

DRAFT FOR PUBLIC CONSULTATION

LOCAL PLANNING POLICY No. 3 – Outbuildings and Shipping Containers

1. CITATION

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

This Policy may be cited as LPP No. 3 – Outbuildings and Shipping Containers.

2. INTRODUCTION

The purpose of this Policy is to detail development standards and assessment criteria for outbuildings proposed on land within the Residential, Urban Development, Rural Residential, Rural Smallholdings, Rural Village, Rural, Special Use and Tourism zones as identified within *Local Planning Scheme No. 5* (the Scheme). This Policy does not apply to the development of outbuildings in any other zone.

3. DEFINITIONS

Terms used in this Policy are consistent with the Regulations, the Scheme and *State Planning Policy 7.3: Residential Design Codes* (R-Codes) where relevant, including:

Outbuilding – An enclosed non-habitable structure that is detached from any dwelling and may include a detached garage.

(Note: A garage that is attached (shares a common wall and under same roof line) with a residential dwelling is not considered an Outbuilding.)

Enclosed – An area bound on three or more sides by a permanent wall and covered in a water impermeable material.

Other buildings or structures that are not enclosed (including carports, pergolas, shade houses and patios) are not directed by this Policy unless attached to an outbuilding.

4. OBJECTIVES

The objectives of this policy are to:

- Identify standards for the development of outbuildings that balance the needs of landowners with the protection of visual amenity, environment and streetscape character.

- Enable the development of outbuildings that are consistent with adopted development standards and provide direction for the assessment of proposed variations from these standards.

5. DEVELOPMENT APPROVAL REQUIREMENTS

Deemed to Comply Proposals

Outbuildings that meet the acceptable development standards outlined in Part 6 of this policy are considered 'deemed to comply' and do not require planning approval unless works are located in a heritage protected place.

Variations

Planning approval is required for any proposals that do not meet the development standards of this Policy or for the relevant zone. The Shire will assess proposed variations to the standards of this Policy on their merits and against the following criteria:

- Objectives of the zone;
- Consistency with the approved land use/s;
- Extent of variation proposed and ability to meet other applicable development standards;

(Note: For example, a variation seeking increased height should endeavour to meet all other development standards, where possible.)

- Potential impact on the visual amenity of adjoining landowners, including the building bulk, scale and cumulative development on the site;
- Potential impact on the streetscape including minimising visibility, retaining passive surveillance and providing a high standard of design/ aesthetics;
- Disturbance of any existing remnant vegetation and provision for additional screening vegetation, where appropriate;
- Reasonableness of the proposal given the size and slope of the site, including potential alternative locations for development;
- Retention of a sufficient amount of open space on site, including in accordance with the deemed to comply criteria of the R-Codes where applicable; and,
- Any other planning matters relevant to the site, as appropriate.

6. POLICY PROVISIONS

6.1 Residential & Urban Development Zones

- (a) The maximum permitted size of outbuildings on a site is:

Site Area	Maximum Floor Area	Maximum Wall Height	Maximum Ridge Height
<500m ²	60m ²	3.2m	4.2m
500m ² to 1000m ²	90m ²	3.2m	4.2m
1000m ² to 2000m ²	120m ²	3.7m	4.7m
>2000m ²	150m ²	4.2m	5.2m

Note: The maximum floor area includes all outbuildings on the site (collectively) as well as verandas, carports and lean-to structures that have a connected roof.

- (b) Outbuildings are not located within the primary or secondary street setback area.
- (c) Development standards and requirements of the zone and R-Codes (including lot boundary setbacks), and general provisions of this policy.

6.2 Rural Residential, Rural Smallholdings, Rural Village, Special Use & Tourism Zones

- (a) The maximum permitted size of outbuildings on a site is:

Site Area	Maximum Floor Area	Maximum Wall Height	Maximum Ridge Height
All lot sizes	200m ²	4.5m	6.0m

Note: The maximum floor area includes all outbuildings on the site (collectively) as well as verandas, carports and lean-to structures that have a connected roof.

- (b) Outbuildings are not located within the primary or secondary street setback area.
- (c) Outbuildings are located within an existing building envelope (where applicable).
- (d) Outbuildings are built with external materials that are non-reflective and recede visually within the surrounding landscape. To be considered non-reflective, materials must meet the following:
- Minimum solar absorptance of 0.5
 - Maximum solar reflectance index of 50

Note: The lightest Colorbond™ colour permitted is 'Bluegum'.

- (e) Development standards and requirements of the zone (including lot boundary setbacks) and general provisions of this policy.

6.3 Rural Zone

(a) The maximum permitted size of outbuildings on a site is:

Site Area	Maximum Floor Area	Maximum Wall Height	Maximum Ridge Height
<10ha	200m ²	4.5m	6.0m
>10ha	500m ²	5.0m	7.0m

Note: The maximum floor area includes all outbuildings on the site (collectively) as well as verandas, carports and lean-to structures that have a connected roof.

