

 <p>Shire of Serpentine Jarrahdale</p>	<p><b>Local Planning Policy No. 36</b> Outbuildings</p> <p>Final Version: 1 Updated: 17 September 2013 File: SJ1117 Trim: E13/1679 Adopted: Revised draft for advertising OCMxxx/11/13</p>
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## 1.0 Policy Objectives

The objectives of this Policy are to:

- *Ensure that the siting, design and scale of outbuildings are site responsive and respect the character of an area;*
- *Ensure outbuildings contribute towards the efficient use of water resources within the Shire; and*
- *Facilitate development that supports the intended function of an outbuilding.*

## 2.0 Background

The Shire's *Plan for the Future* recognises the need to preserve the distinct character and lifestyle of our rural communities and provide for built form that accommodates their need. Outbuildings are often a necessary requirement for landowners within the Shire, in particular those living within rural areas. Outbuildings are to be developed in a manner responsive to their landscape and environment. This intent is closely aligned with the objectives of the *Plan for the Future*.

This policy will ensure applicants are fully aware of the information requirements necessary for lodgement and reduce unnecessary delays in the assessment and determination of these applications. This Policy outlines clearly the acceptable and unacceptable development criteria as well as a set of performance based criteria that apply to the zones as outlined in Section 3.0.

## 3.0 Application

The purpose of this Policy is to provide development controls for the construction of outbuildings within the following zones:

- Rural;
- Special Rural;
- Rural Living A;
- Rural Living B;
- Farmlet;
- Special Residential;
- Residential and Urban Development lots with an area of 1000m<sup>2</sup> or greater; and
- Residential Lots with a density of R10 to R80.

This Policy does not apply to the following types of development:

- Ancillary Accommodation to be used for permanent habitable purposes (refer to *Draft Local Planning Policy No.39 – Ancillary Accommodation*); and

- Rural Workers Dwellings to be used for habitable purposes (refer to *Local Planning Policy No.46 – Rural Workers Dwellings*).

For the purposes of this policy there are two (2) streams that applications shall be categorised into:

- a) Compliant application; and
- b) Non-complaint application

A **compliant application** is an application that does not require planning approval (but may still require a building licence) on the basis that it is:

- Consistent with the ‘Acceptable Development’ provisions as detailed within this Policy;
- Consistent with a Detailed Area Plan or other site specific guidance including Building Exclusion Zones, or Building Envelopes, where applicable;
- Not a special area triggering a development application (such as Local Planning Policy No.8 – Landscape Protection).
- Not within a place entered in the Register maintained by the *Heritage Council under the Heritage of Western Australia Act 1990*.

A **non-compliant application** is an application that departs from any of the ‘Acceptable Development’ provisions as detailed within this policy. A planning application and requisite fee is to be submitted for approval, prior to the issuance of a building permit.

#### 4.0 Status

##### (a) Relationship to Town Planning Scheme No.2

This Policy is a planning policy prepared, advertised and adopted pursuant to Clause 9.1 of Town Planning Scheme No.2 (TPS 2). All planning policies are documents supporting the Scheme and is to be read in conjunction with the provisions of TPS 2 relating to development applications.

##### (b) Relationship to other Local Planning Policies (LPPs)

This policy has due regard to, and should be read in conjunction with other Shire LPP’s including:

- i) LPP No.4 – Revegetation
- ii) LPP No.8 – Landscape Protection Policy
- iii) LPP No.22 – Water Sensitive Urban Design
- iv) LPP No.27 – Stakeholder Engagement in Land Use Planning
- v) LPP No.35 – (Interim) Residential Development
- vi) LPP No.43 – Natural Hazards and Disasters
- vii) LPP No.46 – Rural Workers’ Dwellings
- viii) LPP No.33 – Placement of Fill in Non-urban Areas
- ix) LPP No.39 – Ancillary Accommodation

##### (c) Other legislative documents which should be read in conjunction with this Policy include:

- i) Planning and Development Act 2005;
- ii) Building Code of Australia (BCA); and
- iii) Serpentine Jarrahdale Shire’s Engineering Standards (Specifications).

