



TOWN PLANNING SCHEME POLICY NO. 13.4: OUTBUILDINGS

**Adopted on the 15 April 2014 in accordance with
Clause 8.2 of Town Planning Scheme No. 3.**

1. INTRODUCTION

Outbuildings (also commonly referred to as a garage, shed or workshop) are required for various legitimate needs of residents however without appropriate development controls in place can impact on neighbours, a street, a neighbourhood, locality or the Shire as a whole.

2. POLICY BASIS

Clause 8.2 of the Shire of Denmark's Town Planning Scheme No. 3 ('the Scheme') provides for the preparation and subsequent adoption of Town Planning Scheme Policies. Town Planning Scheme Policy No. 13.4: Outbuildings ('Policy No. 13.4') has been prepared in accordance with the Scheme.

As per Clause 8.2.4 of the Scheme, Policy 13.4 does not bind the Shire of Denmark in respect of any application for planning approval but the Shire of Denmark will have due regard to the provisions of Policy 13.4 and the objectives which the policy was designed to achieve before making its determination.

3. OBJECTIVES

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.

4. DEFINITIONS

Outbuilding: an enclosed non-habitable structure that is detached from any dwelling.

Primary Street Setback Area: the area between the primary street (being the sole or principal public road that provides access to the major entry (front door) to the dwelling) alignment and the street setback line as per the provisions of the relevant Town Planning Scheme or Residential Design Codes.

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5. POLICY STATEMENT CRITERIA

5.1 Outbuildings in Residential Zones

Permitted Uses of Buildings	<ul style="list-style-type: none"> • Must be for legitimate garaging, storage and other domestic needs of people living in residential areas. • Use of outbuildings for commercial/business use is not permitted except where planning approval has been obtained for a home business/home occupation. • Use of outbuildings for human habitation is not permitted unless in accordance with Council's <i>Guidelines for Temporary Accommodation Policy P130301</i>.
Setbacks	<p>As per the Scheme and/or Residential Design Codes. <i>NB: If the property is unsewered, the outbuilding will be required to have the following minimum setbacks to the effluent disposal system:</i></p> <ul style="list-style-type: none"> • 1.2 metres to the tank(s); and • 1.8 metres to the leach drain(s).
Size	<ul style="list-style-type: none"> • Maximum cumulative area of outbuilding(s) per lot: <ul style="list-style-type: none"> ○ 80m² area where the lot is 1000m² or less ○ 100m² where the lot is greater than 1000m² • Maximum wall height – 3.0 metres. • Maximum ridge height – 4.2 metres.
As-of-Right Outbuildings (i.e. planning consent not required).	<p>Outbuildings that have floor areas not exceeding 10m² and no more than 2.4 metres in height overall (i.e. to top of roof) do not require Planning Consent (or a Building Permit as per the <i>Building Regulations 2012</i>) from the Shire of Denmark subject to the outbuilding complying with the relevant setbacks for the property as per the Scheme and/or Residential Design Codes.</p>

Applications for outbuildings that do not comply with the above criteria will be assessed on a case-by-case basis and may be granted Planning Approval subject to the following matters being taken into consideration as part of the assessment process:

- Demonstration that the larger size is required to satisfy specific domestic needs;
- The impact of the outbuilding's size on the amount of private open space associated with the dwelling;
- The outbuilding not being located within the primary street setback area; and
- Comments received from the affected adjoining landowner's (if applicable).

Outbuildings are not permitted to be constructed upon vacant Residential zoned lots unless Planning Approval and a Building Permit has been obtained for a Single House (NB: A Building Permit for a Single House and Outbuilding can be obtained concurrently).

