

<b>Policy Name:</b>	<b>LOCAL PLANNING POLICY: OUTBUILDINGS</b>
<b>Objective:</b>	To provide a framework for the approval of outbuildings in the Shire of Esperance.
<b>Key Words:</b>	Outbuilding; Outbuildings
<b>Statutory Compliance:</b>	<ul style="list-style-type: none"> <li>• Local Planning Scheme No. 23</li> <li>• Residential Design Codes (April 2008)</li> </ul>

**Policy Aims:**

To achieve a balance between providing for the various legitimate needs of residents for outbuildings and minimising any adverse impacts that such outbuildings may have on neighbours, a street, a neighbourhood, locality or the Shire as a whole.

**Policy Provisions:**

Definitions

Outbuilding: *any Class 10a building under the Building Code of Australia which is not substantially connected to a dwelling.*

Reflective Materials: *any of the following:*

- Zinalume<sup>®</sup> or similar product
- Any shiny metallic finish; and
- White coloured metallic materials.

Farm Building: *a building of a permanent nature, other than a building used or intended to be used for residential purposes, that is on land used for agricultural purposes:*

- (a) *for storage of agricultural products and produce; and/ or*
- (b) *for the maintenance of farm machinery used by the occupier of the site;*

*but does not include Agriculture – Intensive, Industry – Rural, Industry – Service.*

Cumulative Total Floor Area: *the relevant ‘size’ development requirements as provided for in this Local Planning Policy.*

Policy Application Area

Shire of Esperance



## Application Information

Where a Planning Application is required to be obtained (refer exempt provisions below), the following information is required to be submitted to enable an assessment of the outbuilding to be undertaken:

- Completed ‘Application for Planning Approval’ form;
- Payment of application fee in accordance with Council’s Fees & Charges Schedule;
- Three (3) copies of the following:
  - Site plan (to scale) showing the proposed location of the outbuilding on the land in relation to the lot boundaries and any existing or proposed development on-site (including car parking areas, landscaping areas, effluent disposal areas etc).
  - Floor plan(s) (to scale) of the proposed outbuilding.
  - Elevations (to scale) of the proposed outbuilding.
  - Details on vehicular access arrangements to the outbuilding (if applicable).
  - Details on the wall and roof materials to be used, including a colour schedule.
- Accompanying letter detailing the need for the outbuilding, particularly if proposing to exceed the ‘size’ development requirement provisions of this policy.

### *Exempt Provisions*

As per Clause 8.2 of Local Planning Scheme No. 23, planning approval is not required to be obtained for:

- (e) farm buildings in the Rural Smallholdings and Agriculture-General Zones setback no less than 20 metres from any side boundary and 100 metres from any highway;
- (j) residential outbuildings not exceeding 10% of site area or 100m<sup>2</sup> whichever is less with a maximum wall height of 3.0 metres and a ridge height of no more than 4.0 metres, provided that they meet the reflective materials policy with setbacks and cumulative total floor area in accordance with Scheme requirements.

The above exemption only applies if the subject site is not located within a Special Control Area (excluding Special Control Area 8B where the structure is less than 15 metres in height) as shown on the Local Planning Scheme No. 23 Scheme Maps.

## Development Requirements

- Outbuildings in Residential and Future Residential Zones

<b>Objective</b>	<p>The objective of these development requirements is to achieve a balance between:</p> <ul style="list-style-type: none"> <li>• Providing for the legitimate garaging, storage and other domestic needs of people living in residential areas; and</li> <li>• Minimising the adverse impacts outbuildings may have on the amenity (e.g. peace and quiet), appearance and character of residential neighbourhoods, and on neighbours.</li> </ul>
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<b>Permitted Uses of Outbuildings</b>	<ul style="list-style-type: none"> <li>• Must be for legitimate residential purposes.</li> <li>• Use of outbuildings for commercial/business uses is not permitted except where planning approval has been granted for a home based business.</li> <li>• Use of outbuildings for human habitation is not permitted.</li> </ul>
<b>Setbacks</b>	As per provisions of Local Planning Scheme No. 23
<b>Size</b>	<ul style="list-style-type: none"> <li>• Maximum area of outbuilding(s) per lot: <ul style="list-style-type: none"> <li>○ 10% of site area where lot 1000m<sup>2</sup> or less;</li> <li>○ 100m<sup>2</sup> where lot is greater than 1000m<sup>2</sup>.</li> </ul> </li> <li>• Maximum wall height – 3.0 metres</li> <li>• Maximum ridge height – 4.2 metres</li> </ul>
<b>Consultation</b>	Where an application for an outbuilding does not comply with the site and setback provisions referenced above, the application is to be referred to the affected adjoining landowners for comment in accordance with the consultation provisions of the Residential Design Codes (April 2008).