(b) Development standards and requirements of the zone (including lot boundary setbacks) and general provisions of this policy.

6.4 Vacant Sites

Outbuildings may not be constructed on vacant sites in the Residential, Urban Development, Rural Residential, Rural Smallholdings, Rural Village, Special Use and Tourism Zones unless:

- Planning Approval and a Building Permit has been obtained for a residential dwelling; and
- A Statutory Declaration is provided which outlines that the proposed residential dwelling will be completed within a 2-year time frame from the date in which the Shire receives the Notice of Completion (BA7) for the outbuilding construction.

Note: Approvals for a residential dwelling and outbuilding can be obtained concurrently.

6.5 Commercial Use

The use of outbuildings for commercial or business purposes is not permitted unless planning approval has been obtained for that use.

6.6 Habitation & Services

Outbuildings must be designed to reflect their use as a non-habitable building, including:

- A deemed-to-comply outbuilding is not to contain any facilities/services other than a small water closet with handwashing basin only.
- The provision of a bathroom or other non-habitable room (as defined in the Building Code of Australia) that is normally associated with a residential dwelling will only be supported by the Shire in exceptional circumstances, where the applicant has demonstrated a need that the Shire considers appropriate relative to the intended land use.

- The Shire may not support designs that contain lined ceilings and walls, extensive windows, glass sliding doors and other similar features.

Note: The Shire cannot support the development of habitable rooms (including a kitchen, study, etc.) within an outbuilding. The development of habitable rooms may only take place within a building of a different class under the Building Code of Australia and will therefore only be approved as part of a residential dwelling, ancillary dwelling or detached habitable room. Any additional services and facilities that are proposed in association with approved Temporary Accommodation must be removed in full after permit expiry and confirmed upon inspection by the Shire.

6.7 Environment and Landscape Protection

Outbuildings must be designed and located to minimise potential impact on the natural environment and visual landscape values.

The Shire may impose conditions of approval that are appropriate for preserving these values.

A deemed-to-comply outbuilding does not require the clearing of remnant vegetation and is not located within 30 metres of a natural waterway or wetland.

6.8 On-Site Effluent Systems

For properties with an on-site effluent disposal system, outbuildings are required to have the following minimum setbacks to the effluent disposal system:

- 1.2 metres to the tank/s
- 1.8 metres to the leach drain/s

6.9 Bushfire Prone Areas

Within designated 'bushfire prone areas' (defined by the Department of Fire & Emergency Services) outbuildings must be located to minimise bushfire risk, avoid impacts on remnant vegetation and be developed consistent with relevant planning and building requirements for bushfire protection.

Note: Outbuildings should be located in locations of lower risk where possible. In order that an outbuilding does not increase the bushfire risk to an established residential dwelling, structural and/or physical fire separation may be required.

The management of fire fuels surrounding an outbuilding is required in accordance with the Shire's Bushfire Mitigation Notice and/or an adopted Bushfire Management Plan.

6.10 Shipping Containers and other moveable structures

Shipping containers and other similar types of moveable structures are classified as outbuildings and are subject to the development standards established by this policy in addition to the following:

- (a) Shipping containers and other moveable structures may be temporarily placed on a site for less than 7 days without Shire approval.
- (b) Shipping containers and other moveable structures may be temporarily placed on a site and used to store building materials while construction of a house, commercial or industrial building is being carried out on that site. An approved building permit for construction must be in place prior to the shipping container or other structure being placed on site, and the container or other structure must be removed upon completion of construction or expiry of the building licence.
- (c) One (1) shipping container or other moveable structure to a maximum size of 20 feet (6.1m) in length may be used as an outbuilding on land in any zone in accordance with the deemed-to-comply standards of the R-Codes and the acceptable development standards established by this policy.

Planning approval is required for the use of more than one (1) moveable structure and/or for a moveable structure larger than 20 feet (6.1m) in length.

- (d) When considering any application for planning approval for the use of a shipping container or other moveable structure the Shire may impose conditions to address the appearance if the structure, including:
 - General maintenance and repair;
 - Presentation including colour, finish and appearance;
 - Screening from neighbouring residences, the street and other public places.

Note: A building permit is required for the ongoing use of a shipping container or other moveable structure as an outbuilding in all cases. Certification from a qualified and accredited engineer as to the method of providing structural tie down and footings may be required prior to the granting of a building permit.

This Policy supersedes *Local Planning Policy No. 3 – Outbuildings* adopted 27 June 2023 and *Town Planning Scheme Policy No. 17.1 – Sea Containers* adopted 18 January 2011.

Adopted on2025 in accordance with part 2 clauses 3 and 4, and Part 12 clause 87 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.