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5.2 Outbuildings in Special Residential and Landscape Protection Zones

Permitted Uses of Buildings	<ul style="list-style-type: none"> • Must be for legitimate garaging, storage and other domestic needs of people living in special residential and landscape protection areas. • Use of outbuildings for commercial/business use is not permitted except where planning approval has been obtained for a home business/occupation (NB: in some Special Residential and Landscape Protection zoned areas, home businesses and/or home occupations are not permitted as per Table 1 – Zoning Table of the Scheme). • Use of outbuildings for human habitation is not permitted unless in accordance with Council's <i>Guidelines for Temporary Accommodation Policy P130301</i>.
Setbacks	<p>As per Town Planning Scheme No. 3 provisions relevant to the particular Special Residential or Landscape Protection area.</p> <p><i>NB: If the property is unsewered, the outbuilding will be required to have the following minimum setbacks to the effluent disposal system:</i></p> <ul style="list-style-type: none"> • 1.2 metres to the tank(s); and • 1.8 metres to the leach drain(s).
Size	<ul style="list-style-type: none"> • Maximum cumulative area of outbuilding(s) per lot - 100m² • Maximum wall height – 3.5 metres. • Maximum ridge height – 4.2 metres.
As-of-Right Outbuildings (i.e. planning consent not required).	<p>Outbuildings that have floor areas not exceeding 10m² and no more than 2.4 metres in height overall (i.e. to top of roof) do not require Planning Consent (or a Building Permit as per the <i>Building Regulations 2012</i>) from the Shire of Denmark subject to the outbuilding complying with the relevant setbacks for the property as per the Scheme.</p>

Applications for outbuildings that do not comply with the above criteria will be assessed on a case-by-case basis and may be granted Planning Approval subject to the following matters being taken into consideration as part of the assessment process:

- Demonstration that the larger size is required to satisfy appropriate needs; and
- Comments from the affected adjoining landowner's (if applicable).

Outbuildings are not permitted to be constructed upon vacant Special Residential and Landscape Protection zoned lots unless Planning Approval and a Building Permit has been obtained for a Single House (NB: Building Permit for Single House and Outbuilding can be obtained concurrently).

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5.3 Outbuildings in Special Rural and Rural Multiple Occupancy Zones

Permitted Uses of Buildings	<ul style="list-style-type: none"> • Must be for legitimate garaging, storage and other domestic needs of people living in special rural and rural multiple occupancy areas. • Use of outbuildings for commercial/business use is not permitted except where planning approval has been granted for a home business/occupation. • Use of outbuildings for human habitation is not permitted unless in accordance with Council's <i>Guidelines for Temporary Accommodation Policy P130301</i> (NB: policy provisions only apply to Special Rural zoned properties).
Setbacks	<p>As per Town Planning Scheme No. 3 and/or <i>Town Planning Scheme Policy No. 5: Minimum Setback</i> provisions relevant to the particular Special Rural or Rural Multiple Occupancy area.</p> <p><i>NB: If the property is unsewered, the outbuilding will be required to have the following minimum setbacks to the effluent disposal system:</i></p> <ul style="list-style-type: none"> • 1.2 metres to the tank(s); and • 1.8 metres to the leach drain(s).
Size	<ul style="list-style-type: none"> • Maximum cumulative area of outbuilding(s) per lot - 150m² • Maximum wall height – 3.5 metres. • Maximum ridge height – 4.2 metres.
As-of-Right Outbuildings (i.e. planning consent not required).	<p>Outbuildings that have floor areas not exceeding 10m² and no more than 2.4 metres in height overall (i.e. to top of roof) do not require Planning Consent (or a Building Permit as per the <i>Building Regulations 2012</i>) from the Shire of Denmark subject to the outbuilding complying with the relevant setbacks for the property as per the Scheme.</p>

Applications for outbuildings that do not comply with the above criteria will be assessed on a case-by-case basis and may be granted Planning Approval subject to the following matters being taken into consideration as part of the assessment process:

- Demonstration that the larger size is required to satisfy appropriate needs; and
- Comments from the affected adjoining landowner's (if applicable).

Outbuildings are not permitted to be constructed upon vacant Special Rural or Rural Multiple Occupancy zoned lots unless Planning Approval and a Building Permit has been obtained for a Single House (NB: Building Permit for Single House and Outbuilding can be obtained concurrently).