## 5.0 Interpretations

For the purposes of this Policy, the following definitions apply:

The definition for 'Floor Area'–

- (a) *in relation to a building – the total area of all storeys; and*
- (b) *in relation to a storey – the area of all floors of that storey measured over the enclosing walls.*

*NB: The maximum floor area for rural outbuildings applies to the combined total floor area of all existing and proposed outbuildings on a lot. (Building Code of Australia)*

*'Lean-to' refers to an ancillary structure to an outbuilding that is attached to an existing or proposed outbuilding and has at least three open sides, generally designed to accommodate one or more motor vehicles.*

*'Natural Ground Level' refers to the level on a site which precedes the proposed development, excluding any site works unless approved by the Council or established as part of subdivision of the land preceding development.*

*'Outbuilding' is an enclosed non-habitable structure that is required to meet the standards of the Building Code of Australia (BCA) and is detached from any dwelling.*

## 6.0 Delegation

- 6.1 Applications that comply with the Acceptable Development Criteria in this Policy may be dealt with under delegated authority, pursuant to Clause 8.2 of TPS No.2. Applications falling within the Performance Based Criteria may require consideration by Council. Applications which fall within the Unacceptable Development Criteria will require consideration by Council.

## 7.0 Policy Provisions

- 7.1 Planning approval may be required for the construction of outbuildings in the zones listed under *Section 3.0 – Application* of this Policy subject to the requirements of that section.
- 7.2 Applications for development approval shall be assessed against the acceptable, performance based criteria and unacceptable provisions set out in Table 1, 2 and 3 of this Policy.
- 7.3 Where an application is to be lodged for consideration against some or all of the performance based criteria, the application shall clearly demonstrate (in writing with cross references to any applicable plans) how the performance based criteria have been achieved.
- 7.4 Performance based applications will need to demonstrate:
- How the performance based criteria have been satisfied.
  - The use of the outbuilding is incidental to the primary use operating on the land.
  - A rationale for non-compliance with the Acceptable Development criteria.
  - Mitigation of issues of non-compliance with acceptable development criteria, which may include but are not limited to:
    - Appropriate landscaping/screening vegetation (*refer to LPP No.67 – Landscape and Vegetation*);

- Incorporation of fire and natural hazard management mechanisms (refer to *LPP No.43 – Hazards and Natural Disasters*);
  - Consideration of proximity to residential dwellings;
  - Construction techniques to ensure that cut/fill will not result in either erosion or visual impacts (refer to *Draft LPP No.34 – Placement of Fill in Non-Urban Areas*).
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- 7.5 Applications that do not comply with either the Acceptable or Performance based criteria outlined in this Policy of this nature will only be supported by Council where it can be demonstrated that exceptional circumstances prevail, and will only be considered upon submission of a written justification and payment of relevant fees. Such applications will be considered by the Shire.
- 7.6 Outbuildings proposed within the Landscape Protection Area shall comply with *LPP No.8 – Landscape Protection Policy*.
- 7.7 It is the Shire’s expectation that all stormwater collected be retained on-site and/or used for bushfire protection purposes. This may be achieved through the use of rainwater tanks. Where it is not practical for this to be achieved, the applicant is to provide written justification.
- 7.8 It is the Shire’s expectation that stormwater reuse devices are to be depicted on applications detailing colours and materials in accordance with Table 3 – Outbuilding Assessment and Approval Requirements. Stormwater reuse devices depicted on application shall detail dimension, size and methods of reuse.
- 7.9 If a water reuse device is required for the purposes of bushfire protection, specifications for these devices, including valves, fittings and sizes, are to be in accordance with the requirements as outlined in *LPP No.43 – Hazards and Natural Disasters*.
- 7.10 A stormwater reuse device shall generally be installed within 90 days of the completion of the outbuilding.
- 7.11 If the subject property does not suitably fall within the associated land area of the specified zone, the application will be assessed in accordance with the most suitable category with the prescribed land area that the subject lot falls within.
- 7.12 Any proposed roofed structure that does not clearly fall within the definition of an outbuilding and lean-to, or any other structure defined under the Scheme, will be assessed in accordance with Table 1 and 2 of this Policy and will be restricted to the total land area identified in Table 1.
- 8.0 Conversion to Alternative Uses**
- 8.1 The Shire does not support the conversion of outbuildings to ancillary accommodation or rural workers dwellings due to the difference in external appearance and functionality.
- 9.0 Lean-To**
- 9.1 The maximum size of an ancillary “Lean-To” shall be 30% of the roof cover of the existing or proposed outbuilding.

