

Policy Name:	LOCAL PLANNING POLICY: OUTBUILDINGS
Objective:	To provide a framework for the approval of outbuildings in the Shire of Esperance.
Key Words:	Outbuilding; Outbuildings
Statutory Compliance:	<ul style="list-style-type: none"> • Local Planning Scheme No. 24 • Residential Design Codes

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: *An enclosed non-habitable structure that is detached from any dwelling.*
- For the purposes of this policy an Outbuilding is also taken to include any carport attached to an enclosed non-habitable structure that is detached from any dwelling.*
- Enclosed: *An area bound on three or more sides by a permanent wall and covered in a water impermeable material.*
- Reflective Materials: *any of the following:*
- Zinalume® 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;*
- 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 Development 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 Development 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 Schedule A Cl 61 (t) of Local Planning Scheme No. 24 and Clause 61 of the Deemed Provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2), development approval is not required to be obtained for:

- farm buildings in the Rural Smallholdings and Rural Zones setback no less than 20 metres from any side boundary and 100 metres from any highway;
- residential outbuildings not exceeding 10% of site area or 100m² whichever is less with a maximum wall height of 3.0metres and a ridge height of no more than 4.2 metres, provided that setbacks and cumulative total floor area are 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 1 and Special Control Area 8B where the structure is less than 15 metres in height) as shown on the Local Planning Scheme Maps.

Development Requirements

➤ Outbuildings in Residential and Urban Development Zones

Objective	<p>The objective of these development requirements is to achieve a balance between:</p> <ul style="list-style-type: none"> • Providing for the legitimate garaging, storage and other domestic needs of people living in residential areas; and • Minimising the adverse impacts outbuildings may have on the amenity (e.g. peace and quiet), appearance and character of residential neighbourhoods, and on neighbours.
Permitted Uses of Outbuildings	<ul style="list-style-type: none"> • Must be for legitimate residential purposes. • Use of outbuildings for commercial or industrial purposes is not permitted except where development approval has been granted for a home based business. • Use of outbuildings for human habitation is not permitted. • An Outbuilding will not be approved until such time as a Dwelling is approved on or developed on the lot.
Setbacks	As per provisions of Local Planning Scheme No. 24, an applicable Structure Plan and the Residential Design Codes;
Size	<ul style="list-style-type: none"> • Maximum area of outbuilding(s) per lot: <ul style="list-style-type: none"> ○ 10% of site area where lot 1000m² or less; ○ 100m² where lot is greater than 1000m². • Maximum wall height – 3.6 metres • Maximum ridge height – 4.2 metres
Maximum Variation	<ul style="list-style-type: none"> • 25% for Site Area • 10% for Wall or Ridge Height
Consultation	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.

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;
- 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.

If the Maximum Variation is exceeded the matter will be referred to Council.

➤ Outbuildings in Rural-Residential Zone

Objective	<p>The objective of these development requirements is to achieve a balance between:</p> <ul style="list-style-type: none"> • Providing for the legitimate garaging, storage and other domestic needs of people living in rural-residential areas; and • Minimising the adverse impacts outbuildings may have on the amenity (e.g. peace and quiet), appearance and character of the rural residential area.
Permitted Uses of Outbuildings	<ul style="list-style-type: none"> • Must be for legitimate residential purposes. • Use of outbuildings for human habitation is not permitted. • Use of outbuildings for commercial or industrial purposes is not permitted except where development approval has been granted for a home based business.
Setbacks	As per provisions of Local Planning Scheme No. 24
Size	<ul style="list-style-type: none"> • Maximum area of outbuilding(s) per lot - 200m². • Maximum wall height – 4.5 metres • Maximum ridge height – 6.0 metres
Maximum Variation	<ul style="list-style-type: none"> • 25% for Site Area • 10% for Wall or Ridge Height • 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.
Consultation	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 Clause 64 of the Deemed Provisions.

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 and Rural Zones

- For those ‘Rural Smallholdings’ and ‘Rural’ zoned lots with a lot area less than 20 hectares, the development requirements for “Rural-Residential” zoned lots apply.
- For those ‘Rural Smallholdings’ and ‘Rural’ zoned lots with a lot area 20 hectares or greater, the following development requirements apply.

Objective	The objective of these development requirements is to achieve a balance between: <ul style="list-style-type: none"> • Providing for the legitimate garaging, storage and other domestic needs of people living in rural areas; and • Minimising the adverse impacts outbuildings may have on the amenity, appearance, character and purpose of the rural area.
Permitted Uses of Outbuildings	<ul style="list-style-type: none"> • Must be for legitimate residential purposes. • Use of outbuildings for human habitation is not permitted. • Use of outbuildings for commercial or industrial purposes is not permitted except where development approval has been granted for a home based business.
Setbacks	As per provisions of Local Planning Scheme No. 24
Consultation	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 Clause 64 of the Deemed Provisions.

Approval Process

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

- this Local Planning Policy;
- any other relevant Local Planning Policy or Council policy;
- Local Planning Scheme No. 24;
- Residential Design Codes; and
- any other relevant considerations;

Where a proposed outbuilding exceeds the Maximum Area for an outbuilding by more than 25% in the Residential and Urban Development Zones the application will be referred to Council for determination.

Where a proposed outbuilding exceeds the Maximum Height (wall or ridge) for an outbuilding by more than 10% in the Residential and Urban Development Zones the application will be referred to Council for determination.

Should the application be considered appropriate by Planning Services, be within the Maximum Variation (where specified) 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 development application is to be referred to Council for determination.

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