

Policy Number:	LPP 022
Policy Type:	Local Planning Policy
Policy Name:	Outbuildings
Policy Owner:	Chief Executive Officer

Authority: Shire of Nannup Local Planning Scheme No. 3

OBJECTIVES

The objectives of this Policy are to:

1. Retain or enhance the visual amenity of neighbourhoods through outbuildings not detracting from the streetscape/landscape and the amenity of adjoining/nearby properties through controlling building bulk (size and height), appropriate siting, colours and use.
2. Provide further interpretation of the R Codes and the *Shire of Nannup Local Planning Scheme No. 3 (LPS3)* in the assessment of applications.
3. Set out the limitations for proposed outbuildings.
4. Promote the function and usability of residential yards.
5. Ensure that outbuildings are not used for permanent habitation and set out where the Council will support or not support the conversion of an outbuilding to a dwelling.
6. Provide increased certainty for landowners, the community and others and to assist in providing greater consistency in decision making by the local government.

DEFINITIONS

In this Policy, the following definitions apply:

“Ancillary outbuilding” – is an outbuilding which is incidental to the predominant use of the land and other buildings on the lot. In particular, this is an outbuilding which is not oversized or over-height (as set out in Attachment 1) or is proposed on a vacant lot.

“Dwelling” - as defined in the *Residential Design Codes of Western Australia*, is a building or portion of a building being used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than six persons who do not comprise a single family.

“Outbuildings” - are enclosed non-habitable Class 10a buildings, under the *Building Code of Australia (BCA)*, that are detached from a dwelling and which are not used for commercial or industrial purposes.

“Over-height outbuilding” - an outbuilding that proposes a height greater than provided for in the R Codes for land subject to the R Codes or as set out in Attachment 1 of the Policy for land not subject to the R Codes.

“Oversize outbuilding” - an outbuilding that would result in a total combined outbuilding area on the lot which is greater than provided for in the R Codes for land subject to the R Codes or as set out in Attachment 1 of the Policy for land not subject to the R Codes.

“R Codes” - the *Residential Design Codes of Western Australia*, adopted by the Western Australian Planning Commission including any updates.

“Vacant lot” - is a lot or property upon which no dwelling is constructed and includes a lot created pursuant to the *Strata Titles Act 1985* (as amended).

Application of the Policy

This Policy applies throughout the municipality.

This Policy does not apply to carports, studios, games rooms, patios, pergolas and verandahs and the like that are connected to or form part of the dwelling or the principle building on the property. In these cases, applications are assessed against criteria including compliance with setbacks, site coverage, overshadowing, and related requirements of the R Codes and LPS3 along with the requirements of the BCA.

Attachment 1 sets out, in general terms, when a Planning Application is and is not required, along with other key considerations.

Links to Local Planning Scheme and Other Documents

This Policy relates to various requirements set out in LPS3, the R Codes and is also guided by the BCA. Where there is an inconsistency between this Policy and the R Codes, then this Policy prevails to the extent of such inconsistency. Where there is an inconsistency between this Policy and LPS3, then LPS3 prevails to the extent of such inconsistency.

POLICY PROVISIONS

1. General

This Policy sets out the Council's position relating to outbuildings. It is Council's policy to achieve a balance between providing for the legitimate garaging, storage and other domestic needs of residents and to minimise the adverse impacts that outbuildings may have on neighbours and the amenity, appearance and character of neighbourhoods.

Most outbuildings in the municipality do not require the submission of a Planning Application to the local government and accordingly in these instances no planning approval is required. In particular, this is where the

outbuilding's location, size, height, design and use would comply with LPS3 and the R Codes, which has also been reflected in Policy (see Attachment 1).

A Planning Application for an outbuilding is required where:

- it necessitates the exercise of discretion by the local government including to vary the R Codes and to vary LPS3;
- the outbuilding is outside a designated/approved building envelope;
- the outbuilding is within a designated building exclusion area;
- the outbuilding is proposed within the Flood Risk Land Special Control Area;
- the outbuilding is proposed on a lot or location which does not have access to a dedicated and/or constructed public road;
- the outbuilding is located in a Heritage Area;
- the outbuilding is located within the Landscape Values Area or the Public Drinking Water Source Area;
- the outbuilding is located within a drainage/stormwater easement;
- the outbuilding is oversized and/or over-height (as set out in Attachment 1); or
- the outbuilding is proposed on a vacant lot (as set out in Attachment 1).

