



Local Planning Policy 7 OUTBUILDINGS

Local Planning Policy 7 – OUTBUILDINGS

ADOPTED BY COUNCIL:

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1. Statutory Context

The Shire of Chittering, as enabled under, Schedule 2, Part 2, Division 2 – ‘Local Planning Policies’ of the deemed provisions, hereby amends this Local Planning Policy (LPP) regarding outbuildings and sheds.

Any LPP prepared under this part shall be consistent with the Scheme and if any inconsistency arises the Scheme shall prevail.

A LPP is not part of the Scheme and shall not bind the Local Government in any respect of any application for development approval, but the local government shall have due regard to the provisions of any policy, and the objectives which the policy is designed to achieve before making its decision in accordance with the deemed provisions.

This LPP applies to all land zoned within the Scheme area and supersedes the previous version of Local Planning Policy No.7 (adopted 19 October 2016).

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2. Definitions

The following are definitions that relate directly to the application of this policy:

“Attached” means that a structure is joined and structurally connected to another structure.

“Building Envelope” means the area of land within a lot marked on a plan approved by the responsible authority within which all buildings and effluent disposal facilities on the lot must be contained.

“Carport” means a roofed structure designed to accommodate one or more motor vehicles unenclosed except to the extent that it abuts a dwelling or a property boundary on one side, and being without a door unless that door is visually permeable.

“Council” means the elected members of the Shire.

“Deemed provisions” means the provisions of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.

“Detached” means that no part of a structure is joined or connected to any part of another structure.

“Development” means the development or use of any land, including –

- a. any demolition, erection, construction, alteration of or addition to any building or structure on the land;
- b. the carrying out on the land of any excavations or other works;
- c. in the case of a place to which a protection order made under the Heritage Act 2018 Part 4 Division 1 applies, any act or thing that –
 - i. is likely to change the character of that place or the external appearance of any building; or
 - ii. Would constitute an irreversible alteration of the fabric of any building.

“Development site” means a lot on which development occurs, or is proposed.

“Enclosed” means an area bound on three or more sides by a permanent wall and covered in a water impermeable material.

“Garage” means any enclosed roofed structure, other than a carport, designed to accommodate one or more motor vehicles and are attached to a dwelling.

“LPS6” means Shire of Chittering Local Planning Scheme No. 6

“Natural ground level” means the levels on a site which precede the proposed development, excluding any site works unless approved by the decision-maker or established as part of subdivision of the land preceding development.

“Non-habitable building” means a Class 10 building as defined under the National Construction Code Series.

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"Outbuilding" means an enclosed non-habitable structure that is detached from any dwelling and used for purposes incidental to a dwelling. For the purpose of this policy, animal feed bins, dongas, sea containers and water tanks do not constitute an outbuilding. An outbuilding not associated with a dwelling, is regarded as a 'shed'.

"Patio" means an unenclosed structure covered in a water impermeable material which may or may not be attached to a dwelling.

"Residential Design Codes" means State Planning Policy 7.3 - Residential Design Codes.

"Ridge Height" means the vertical distance between the natural ground level immediately below the ridge of a roof, and the highest point of a roof.

"Rural Living Zone" means Rural Retreat zone, Rural Smallholdings zone and Rural Conservation zone as defined by LPS6.

"Scheme" means the Shire of Chittering Local Planning Scheme in affect at the time.

"Shed" means an enclosed non-habitable structure not associated with a dwelling.

"Shire" means Shire of Chittering.

"Substantially commenced" means the complete laying of the entire slab of the whole ground floor of a building.

"Unenclosed" means an area bounded on no more than two sides by a permanent wall and covered in a water impermeable material.

"Wall height" means the maximum vertical distance between the finished natural ground level at the base of the wall and the top of the wall where the wall intersects the roof.

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3. Policy Statement & Objectives

This policy applies to outbuildings and sheds and any attached lean-tos within the Shire. The provisions of this Policy are intended to guide the design and positioning of outbuildings and sheds to ensure a balance between legitimate forms of storage and hobby requirements of landowners, and potential amenity and landscape impacts.

The objectives of this policy are:

- To allow for appropriate outbuildings that do not have adverse impacts on the streetscape, character, amenity or environmental attributes of the surrounding area.
- To protect the natural vegetation and landscape amenity of the Shire.
- To vary Part 5.4.3, C3 deemed-to-comply provisions of the Residential Design Codes.
- To provide guidance on the Development Approval requirements for outbuildings and sheds.

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4. Statutory Exemptions from Development Approval

This Section of the Policy provides guidance on the existing statutory development approval exemptions that apply to the construction of sheds and outbuildings. This section of the Policy has no implementation purpose, but merely highlights the exemptions of other planning instruments.