- 9.2 For the purposes of calculating total floor area of an outbuilding(s), a lean-to is deemed to form part of the overall floor area if it is enclosed on two (2) or more sides (including the shared wall with the existing or proposed outbuilding).
- 9.3 A lean-to is to be of a skillion roofed design only.
- 9.4 All lean-to shall be constructed of materials that match or complement the proposed / existing adjoining outbuilding.

#### **10.0 Advertising Requirements**

- 10.1 Applications for outbuildings which require consideration against performance based criteria or have elements that fall within the Unacceptable Development criteria will be advertised with the Applicant's supporting justification for non-compliance in accordance with the requirements of the *Shire's LPP No.27 – Stakeholder Engagement in Land Use Planning*.

#### **11.0 Application Requirements**

- 11.1 Applications lodged without all required documentation shall be deemed incomplete and will not be assessed by the Shire until such a time that sufficient documentation is received.

**Table 1: Floor Area/Setback/Height – Outbuilding Assessment and Approval Requirements**

OCM171.1/09/15

Zoning/Area	Floor Area			Setback (Minimum Distance)		Maximum Height* (Measured from Natural Ground Level)	
	Acceptable Development	Performance Based	Unacceptable Development	Side (metres)	Rear (metres)	Wall (metres)	Roof Ridge** (metres)
Rural Zone (≥ 40ha)	≤ 500m <sup>2</sup>	≤ 800m <sup>2</sup>	>800m <sup>2</sup>	10	20	5	6
Rural Zone (4ha – 40ha)	≤ 300m <sup>2</sup>	≤ 600m <sup>2</sup>	>600m <sup>2</sup>	10	20	5	6
Farmlet Zone (4ha – 40ha)	≤ 300m <sup>2</sup>	≤ 600m <sup>2</sup>	>600m <sup>2</sup>	10	20	5	6
Rural Living B/Special Rural Zone (2ha – 4ha)	≤ 200m <sup>2</sup>	≤ 300m <sup>2</sup>	>300m <sup>2</sup>	10	20	4.5	5
Rural Groundwater Protection (approx. 2ha)	≤ 200m <sup>2</sup>	≤ 300m <sup>2</sup>	>300m <sup>2</sup>	10	20	4.5	5
Rural Living A (1ha – 2ha)	≤ 150m <sup>2</sup>	≤ 180m	>180m <sup>2</sup>	7.5	7.5	4.2	5
Rural Living A (4000m <sup>2</sup> – 1ha)	≤ 120m <sup>2</sup>	≤ 150m <sup>2</sup>	>150m <sup>2</sup>	7.5	7.5	4.2	5
Special Use Zone – Conservation Living	≤ 200m <sup>2</sup>	≤ 300m <sup>2</sup>	>300m <sup>2</sup>	10	20	4.2	5
Special Use Zone – Darling Views Estate	≤ 150m <sup>2</sup>	≤ 500m <sup>2***</sup>	>500m <sup>2***</sup>	7.5	7.5	3.5	5
Special Residential (≥ 2000m <sup>2</sup> ).	≤ 100m <sup>2</sup>	≤ 120m <sup>2</sup>	>120m <sup>2</sup>	4	4	3.2	4.5
Residential/Urban Development (1000m <sup>2</sup> - 2000m <sup>2</sup> )	≤ 100m <sup>2</sup>	≤ 120m <sup>2</sup>	>120m <sup>2</sup>	4	4	3.2	4.5
Residential (R10 – R80)	≤ 60m <sup>2</sup> or 10% of lot area, whichever is the lesser	≤ 60m <sup>2</sup> or 10% of lot area, whichever is the lesser	> 60m <sup>2</sup> or 10% of lot area.	per R- Codes	per R-Codes	2.4	4.2

\* - Maximum height measured from natural ground level, as defined in Section 4.0 of this Policy.