Applications for outbuildings that do not comply with the above development requirements will be assessed on a case by case basis and may be permitted subject to the following matters being taken into account in the assessment process:

- Demonstration that the larger size is required to satisfy specific domestic needs;
- The outbuilding will not reduce the amount of open space required by Table 1 of the Residential Design Codes (April 2008);
- The outbuilding being sited behind the front setback line for the dwelling;
- Use of non-reflective materials on the outbuilding and/or adequate screening from the road and neighbouring properties being provided; and
- Comments from the affected adjoining landowner's.

➤ **Outbuildings in Rural-Residential Zone**

<b>Objective</b>	<p>The objective of these development requirements is to achieve a balance between:</p> <ul style="list-style-type: none"> <li>• Providing for the legitimate garaging, storage and other domestic needs of people living in rural-residential areas; and</li> <li>• Minimising the adverse impacts outbuildings may have on the amenity (e.g. peace and quiet), appearance and character of the rural residential area.</li> </ul>
<b>Permitted Uses of Outbuildings</b>	<ul style="list-style-type: none"> <li>• Must be for legitimate residential purposes.</li> <li>• Use of outbuildings for commercial/business uses is not permitted except where planning approval has been granted for a home based business.</li> <li>• Use of outbuildings for human habitation is not permitted unless in accordance with Council's Temporary Accommodation Policy (subject to a separate application).</li> </ul>

<b>Setbacks</b>	As per provisions of Local Planning Scheme No. 23
<b>Size</b>	<ul style="list-style-type: none"> <li>• Maximum area of outbuilding(s) per lot - 200m<sup>2</sup>.</li> <li>• Maximum wall height – 4.5 metres</li> <li>• Maximum ridge height – 6.0 metres</li> <li>• Where buildings of a greater area or height are normally required for a purpose permitted under the Scheme (as may be required for a greenhouse or other sheltered crops in a market garden), the maximum area of outbuildings is not to exceed 25% of the site area or wall height of 6.0 metres.</li> </ul>
<b>Consultation</b>	Where an application for an outbuilding does not comply with the site and setback provisions referenced above, the application is to be referred to the affected adjoining landowners for comment in accordance with the consultation provisions of the Residential Design Codes (April 2008).

Applications for outbuildings that do not comply with the above development requirements will be assessed on a case by case basis and may be permitted subject to the following matters being taken into account in the assessment process:

- Demonstration that the larger size is required to satisfy specific domestic needs;
- The outbuilding being sited behind the front setback line for the dwelling;
- Use of non-reflective materials on the outbuilding and/or adequate screening from the road and neighbouring properties being provided; and
- Comments from the affected adjoining landowner's.

➤ **Outbuildings in Rural Smallholdings, Agriculture-General and Rural Unsettled Zones**

- For those 'Rural Smallholdings' and 'Agriculture-General' zoned lots with a lot area less than 40 hectares, the development requirements for "Rural-Residential" zoned lots apply.
- For those 'Rural Smallholdings' and 'Agriculture-General' zoned lots with a lot area 40 hectares or greater and 'Rural Unsettled' zoned lots, the following development requirements apply.

<b>Objective</b>	<p>The objective of these development requirements is to achieve a balance between:</p> <ul style="list-style-type: none"> <li>• Providing for the legitimate garaging, storage and other domestic needs of people living in rural areas; and</li> <li>• Minimising the adverse impacts outbuildings may have on the amenity, appearance, character and purpose of the rural area.</li> </ul>
<b>Permitted Uses of Outbuildings</b>	<ul style="list-style-type: none"> <li>• Must be for legitimate residential purposes.</li> <li>• Use of outbuildings for commercial/business uses is not permitted except where planning approval has been granted for a home based business.</li> <li>• Use of outbuildings for human habitation is not permitted unless in accordance with Council's Temporary Accommodation Policy (subject to a separate application).</li> </ul>

<b>Setbacks</b>	As per provisions of Local Planning Scheme No. 23
<b>Consultation</b>	Where an application for an outbuilding does not comply with the setback provisions referenced above, the application is to be referred to the affected adjoining landowners for comment in accordance with the consultation provisions of the Residential Design Codes (April 2008).

### Approval Process

After due assessment of the planning application having regard to the provisions of:

- this Local Planning Policy;
- any other relevant Local Planning Policy or Council policy;
- Local Planning Scheme No. 23;
- Residential Design Codes (April 2008); and
- any other relevant considerations;

should the application be considered appropriate by Planning Services AND unfavourable comments are not received from the affected adjoining landowners, the application will be considered under Delegated Authority (i.e. does not need to be referred to Council for determination).

Should unfavourable comment be received from the affected adjoining landowners (that is not considered frivolous or vexatious by the Chief Executive Officer, or cannot be resolved by negotiation), the planning application is to be referred to Council for determination.

After due assessment of the planning application, should the recommendation be for refusal (regardless of the comments from the affected adjoining landowner's), the planning application would be referred to Council for determination.