4.1 Development approval shall be obtained for the construction of an outbuilding or shed on land within the Scheme area unless:

- a. The development is of a type that is exempt from development approval pursuant to Schedule A – ‘Supplemental Provisions’ of LPS6; or

Note: Schedule A – ‘Supplemental Provisions’ of the Scheme provides an exemption from development approval for the construction of outbuildings on all lots that have constructed (or substantially commenced) a ‘single house’, where that ‘single house’ is listed as permissible (‘P’) under Schedule 2 – Zoning Table of the Scheme, if the outbuilding:

- Complies with the LPS6 setback requirements for that zone or is within the designated building envelope as illustrated on an approved Structure Plan (development plan);
- Complies with the provisions of an approved Structure Plan (development plan);
- Is not within a Special Control Area as defined by the Scheme; and
- Complies with all development standards of the Scheme.

- b. The development is of a type that is exempt from approval pursuant to the Deemed Provisions; or

Note: The Deemed Provisions exempt outbuildings from development approval when the R-Codes apply, and all the applicable ‘deemed-to-comply’ provisions of the R-Codes are met.

- c. The development is of a type that is exempt from approval pursuant to Section 5 of this Policy.

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5. Policy Exemptions from Development Approval

This section of the Policy provides exemptions for the requirement for development approval pursuant to Sch. 2, Pt. 7, Cl. 61(i) of the deemed provisions.

5.1 The following are exempt from the requirement for development approval:

- a. The construction of a shed or outbuilding on land zoned 'Agricultural Resource' outside of any Special Control Area and compliant with the following setback requirements:
 - Highway – 100m
 - Major Road – 50m
 - Other Road – 30m
 - Rear – 30m
 - Side – 30m

- b. The construction of an outbuilding that complies with the maximum development standards of Section 6.1.1 of this Policy.

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6. Maximum Development Requirements in Townsite and Residential Zones

- 6.1 The following Table 1 prescribes the maximum aggregate outbuilding size within the Townsite and Residential zone:

R-Coded Areas	Gross total area (m ²)	Wall Height (m)	Ridge Height (m)
R2.5 and below	120	3.5	4.5
R5	100	3.5	4.5
R10/30	70	3	4.5
No R-Code	200	3.5	4.5

Note: Pursuant to the Supplemental Provisions of LPS6, outbuildings in the Townsite zone where no R-code applies is exempt from Development Approval - except within a Special Control Area (which is all of Muchea Townsite).

- 6.2 Where development approval is required, outbuildings shall be located in cleared areas, behind the main residential building line as illustrated by Schedule 1.
- 6.3 The gross total area is cumulative and includes any lean-tos, carports or patio structures attached to the outbuilding(s).
- 6.4 The construction of an outbuilding or shed in the Townsite and Residential zone shall be on the same lot as an existing dwelling, or a dwelling that has been substantially commenced.

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7. Development Requirements in Rural Residential and other Rural Living Zones

- 7.1 The erection of a shed on a Rural Residential and other Rural Living zoned property prior to the construction of a dwelling requires Development Approval as per the Deemed Provisions. Any shed approved by the Shire in these instances, cannot be used for any 'storage' purpose (including storing personal or household items) until such time that a 'single house' is constructed on the property, or has been substantially commenced.
- 7.2 Setbacks shall be in accordance with Clause 4.8.2 of the Scheme. Where building envelopes do not apply, development shall be located a minimum of 30 metres from any natural water body and 1.8 metres from any effluent disposal system and their irrigation areas.
- 7.3 Outbuildings are encouraged to be located in cleared areas, behind the main residential building line as illustrated in Schedule 1. Where an outbuilding/shed is proposed prior to construction of a dwelling, provision should be made for a dwelling to be constructed in-line or on-front of the outbuilding.
- 7.4 Outbuildings and sheds shall be constructed only of non-reflective material in accordance with Clause 4.8.3 of the Scheme.

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8. Use of Outbuildings and Sheds

- 8.1 Outbuildings shall only be used for incidental activities associated with a dwelling (e.g. storage of personal and/or household type items and vehicles). Any commercial use of an outbuilding, including storage of work/commercial related items for the purpose of commercial activities, requires Development Approval from the Shire.
- 8.2 Sheds shall only be used for purposes incidental to the primary activity on the land (e.g. a farm shed can only be used for storage of farm related items, or for uses associated with the farm).

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9. Additional Information

- 9.1 If Development Approval is required for a proposed outbuilding or shed, an Application for Development Approval form shall be submitted to the Shire with suitable plans and the relevant application fee.
- 9.2 A development application to vary the acceptable standards of this Policy and/or LPS6 may be referred to affected surrounding landowners for comment through the development application process. Where a submission is received objecting to a proposal, the application may be referred to Council for consideration, if a condition of approval cannot address the objection raised.
- 9.3 Any development application lodged with the Shire for a variation to a standard within this Policy, should be accompanied by suitable justification for such variation.

10. Schedule 1

