

Town Planning Scheme No. 3

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 ²)	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 ²)	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. The floor area of Water tanks will not contribute to the total floor area permitted 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 27 June 2023 in accordance with clauses 3, 4 and 5 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.