\*\* - A higher roof ridge height may be approved where an outbuilding proposes PVP (solar) panels. The Shire understands a 20° pitch is required to be able to facilitate this.

\*\*\* - Applications will be required to be accompanied with evidence the shed is associated with the Light Industrial use as defined in the Scheme and complies with the provisions identified in appendix 2 of the Scheme.

**Table 2: Land Use, Design & Siting Requirements**

Requirements	Acceptable Development	Performance Based	Unacceptable Development
Overall Siting	<ul style="list-style-type: none"> <li>▪ Located wholly within any nominated building envelope (where applicable).</li> <li>▪ Sited behind the front setback of the primary dwelling.</li> <li>▪ In close proximity to existing residential dwellings/structures.</li> <li>▪ Clustered with existing outbuildings (if more than 1 exist on a lot)</li> <li>▪ Located in accordance with the setback requirements of Table 1 of this Policy</li> </ul>	<ul style="list-style-type: none"> <li>▪ Setbacks that are no less than 50% of the minimum setback as defined in Table 1 of this Policy or four (4) metres, whichever is the greater.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Sited closer to the road than the front elevation of an existing dwelling.</li> <li>▪ Outbuilding proposed is isolated/dispersed on a non-urban lot (can lead to development which is visually conspicuous and intrusive into the landscape). Note: Outbuildings proposed in rural lots in excess of 40ha may be dispersed if it is in support of a rural activity.</li> <li>▪ Sited in a position which is visually obtrusive to sightlines from adjoining properties or from the streetscape.</li> </ul>
Vegetation	<ul style="list-style-type: none"> <li>▪ No clearing of natural vegetation has been proposed.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Applicant has demonstrated that outbuilding is sited to minimise vegetation clearing.</li> </ul>	<ul style="list-style-type: none"> <li>▪ High level of clearing required, no mitigation measures proposed.</li> <li>▪ Applicant does not demonstrate offset for clearing.</li> </ul>
Landscaping/ screening	<ul style="list-style-type: none"> <li>▪ Landscaping and screening is encouraged where appropriate except in locations of extreme fire risk (refer to <i>LPP No.43 Hazards and Natural Disasters</i>) unless contrary to an approved Bush Fire Management Plan.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Landscaping and screen planting is to be used to ameliorate the visual impact of outbuildings if visible from a road, adjoining property, public realm or scarp location (refer to <i>LPP No.8 Landscape Protection</i> or <i>LPP No.67 Landscape and Vegetation</i>).</li> </ul>	<ul style="list-style-type: none"> <li>▪ Landscaping does not achieve purpose for which it is intended.</li> <li>▪ Landscaping presents a structural or fire hazard.</li> </ul>

**Table 3: Colours & Materials - Outbuilding Assessment and Approval Requirements**

	Preferred	Performance Based	Unacceptable Development
Materials	<ul style="list-style-type: none"> <li>▪ Colorbond(R)</li> <li>▪ Straw bale</li> <li>▪ Timber</li> <li>▪ Rammed earth</li> </ul>	<ul style="list-style-type: none"> <li>▪ Zincalume (except where specifically excluded by Policy. E.g. <i>LPP No.8 – Landscape Protection</i>).</li> </ul>	<ul style="list-style-type: none"> <li>▪ Concrete/Tilt-up</li> </ul>
Colours	<ul style="list-style-type: none"> <li>▪ Earthy tones</li> </ul>	<ul style="list-style-type: none"> <li>▪ A colour which is of a similar to the tone to the main dwelling &amp; other outbuildings on the site.</li> <li>▪ In landscape protection areas - a neutral colour which is site responsive and is sympathetic to the surrounding local environment.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Bright or out of character colours.</li> <li>▪ Colours which contrast with the primary dwelling or other outbuildings on the same or adjacent lots.</li> </ul>