2. Assessing Applications

The Council will have regard to various matters in assessing outbuilding applications including:

- the zoning of the lot;
- lot size, shape and features, including the extent of existing screening;
- the existing level of development, including outbuildings, on the site;
- floor area of the proposed outbuilding and maintaining existing and generally accepted overall outbuilding floor area standards for the zone and/or the locality;
- ensuring that the outbuilding remains an ancillary use to the main dwelling or the principle land use on the property;
- setbacks and location of the proposed outbuilding;
- height of the proposed outbuilding, including impact, amenity and overshadowing on adjoining/nearby properties;
- the effect on the streetscape and visibility from nearby public places;
- the level of cut and fill;
- construction materials and proposed colour/s;
- the intended use and demonstrated need for the outbuilding;
- provisions and requirements set out in LPS3, the R Codes and the BCA;
- relevant State Planning Policies and Local Planning Policies;
- other planning considerations including Structure Plans and Local Development Plans;
- written comments from affected landowners; and
- any other circumstance and factor affecting the application in the opinion of the Council.

The “onus of proof” rests with the applicant to justify their application based on the requirements of this Policy.

3. Floor Area

The Council will determine the floor area as the total gross area of all outbuildings (existing and proposed) on the site. This excludes carports, studios, games rooms, patios, pergolas, verandahs and the like that are connected to, or form part of, the dwelling or the principle building on the property.

Applications for outbuildings that propose a mezzanine or a second story will be considered on their merits. The floor area of the mezzanine/second story will not be included in the calculation of gross floor area. However, the Council will consider potential impacts on privacy from the mezzanine/second story especially in residential areas.

For areas subject to the R Codes, the Council will require that the total area of all existing outbuildings (proposed to be retained) and proposed outbuildings collectively do not exceed 10% of the site (lot) area.

4. Height

The height of the proposed outbuilding is measured from natural ground level.

An outbuilding that proposes a height greater than provided for in the R Codes (for land subject to the R Codes) or as set out in Attachment 1 of the Policy (for land not subject to the R Codes) is defined as an “over-height” outbuilding for the purposes of this Policy.

The Council will require applicants to justify any proposed increase in outbuilding height, above the deemed-to-comply requirements, for areas subject to the R Codes.

5. Setbacks/Location

For zones subject to the R Codes, outbuildings are to be setback in accordance with the R Codes. For other zones, setbacks are outlined in LPS3 or outbuildings are to be located within the approved building envelope for the site or outside of building exclusion areas.

The Council may approve outbuildings with walls or supporting columns that are setback less than 1.0 metre from side and rear boundaries on residential lots, subject to compliance with the fire separation requirements of the BCA and consultation with adjoining landowners.

6. Colours

The Council supports colours that retain or enhance the area's amenity. The Council encourages outbuilding walls and roofs to be constructed of non-reflective colours that are essentially natural and earthy, rather than colours such as white or silver. The Council discourages the use of zincalume and unpainted fibre cement for outbuilding walls in the Residential, Special Residential, Special Rural and Special Use zones, especially for oversized and/or over-height outbuildings.

7. Habitable Use and Conversion of Outbuildings to Dwellings

Outbuildings shall not be used for habitable purposes unless they gain local government approval and comply with LPS3, the R Codes and the BCA as a habitable unit.

While noting the above, the local government will consider approving temporary accommodation outside of the Nannup townsite in accordance with Council's *Temporary Accommodation* policy.

8. Outbuildings on Vacant Lots

The Council will consider outbuildings on vacant lots in most zones as outlined in Attachment 1.

In general, the Council does not support an outbuilding on a vacant lot in the Residential zone, Special Residential zone and in Special Use zones (where it is subject to the R Codes) except where the construction of a dwelling is imminent on the lot. The local government may consider approving an outbuilding on a vacant lot in these zones subject to the applicant gaining necessary approvals for the dwelling, or the applicant providing appropriate written assurances that a dwelling will be shortly applied for and substantially completed within two years of the outbuilding receiving conditional planning approval.