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5.4 Outbuildings in Rural Zone

Permitted Uses of Buildings	<ul style="list-style-type: none"> Use of outbuildings for commercial/business use is not permitted except where planning approval has been granted accordingly (NB: use for rural pursuits/farm operations are not deemed as commercial/business uses for the purposes of this policy). Use of outbuildings for human habitation is not permitted unless in accordance with Council's <i>Guidelines for Temporary Accommodation Policy P130301</i>.
Setbacks	<p>As per the Scheme and/or <i>Town Planning Scheme Policy No. 5: Minimum Setback</i> provisions.</p> <p><i>NB: If the property is unsewered, the outbuilding will be required to have the following minimum setbacks to the effluent disposal system:</i></p> <ul style="list-style-type: none"> 1.2 metres to the tank(s); and 1.8 metres to the leach drain(s).
Size	No restrictions on size, wall heights and/or ridge heights.
As-of-Right Outbuildings (i.e. planning consent not required).	<ul style="list-style-type: none"> Outbuildings that have floor areas not exceeding 10m² and no more than 2.4 metres in height overall (i.e. to top of roof) do not require Planning Consent (or a Building Permit as per the <i>Building Regulations 2012</i>) from the Shire of Denmark subject to the outbuilding complying with the relevant setbacks for the property as per the Scheme.

6. APPLICATION REQUIREMENTS

The following information is required to be submitted to enable an assessment of the Outbuilding proposal by Planning Services:

- Completed 'Application for Planning Consent' form.
- Payment of the applicable Planning Application fee as per Council's operative Fees & Charges Schedule.
- Two copies of the following:
 - Site plan (to scale) showing:
 - proposed location of the outbuilding on the land in relation to the lot boundaries, any existing or proposed development on-site (including car parking areas, landscaping areas, effluent disposal areas etc);
 - location of crossover(s) on-site and the vehicular access arrangements to the outbuilding (if applicable).
 - Floor plan(s) (to scale) of the proposed outbuilding.
 - Elevations (to scale) of the proposed outbuilding.
- Accompanying letter detailing the need for the outbuilding, particularly if proposing to exceed the sizes provided in Section 5 of this policy.

7. ADDITIONAL APPROVALS REQUIRED

The issuance of planning approval is not permission to commence building. An application for a Building Permit is required to be submitted and approved by Building Services prior to construction works commencing on-site as per the *Building Regulations 2012*.

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SHIRE OF DENMARK

TOWN PLANNING SCHEME No. 3

POLICY No. 40

RAINWATER TANKS AND GREYWATER RE-USE SYSTEMS

ADOPTED AT THE ORDINARY COUNCIL MEETING ON 22 JUNE 2010

16 May 2023 - Attachment 9.2.1b

1. INTRODUCTION

The Shire of Denmark has prepared this policy to encourage landowners, developers and builders to incorporate residential rainwater tanks and greywater re-use systems. This will achieve a number of environmental benefits including:

- Reduce risk of future water restrictions,
- Increased local awareness of water scarcity and sustainable usage,
- Promote responsible use of water supplies and reduce demand on the Water Corporation supply network,
- Encourage waterwise developments through recycling of greywater and other initiatives, and
- Promote an increased level of sustainability within the Shire.

Whilst the introduction of this policy may result in additional costs for housing developments in the short-term, the economic benefits over the long-term are considerable. Encouraging residents to become more sustainable in their use of water and energy will also deliver benefits to the community as a whole over time.

The policy delivers on the Council's commitment to the community to promote environmentally sensitive development and create a sustainable community.

2. POLICY BASIS

Clause 8.2 of the Shire of Denmark's Town Planning Scheme No. 3 ('the Scheme') provides for the preparation of Local Planning Policies. This Policy has been prepared in accordance with the Scheme.

This Policy does not bind the local government in respect of any application for development approval but the local government will have due regard to the provision of the Policy and the objectives which the Policy is designed to achieve before making its determination.

3. OBJECTIVES

The objectives of the Policy are to:

- Improve the environmental sustainability of housing and other developments within the Shire by lowering consumers' individual 'carbon footprints'.
- Encourage installation of rainwater tanks and greywater re-use systems for residential developments.
- Ensure that streetscape and local amenity values of the local area are not adversely affected through unacceptable visual impacts from the placement of rainwater tanks.
- Introduce standards for the siting and development of rainwater tanks and greywater re-use systems.

4. APPLICATION OF THE POLICY

This policy applies to all land within the Residential, Special Residential, Special Rural, Rural Multiple Occupancy, Landscape Protection and Rural zones in the scheme area. In addition, certain areas of the Shire including heritage places and some residential areas are covered by other planning scheme provisions or policies and proposals will also need to comply with these requirements.

