



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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