Where an outbuilding is proposed on a vacant lot in the Residential zone, Special Residential zone and in Special Use zones (where it is subject to the R Codes), the local government may impose a planning condition requiring the payment of a bond, with the value determined to cover the cost of removing the outbuilding and stabilising the site to the satisfaction of the local government. Should construction of a dwelling not be substantially complete within 2 years from the granting of conditional planning approval for the outbuilding, the Council may require the owner to move or demolish the outbuilding and clear the property of all debris and building material. The planning approval for the outbuilding becomes permanent following the construction of the dwelling and ensuring that all planning conditions relating to the outbuilding have been met and are maintained.

9. Land Uses

Outbuildings are not to be used for commercial, industrial, habitable or other non-domestic purposes. Outbuildings are to be used for low-key “domestic” uses, to the satisfaction of the Council, that do not create undesirable impacts on adjoining or nearby properties.

ADMINISTRATION

1. Matters to be Addressed Prior to Formally Lodging the Application

Proponents are encouraged to discuss proposals that seek to vary Policy requirements with the Shire administration early on in the planning process and prior to the formal lodgement of any Planning Application.

2. Application Requirements

Planning Applications are to include the following:

- the requirements set out in sections 9.1 and 9.2 of LPS3 which includes a site plan (including highlighting existing outbuildings) and setting out the location of any easements;
- floor plan/s and elevations detailing the area, wall and ridge heights and the external materials and colours to be used;
- details of intended use/s and demonstrated need for the outbuilding;
- filling in the Form of Application for Planning Approval; and
- payment of the Shire Planning Application fee.

Subject to the proposed location and the scale of the proposed outbuilding, the local government may also require the applicant to provide:

- detailed contour information from a licensed surveyor;
- cross sections showing the extent of cut and fill;
- written information setting out why Policy requirements should be varied; and
- any other plan or information that the local government may reasonably require to enable the application to be determined.

Should a Planning Approval be issued, it will be necessary for the proponent to submit a Building Permit Application (which gains necessary approval) prior to undertaking construction.

3. Consultation with Landowners and Stakeholders

The local government will consult with adjoining/nearby landowners where an application for an outbuilding is made that does not comply with the requirements of the R Codes. For land not subject to the R Codes, the local government may consult with adjoining/nearby landowners where a proposed outbuilding does not comply with this Policy or has the potential to adversely impact landowners in the opinion of the local government. Alternatively, the

local government may require the applicant to supply written comments from adjoining and other affected landowners, with the process undertaken in accordance with the consultation requirements of the R Codes.

4. Assessing the Planning Application

Applications will be assessed on a case by case basis subject to this Policy, LPS3, the R Codes, the BCA, information provided by the applicant and any submissions received.

For land subject to the R Codes (i.e. Residential or Special Residential zones), the local government will not support applications for an outbuilding which does not comply with , the 'oversize' and 'over-height' provisions set out in Attachment 1. Such applications will be referred to Council for determination.

For land not subject to the R Codes, any application for an outbuilding which does not comply with the 'oversize' provisions set out in Attachment 1 may be considered by Council where the local government is satisfied that the application is consistent with the objectives of this policy and general intent and provisions applicable to the relevant zone.

Where objections are received and the objections are not able to be adequately dealt with through conditions of approval, the application will be referred to Council for determination.

The Council may refuse a Planning Application where it is inconsistent with this Policy, LPS3, the R Codes, based on the information provided by the applicant, or based on information set out in any submission.

Related Policies:	<i>LPP 001 Cut & Fill and Retaining Wall LPP 002 Private Stormwater Drainage Connections to Council's Stormwater Drains LPP 011 Development in Flood Prone Areas</i>
Related Procedures/Documents:	LPP 022 Outbuildings – Attachment 1
Delegation Level:	Chief Executive Officer, Building Surveyor
Adopted:	23 October 2014
Reviewed:	OM 25 January 2018

Attachment 1
Shire of Nannup – Local Planning Policy No. 22 – Outbuildings

Note 1: The Council will determine outbuilding floor areas based on the total combined gross floor area of outbuildings on the lot, which will include existing outbuildings proposed to be retained by the applicant along with the proposed outbuilding/s.