5. DEFINITIONS

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

'greywater re-use system' shall mean any equipment designed and used to treat and re-use greywater from a residential dwelling.

'total height' shall mean the vertical height from natural ground level to the highest point of the system such as the highest point of photovoltaic frame/cell.

6. POLICY STATEMENT

6.1 Acceptable Development

Proposals that meet all of the acceptable development criteria as set out Table 1 will not require planning consent to be issued, as they are deemed acceptable.

Though not all renewable energy systems require formal approval, the Council expects that the proponents will strive to achieve the objectives of this policy.

6.2 Planning Consent Requirements

Proposals that do not meet all the acceptable development provisions as set out in Table 1 will require planning consent approval before the system is installed. Applicants will be required to submit details to show how the proposal can achieve the objectives of the policy.

Applicant shall provide the following information for assessment.

1 Completed Planning Consent Application Form and payment of application fee.

2 Four (4) copies of plans to scale and written information providing the following details:

Site Details

- Site plan showing all boundaries, proposed position and setbacks of rainwater tank or renewable energy system, lot number, dimensions, contours, north point and street names.

- Details of all buildings on any adjoining properties.

Proposal Details

- Details of rainwater tank design including purpose for the system, capacities/volumes, estimates of water use/savings, information on visual impacts from adjoining properties and public roads, streetscape etc.
- If proposing to connect the system to Water Corporation sewer or water supply networks, a copy of the agreement between the proponent and the Agency that the system complies with their requirements.

Applications will be referred (for a period of 21-days) to adjoining landowners for comment and consideration in the assessment of the application.

All applications will be subject to conditions as determined by Council

6.3 Maintenance and Upkeep of Rainwater Tanks

The use of rainwater tanks for water supplies requires careful management and regular maintenance and upkeep (including cleaning gutters, de-sludging tanks, first flush bypass systems and mosquito control) to ensure that water quality is not affected by environmental and/or health contaminants. The Department of Health has prepared several factsheets on rainwater use including information about collection, storage and disinfection (see 'Water' link at <http://www.public.health.wa.gov.au/>). Proponents are encouraged to use these resources if considering the installation of rainwater tanks for potable water supplies.

Shire of Denmark
Town Planning Scheme No.3 Policy No. 40 - Rainwater Tanks and Greywater re-use Systems

ACCEPTABLE DEVELOPMENT CRITERIA				
TYPE	SIZE, SITING & AMENITY	TOTAL HEIGHT	NOISE	SETBACKS
<p>RAINWATER TANK</p> <p>The use of rainwater tanks for water supplies requires careful management and regular maintenance and upkeep (including cleaning gutters, de-sludging tanks, first flush bypass systems and mosquito control) to ensure that water quality is not affected by environmental and/or health contaminants.</p>	<ul style="list-style-type: none"> • Is used in accordance with the Department of Health's standard on water tanks. This includes but is not limited to a 'First Flush Water Diverter' (for detailed information see 'Water' link at http://www.public.health.wa.gov.au/). • In Residential, Special Residential, Rural Multiple Occupancy, Landscape Protection and Special Rural Zones, has a capacity of less than 45,000L and in the Rural zone has a capacity of less than 200,000L. • Is not located between front of building and street. • The tank (and any pumping equipment or structure) shall be coloured, toned or painted to complement the colours of the existing dwelling and/or outbuilding. • Any runoff from the tank must not overflow onto adjoining properties. 	n/a	n/a	<p><u>Residential Zone:</u> In accordance with R-Codes.</p> <p><u>Special Residential, Special Rural, Landscape Protection and Rural Multiple Occupancy Zones:</u> Is within approved building envelope or setbacks.</p> <p><u>Rural Zone:</u> Is in accordance with setbacks prescribed by Town Planning Scheme No.3.</p>
<p>GREYWATER RE-USE SYSTEM</p>	<ul style="list-style-type: none"> • Is an approved system endorsed by the Department of Health for domestic greywater re-use purposes. • Is installed and maintained in accordance with the manufacturers recommendations by a licensed plumber and is subject to an annual inspection. • Is used for non-potable (not drinking) purposes. 	n/a	n/a	n/a

Note: Rainwater tanks in Tourist, Commercial, Industrial and Professional Office are to comply with Town Planning Scheme No.3 development standards in accordance with Clause 5 of this Policy.



