5   | 6  |
| Rural (lots >10ha) * | 500   | 5   | 7  |

\*Compliant Outbuildings proposed in the Rural Zone that are on lots >10ha and approved for *Agriculture- Intensive* or *Agriculture- Extensive* land uses, are generally exempt from these requirements and therefore, do not require Development Approval.

## Supplementary Requirements

- a. Outbuildings and lean-to's are to be sited within a building envelope prescribed for any lot.
- b. Outbuildings and lean-to's are generally to be sited wholly behind the primary residence in all zones.
- c. Outbuildings are to be constructed of colours and materials that match or complement the character of the dwelling and/or is in harmony with the surrounding environment and that does not detract from the visual amenity of the area.
- d. The floor area of any approved sea containers will contribute towards the combined maximum floor area of outbuildings contained in this Policy.
- e. Greenhouses used in conjunction with a Residential land use are exempt from requiring a Development Application. Though, greenhouses used for commercial purposes will likely require a Development Application as a Change of Use application.
- f. Development applications for Outbuildings and lean-to's will not be supported in the absence of a Single House on site, except where a Statutory Declaration is provided. The Statutory Declaration is to outline that the proposed Dwelling on site will reach plate height within a 2-year time frame from the date in which the Shire receives the BA7- Notice of Completion for the Outbuilding construction.

A condition that the Outbuilding is not permitted for habitable uses will be placed on the approval.

- g. Outbuildings must be consistent with the requirements of Asset Protection Zones/Bushfire Protection Zones and the Shire's *Bushfire Mitigation Notice*.

## **6. PERMISSIBILITY**

Where a development is considered to satisfy the requirements of this Policy and relevant provisions of *Local Planning Scheme No.5*, Development Approval will not be required, unless stated otherwise.

Proposals that do not satisfy the criteria will be assessed on their merits and determined by the Shire through a Development Application.

Compliance with this policy does not negate the requirement of a Building Permit.

This Local Planning Policy No. 3 supersedes *Town Planning Scheme Policy No. 16.3-Outbuildings*.

Adopted on .....2023 in accordance with clauses 3, 4, 5 and Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.