Note 2: There are limits to the number of dwellings on properties in different zones as set out in LPS3, the R Codes and other Local Planning Policies.

Note 3: Separate to Attachment 1, a Planning Application is required as set out in section 1 of the Policy.

Considerations	Floor Area ¹	Height	Setbacks / Location	Colours	Outbuildings on a vacant lot	Conversion of an outbuilding to a dwelling? ²
Zones						
Residential	<p>Outbuildings which do not exceed 60m² or which do not exceed 10 per cent in aggregate of the site area, whichever is the lesser, do not require a Planning Application provided other considerations are met.</p> <p>Outbuildings above 60m² or which exceed 10 per cent in aggregate of the site area are classified as “oversize” and require a Planning Application.</p> <p>Maximum floor area: 120m² or 10% of the site area, whichever is the lesser.</p>	<p>Outbuildings that have a wall height that does not exceed 2.4 metres and/or a ridge height that does not exceed 4.2 metres do not require a Planning Application provided other considerations are met.</p> <p>Outbuildings that have a wall height above 2.4 metres and/or a ridge height above 4.2 metres are classified as “over-height” and require a Planning Application.</p> <p>The maximum wall height is 3.0 metres and the maximum ridge height is 5.5 metres.</p>	<p>Outbuildings that comply with the setback requirements of the <i>Residential Design Codes of Western Australia</i> (R Codes) do not require a Planning Application, provided other considerations are met.</p> <p>Outbuildings that do not comply with the setback requirements of the R Codes require a Planning Application.</p>	<p>The Council supports colours that are compatible with the amenity of the area.</p> <p>The Council does not generally support the use of zincalume for outbuilding walls on outbuildings that are oversize and/or over-height. Applications proposing zincalume on outbuilding walls, for oversize and/or over-height outbuildings will be advertised for comment.</p>	<p>No Planning Application is required for outbuildings where a Building Permit has been issued and is valid for a dwelling provided other considerations are met.</p> <p>Proposals for an outbuilding on a vacant lot will require a Planning Application. The Council does not support an outbuilding on a vacant lot, but will entertain applications in limited circumstances as set out in the Policy.</p>	<p>The Council does not support an outbuilding being converted to a dwelling.</p>

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Note 2: There are limits to the number of dwellings on properties in different zones as set out in LPS3, the R Codes and other Local Planning Policies.

Note 3: Separate to Attachment 1, a Planning Application is required as set out in section 1 of the Policy.

Considerations	Floor Area ¹	Height	Setbacks / Location	Colours	Outbuildings on a vacant lot	Conversion of an outbuilding to a dwelling? ²
Zones						
Special Residential	<p>Outbuildings which do not exceed 60m² or which do not exceed 10 per cent in aggregate of the site area, whichever is the lesser, do not require a Planning Application provided other considerations are met.</p> <p>Outbuildings above 60m² or which exceed 10 per cent in aggregate of the site area are classified as “oversize” and require a Planning Application.</p> <p>Maximum floor area: 200m² or 10% of the site area, whichever is the lesser.</p>	<p>Outbuildings that have a wall height that does not exceed 2.4 metres and/or a ridge height that does not exceed 4.2 metres do not require a Planning Application provided other considerations are met.</p> <p>Outbuildings that have a wall height above 2.4 metres and/or a ridge height above 4.2 metres are classified as “over-height” and require a Planning Application.</p> <p>The maximum wall height is 4.0 metres and the maximum ridge height is 6.0 metres.</p>	<p>Outbuildings that comply with the setback requirements of the <i>Residential Design Codes of Western Australia</i> (R Codes) do not require a Planning Application, provided other considerations are met.</p> <p>Outbuildings that do not comply with the setback requirements of the R Codes require a Planning Application.</p>	<p>The Council supports colours that are compatible with the amenity of the area.</p> <p>The Council does not generally support the use of zincalume for outbuilding walls on outbuildings that are oversize and/or over-height. Applications proposing zincalume on outbuilding walls, for oversize and/or over-height outbuildings will be advertised for comment.</p>	<p>No Planning Application is required for outbuildings where a Building Permit has been issued and is valid for a dwelling provided other considerations are met.</p> <p>Proposals for an outbuilding on a vacant lot will require a Planning Application. The Council does not support an outbuilding on a vacant lot, but will entertain applications in limited circumstances as set out in the Policy.</p>	<p>The Council does not support an outbuilding being converted to a dwelling.</p>

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Note 2: There are limits to the number of dwellings on properties in different zones as set out in LPS3, the R Codes and other Local Planning Policies.