LOCAL PLANNING SCHEME POLICY NO. 13: OUTBUILDINGS & WATER TANKS

**Adopted on the XXth Month 20XX in accordance with
Schedule 2, Part 2 of the *Planning & Development (Local Planning
Schemes) Regulations 2015***

1. INTRODUCTION

This Local Planning Policy has been prepared under the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) and the *Shire of Denmark Local Planning Scheme No. 3* (the Scheme).

The purpose of this Policy is to detail development standards and assessment criteria for outbuildings within a residential and rural context.

This policy does not address the development of outbuildings within the Tourist, Commercial, Industrial or General Industry zones.

2. OBJECTIVES

This Policy aims to:

- Identify standards for the development and use of outbuildings and water tanks that balance the needs of landowners with the protection of visual amenity, environment and streetscape character.
- Enable the development of outbuildings and water tanks that are consistent with adopted development standards.
- Provide clear direction for the assessment of proposed variations from adopted development standards.

3. DEFINITIONS

Terms used in this Policy are consistent with the Scheme, the Residential Design Codes (R-Codes) and the Regulations, including:

Outbuilding – An enclosed non-habitable structure that is detached from any dwelling.

(Note: A garage that is attached (shares a common wall and under same roof line) with a residential dwelling is not considered an Outbuilding.)

Water Tank – An enclosed structure designed and engineered to retain water.

Enclosed – An area bound on three or more sides by a permanent wall and covered [roofed] in a water impermeable material.

Other buildings or structures that are not enclosed (including carports, pergolas, shade houses and patios) are not directed by this Policy unless attached to an outbuilding.

4. DEVELOPMENT APPROVAL REQUIREMENTS

4.1 Deemed to Comply Proposals

Outbuildings and water tanks that meet the development standards prescribed in this policy are considered 'deemed to comply' and do not require planning approval unless works are located in a heritage protected place.

4.2 Variations

Planning approval is required for any proposals that do not meet the development standards of this policy or for the relevant zone. The Shire will assess proposed variations as follows:

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4.2.1 Residential, Special Residential, Professional Office, Special Rural, Landscape Protection and Rural Multiple Occupancy zones

- (a) A proposal for a 'minor' variation from any of the deemed to comply standards, including a proposed variation of up to 15% for any prescribed standard, may be supported subject to assessment. Referral of the proposal to neighbours for comment will be at the discretion of the Shire.

(Note: Proposals that include variations of up to 15% are not automatically approved. All variations will be assessed according to the criteria outlined at (c) below.)

- (b) A proposal for a 'substantial' variation from any of the deemed to comply standards, including a proposed variation of over 15% from any prescribed standard, will require considerable justification on planning grounds by the proponent. Variations of this extent will only be supported in exceptional circumstances. Referral of the proposal to neighbours for comment will be undertaken in all cases.

- (c) All proposals for a variation from any of the deemed to comply standards will be assessed against the following criteria:

- Justification on planning grounds provided by the proponent.

(Note: Justification on planning grounds may include, for example, demonstrated limitations of the site such as slope or the need to retain remnant vegetation. Planning grounds do not include personal need.)

- Extent of variation proposed and ability to meet other applicable development standards.

(Note: For example, a variation seeking increased height should endeavour to meet all other development standards, where possible.)

- Impact of building bulk, scale and cumulative development on the subject site.
- Impact on the streetscape including minimising visibility, promoting passive surveillance and providing a high standard of design/ aesthetics.
- Reasonableness of the proposal given the size and slope of the site, including potential alternative locations for development.
- Potential impact on the visual amenity of adjoining landowners.
- Disturbance of any remnant vegetation and provision for additional screening vegetation.
- Retention of a sufficient amount of open space on site, including in accordance with the deemed to comply criteria of the R-Codes where applicable.

4.2.2 Rural Zone

- (a) Subject to assessment the Shire may support additional outbuildings and water tanks with no maximum cumulative area limit or heights where directly associated with an approved rural land use.

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5. POLICY PROVISIONS

All proposed outbuildings and water tanks will be assessed for consistency with the following requirements:

5.1 Development Standards – Outbuildings

5.1.1 Residential, Special Residential & Professional Office Zones

- (a) Outbuildings individually or collectively do not exceed the following standards:
- (i) 60m² for lots <500m²
 - (ii) 80m² for lots 500m² to 1000m²
 - (iii) 100m² for lots 1000m² to 2000m²
 - (iv) 120m² for lots >2000m²
- (b) Maximum wall height of 3.2m above natural ground level (including site works).
- (Note: A minor variation in wall height of up to 15% may be supported by the Shire subject to development approval, the outbuilding not containing any boundary walls, and the outbuilding being designed to be compatible with the colour and materials of the residential dwelling on the same site.)*
- (c) Maximum ridge height of 4.2m above natural ground level (including site works).
- (d) Outbuildings are not located within the primary or secondary street setback area.
- (e) Outbuildings do not require the clearing of remnant vegetation or are located within 30 metres of a natural waterway or wetland.
- (f) Outbuildings are built with external materials that are non-reflective and recede visually within the surrounding landscape. This includes materials on walls and rooves that meet the following standards:
- (i) Minimum solar absorptance of 0.5
 - (ii) Maximum solar reflectance index of 50
- (Note: The lightest Colorbond™ colour permitted is 'Bluegum'.)*
- (g) Services/ facilities provided to the outbuilding are limited to a small water closet with handwashing basin only.
- (h) Within the Special Residential Zone a minimum of 80% open space is to be retained on the site.
- (i) Development standards and requirements of the zone and R-Codes (where applicable), including street and boundary setback standards.

5.1.2 Special Rural, Landscape Protection and Rural Multiple Occupancy Zone

- (a) Maximum cumulative area of outbuildings up to 150m².
- (b) Maximum wall height of 3.5m above natural ground level (including site works).
- (c) Maximum ridge height of 4.5m above natural ground level (including site works).
- (d) Located within an existing building envelope (where applicable).

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- (e) Outbuildings do not require the clearing of remnant vegetation or are located within 30 metres of a natural waterway or wetland.
- (f) Outbuildings are built with external materials that are non-reflective and recede visually within the surrounding landscape. This includes materials on walls and rooves that meet the following standards:
 - Minimum solar absorptance of 0.5
 - Maximum solar reflectance index of 50

(Note: The lightest Colorbond™ colour permitted is 'Bluegum'.)
- (g) Services/ facilities provided to the outbuilding are limited to a small water closet with handwashing basin only.
- (h) Development standards and requirements of the zone, including street and boundary setback standards.

5.1.3 Rural Zone

- (a) Maximum cumulative area of outbuildings up to 500m².
- (b) Maximum wall height of 5.0m above natural ground level (including site works).
- (c) Maximum ridge height of 6.0m above natural ground level (including site works).
- (d) Minimum 50m setback from all lot boundaries.
- (e) Outbuildings do not require the clearing of remnant vegetation or are located within 30 metres of a natural waterway or wetland.
- (f) Services/ facilities provided to the outbuilding are limited to a small water closet with handwashing basin only.
- (g) Development standards and requirements of the zone.

5.2 Development Standards – Water Tanks

5.2.1 Residential, Special Residential, Professional Office, Special Rural, Landscape Protection and Rural Multiple Occupancy zones

- (a) Maximum cumulative size of up to 50,000 litres where connection to a reticulated water supply service is available, or up to 140,000 litres where connection to a reticulated water supply service is not available.
- (b) Maximum height of 3.2m above natural ground level (including site works).
- (c) Not located in front of a residential dwelling (between the dwelling and the primary street).
- (d) Tanks are coloured, toned or painted with external materials that are non-reflective and recede visually within the surrounding landscape. This includes materials on walls and rooves that meet the following standards:
 - Minimum solar absorptance of 0.5
 - Maximum solar reflectance index of 50

(Note: The lightest Colorbond™ colour permitted is 'Bluegum'.)

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- (e) Do not direct water overflow or runoff into an adjoining property.
- (f) Water tanks do not require the clearing of remnant vegetation or are located within 30 metres of a natural waterway or wetland.
- (g) Meet all relevant development standards, including street and boundary setback standards (or building envelopes where applicable), consistent with the R-Codes (where applicable) and the requirements of the zone.