Note 3: Separate to Attachment 1, a Planning Application is required as set out in section 1 of the Policy.

Considerations	Floor Area ¹	Height	Setbacks / Location	Colours	Outbuildings on a vacant lot	Conversion of an outbuilding to a dwelling? ²
Zones						
Special Rural	<p>Outbuildings which do not exceed 80m² do not require a Planning Application provided other considerations are met.</p> <p>Outbuildings above 80m² are classified as “oversize” and require a Planning Application.</p> <p>Maximum floor area: 300m²</p>	<p>Outbuildings that have a wall height that does not exceed 5.0 metres and/or a ridge height that does not exceed 7.0 metres do not require a Planning Application provided other considerations are met.</p> <p>Outbuildings that have a wall height above 5.0 metres and/or a ridge height above 7.0 metres are classified as “over-height” and require a Planning Application.</p>	<p>Outbuildings that are located within designated building envelopes do not require a Planning Application provided other considerations are met.</p> <p>Outbuildings that are located outside of designated building envelopes require a Planning Application and will generally be advertised for comment.</p>	<p>The Council supports colours that are compatible with the amenity of the area.</p> <p>The Council does not generally support the use of zincalume for outbuilding walls on outbuildings that are oversize and/or over-height. Applications proposing zincalume on outbuilding walls for oversize and/or over-height outbuildings will be advertised for comment.</p>	<p>No Planning Application is required (only a Building Permit) provided the outbuilding is consistent with other considerations in this Policy.</p> <p>Where a Planning Application is required, the Council will consider each application on its merits.</p> <p>.</p>	<p>The Council will consider on its merits an outbuilding being converted to a dwelling.</p>

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Note 2: There are limits to the number of dwellings on properties in different zones as set out in LPS3, the R Codes and other Local Planning Policies.

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Considerations	Floor Area ¹	Height	Setbacks / Location	Colours	Outbuildings on a vacant lot	Conversion of an outbuilding to a dwelling? ²
Zones						
Agriculture Agriculture Priority 1 – Scott Coastal Plain Agriculture Priority 2 Coastal Landscape	<p>Outbuildings which do not exceed 300m² do not require a Planning Application provided other considerations are met.</p> <p>Outbuildings above 300m² are classified as “oversize” and require a Planning Application.</p> <p>Maximum floor area: No maximum limit</p>	<p>Outbuildings that have a wall height that does not exceed 9.0 metres and/or a ridge height that does not exceed 12.0 metres do not require a Planning Application provided other considerations are met.</p> <p>Outbuildings that have a wall height above 9.0 metres and/or a ridge height above 12.0 metres are classified as “over-height” and require a Planning Application.</p> <p>There is no maximum height limit.</p>	<p>Outbuildings that are located 20.0 metres or more from property boundaries do not require a Planning Application provided other considerations are met.</p> <p>Outbuildings that are up to 20 metres from property boundaries require a Planning Application and will generally be advertised for comment.</p>	<p>The Council supports colours that are compatible with the amenity of the area and will allow the use of zincalume.</p>	<p>No Planning Application is required (only a Building Permit) provided the outbuilding is consistent with other considerations in this Policy.</p> <p>Where a Planning Application is required, the Council will consider each application on its merits.</p>	<p>The Council will consider on its merits an outbuilding being converted to a dwelling.</p>

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Note 2: There are limits to the number of dwellings on properties in different zones as set out in LPS3, the R Codes and other Local Planning Policies.

Note 3: Separate to Attachment 1, a Planning Application is required as set out in section 1 of the Policy.

Considerations	Floor Area ¹	Height	Setbacks / Location	Colours	Outbuildings on a vacant lot	Conversion of an outbuilding to a dwelling? ²
Zones						
Special Use	For areas classified as Residential, Special Residential and Special Rural on an endorsed Structure Plan, refer to relevant zones in Attachment 1 under the headings of “Residential”, “Special Residential” and “Special Rural”.	For areas classified as Residential, Special Residential and Special Rural on an endorsed Structure Plan, refer to relevant zones under the headings of “Residential”, “Special Residential” and “Special Rural” in Attachment 1.	Outbuildings that comply with the setback requirements of the R Codes, Building Code of Australia (BCA), Structure Plan and any relevant Local Development Plan do not require a Planning Application, provided other considerations are met.	Unless set out in a Local Development Plan, for areas classified as Residential, Special Residential and Special Rural on an endorsed Structure Plan, refer to relevant zones under the headings of “Residential”, “Special Residential” and “Special Rural” in Attachment 1.	No Planning Application is required for outbuildings where a Building Permit has been issued and is valid for a dwelling provided other considerations are met.	For areas classified as Residential, Special Residential and Special Rural on an endorsed Structure Plan, refer to relevant zones under the headings of “Residential”, “Special Residential” and “Special Rural” in Attachment 1.
Future Development	Maximum floor area: Refer to related “zones” in Attachment 1.		Outbuildings that do not comply with the setback requirements of the R Codes, BCA, Structure Plan and any relevant Local Development Plan require a Planning Application.		Proposals for an outbuilding on a vacant lot will require a Planning Application. The Council does not support an outbuilding on a vacant lot, but will entertain applications in limited circumstances as set out in the Policy.	

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Considerations	Floor Area ¹	Height	Setbacks / Location	Colours	Outbuildings on a vacant lot	Conversion of an outbuilding to a dwelling? ²
Zones						
<p>Town Centre</p> <p>Mixed Use</p>	<p>Outbuildings which do not exceed 12m² do not require a Planning Application provided other considerations are met and there is no loss of car parking bays and/or vehicle manoeuvring areas.</p> <p>Outbuildings above 12m² require a Planning Application.</p> <p>Maximum floor area: No maximum limit</p>	<p>Outbuildings that have a wall height that does not exceed 2.4 metres and/or a ridge height that does not exceed 4.2 metres do not require a Planning Application provided other considerations are met.</p> <p>Outbuildings that have a wall height above 2.4 metres and/or a ridge height above 4.2 metres require a Planning Application.</p> <p>Outbuildings should be compatible with building heights in the town centre.</p>	<p>Outbuildings are to be located in accordance with the BCA and to take account of required car parking bays and/or vehicle manoeuvring areas.</p>	<p>The Council supports colours that are compatible with the Main Street Heritage Area Guidelines.</p>	<p>A Planning Application is required.</p> <p>The Council will consider on its merits an outbuilding on a vacant lot provided relevant considerations, including the location/siting of development, have been appropriately addressed to the satisfaction of the Council.</p>	<p>The Council does not support an outbuilding being converted to a dwelling.</p>

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Zones						
Industry	<p>Outbuildings which do not exceed 12m² do not require a Planning Application provided other considerations are met and there is no loss of car parking bays and/or vehicle manoeuvring areas.</p> <p>Outbuildings above 12m² require a Planning Application.</p> <p>Maximum floor area: No maximum limit</p>	<p>Outbuildings that have a wall height that does not exceed 2.4 metres and/or a ridge height that does not exceed 4.2 metres do not require a Planning Application provided other considerations are met.</p> <p>Outbuildings that have a wall height above 2.4 metres and/or a ridge height above 4.2 metres require a Planning Application.</p> <p>There is no maximum height limit.</p>	<p>Outbuildings are to be located in accordance with LPS3 and the BCA.</p>	<p>The Council supports colours that are compatible with the amenity of the area and will allow the use of zincalume.</p>	<p>A Planning Application is required.</p> <p>The Council will support outbuildings being located on vacant land provided other considerations, planning and servicing matters have been appropriately addressed to the satisfaction of Council.</p>	<p>The Council will consider on its merits an outbuilding being converted to a caretaker's dwelling.</p>