5.2.2 Rural Zone

- (a) Maximum cumulative size of water tanks on the property is 250,000 litres.
- (b) Do not direct water overflow or runoff into an adjoining property.
- (c) Meet all relevant development standards, including street and boundary setback standards, and the requirements of the zone.

5.3 Vacant Sites

Outbuildings and water tanks may not be constructed on vacant lots in the Residential, Special Residential, Professional Office, Special Rural, Landscape Protection or Rural Multiple Occupancy zones unless Planning Approval and a Building Permit has been obtained for a residential dwelling.

(Note: A Building Permit for a residential dwelling and outbuilding can be obtained concurrently.)

5.4 Commercial Use

Use of outbuildings for commercial or business purposes is not permitted unless planning approval has been obtained for that use.

5.5 Habitation & Servicing

Outbuildings may not be used for human habitation except where approval has been granted under the Shire's *Guidelines for Temporary Accommodation Policy* (P130301).

Outbuildings must be designed to reflect their use as a non-habitable building. The Shire may not support designs that contain lined ceilings, extensive windows, glass sliding doors and other similar features.

The provision of a bathroom or other non-habitable room (as defined in the Building Code of Australia) that is normally associated with a residential dwelling will only be supported by the Shire in exceptional circumstances, where the applicant has demonstrated a need that the Shire considers appropriate relative to the intended land use.

(Note: The Shire cannot support the development of habitable rooms (including a kitchen, study, etc.) within an outbuilding. The development of habitable rooms may only take place within a building of a different class under the Building Code of Australia and will therefore only be approved as part of a residential dwelling, ancillary dwelling or detached habitable room. Any additional services and facilities that are proposed in association with approved Temporary Accommodation must be removed in full after 12 months and confirmed upon inspection by the Shire.)

5.6 Detached Habitable Rooms

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The area of any detached habitable room(s) on the subject site will be subtracted from the allowable area of outbuildings.

(Note: For example, on a lot of 500 – 1000m² in the Residential Zone where an outbuilding/s of up to 80m² may be permitted, this allowance may be reduced to 40m² if a Detached Habitable Room of 40m² is developed on the site. Refer to Local Planning Policy 49: Ancillary Dwellings & Detached Habitable Rooms for further details.)

5.7 Unenclosed Additions

Within the Residential, Special Residential, Professional Office, Special Rural, Landscape Protection and Rural Multiple Occupancy zones, carports and other unenclosed structures (including verandas and patios) that are attached to outbuildings are limited in size to 30% of the permitted outbuilding floor area.

(Note: A structure is considered enclosed if it is bound on three or more sides by a permanent wall and covered [roofed] in a water impermeable material. This aim of this requirement is to reduce the size and bulk of outbuildings – it does not preclude the development of any other freestanding unenclosed structures.)

5.8 On-Site Effluent Systems

For properties with an on-site effluent disposal system, outbuildings and water tanks are required to have the following minimum setbacks to the effluent disposal system:

- 1.2 metres to the tank(s)
- 1.8 metres to the leach drain(s)

5.9 Bushfire Prone Areas

Within designated ‘bushfire prone areas’ (defined by the Department of Fire & Emergency Services) outbuildings must be located to minimise bushfire risk, avoid impacts on remnant vegetation and be developed consistent with relevant planning and building requirements for bushfire protection.

(Note: Outbuildings should be located in locations of lower risk where possible. In order that an outbuilding does not increase the bushfire risk to an established residential dwelling, structural and/or physical fire separation may be required).

5.10 Sea Containers and other moveable structures

A sea container or other moveable structure may be placed on a property for less than 48 hours without approval.

A formal request may be made for the temporary use of a sea container or other moveable structure on a property for up to 28 days.

In all other circumstances a sea container or other moveable structure is considered an outbuilding and the same planning approval and building permit requirements apply.

Related Policies	<i>Local Planning Policy No. 49: Ancillary Dwellings & Detached Habitable Rooms</i>
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	<i>Local Planning Policy No. 50: Building Envelopes</i>
Related Procedures and Documents	<i>Planning and Development (Local Planning Schemes) Regulations 2015 State Planning Policy No. 7.3 Residential Design Codes Volume 1</i>
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