

# R-Codes – Outbuildings

## Local Planning Policy

**VERSION 8**

December 2015

town planning services

Version	Adoption	Comment
1	24 July 2007 Council Item DS015	Draft.
1	11 September 2007 Council Item DS044	Final.
2	14 October 2008 Council Item SC012	Final – No objections received during advertising.
3	8 December 2009 Council Item SC128	Final – No objections received during advertising.
4	6 July 2010 Council Item SC172	Final – No objections received during advertising.
5	1 July 2011 Council Item SC001	Final – Readopted under the new City of Greater Geraldton.
6	26 November 2013 Council Item SC125	Final – No objections received during advertising.
7	17 December 2013 Council Item 17	Final – No objections received during advertising.
8	15 December 2015 Council Item DRS242	Readopted under the new LPS No. 1.

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## 1.0 CITATION

This is a local planning policy prepared under the *Planning and Development (Local Planning Schemes) Regulations 2015* and the City of Greater Geraldton Local Planning Scheme No. 1 ('the Scheme'). It may be cited as the *R-Codes – Outbuildings local planning policy*.

The local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area. In making a determination under the Scheme the local government must have regard to each relevant local planning policy to the extent that the policy is consistent with the Scheme.

## 2.0 BACKGROUND

*State Planning Policy 3.1 – Residential Design Codes (the R-Codes)* includes provisions for decision-makers to prepare local planning policies to alter certain development standards of the R-Codes where a specific local need arises. The R-Codes also acknowledge that applications with proposals which do not satisfy the deemed-to-comply provisions of the R-Codes may need to rely more specifically on local housing requirements and design objectives.

This policy provides local housing objectives and varies relevant deemed-to-comply provisions of the R-Codes to assist in their implementation. It should be read in conjunction with the R-Codes.

## 3.0 OBJECTIVES

- a) To alter the deemed-to-comply provisions of the R-Codes for *Design Principle 5.4.3 and 6.4.4 – Outbuildings*.
- b) To provide further clarity and a clear interpretation to the definition of an 'outbuilding'.
- c) To ensure that outbuildings are not used for habitation, commercial or industrial purposes by controlling building bulk (size and height).
- d) To limit the visual impact of outbuildings.
- e) To encourage the use of outbuilding materials and colours that complements the landscape and amenity of the surrounding areas.
- f) To ensure that the outbuilding remains an ancillary use to the main dwelling or the principle land use on the property.

## 4.0 POLICY MEASURES

### 4.1 Application of Policy

- 4.1.1 This policy does not apply to single pre-fabricated garden sheds, 'cubby houses', kennels and other animal enclosures (such as aviaries, but excluding stables) less than 10m<sup>2</sup> in total aggregate area and less than 2.4m in total height (measured from natural ground level) provided they satisfy the site and development requirements set out in the Scheme.

4.1.2 Rural land less than 20ha within the 'Urban Area Boundary' (as defined in the Residential Development Strategy) shall be subject to this policy with maximum standards for outbuildings determined in accordance with clause 4.4.

4.1.3 Other rural land that is remote from existing settlements is exempt from this policy.

#### 4.2 Maximum Standards for R10 and Higher Density

4.2.1 Maximum standards do not override the open space requirements of Table 1 of the R-Codes or any specific Scheme requirements.

4.2.2 In addition to the deemed-to-comply requirements for Part 5.4.3, C3 iii, iv and v and Part 6.4.4, C4 iii, iv and v of the R-Codes, the following shall apply:

120m<sup>2</sup> in area or 20% in aggregate of the site area, whichever is the lesser and in addition up to a maximum of 30m<sup>2</sup> unenclosed area, with a maximum wall height of 3.6m and a total maximum height of 4.5m measured from natural ground level.

4.2.3 Increases in total maximum height to a maximum of 5m may be considered where all of the following criteria can be achieved:

- a) The outbuilding must be constructed in the same materials and finish to the existing (or approved) dwelling.
- a) The roof pitch of the outbuilding is to match the roof pitch of the existing (or approved) dwelling.
- b) The overall total maximum height of the outbuilding is not to be any higher than the highest part of the existing (or approved) dwelling.
- c) The outbuilding is not within the primary or secondary street setback area.
- d) The outbuilding footprint is not greater than the existing (or approved) dwelling footprint.
- e) The aggregate of all floor areas (including mezzanine levels) is not greater than the maximum area prescribed in clause 4.2.2 (the intent is if higher outbuildings are approved, the footprint of the outbuilding is reduced, thereby reducing building bulk).
- f) Setbacks to comply with the R-Codes.
- g) Consultation with adjoining properties is required.

#### 4.3 Maximum Standards for R5 and Lower Density

4.3.1 Maximum standards do not override the open space requirements of Table 1 of the R-Codes or any specific Scheme requirements.

4.3.2 In addition to the deemed-to-comply requirements for Part 5.4.3, C3 iii, iv and v of the R-Codes, the following shall apply:

210m<sup>2</sup> in aggregate area and in addition up to a maximum of 60m<sup>2</sup> unenclosed area, with a maximum wall height of 4.2m and a total maximum height of 5m measured from natural ground level.

4.3.3 Increases in total maximum height to a maximum of 5.5m may be considered where all of the following criteria can be achieved:

- a) The outbuilding must be constructed in the same materials and finish to the existing (or approved) dwelling.
- b) The roof pitch of the outbuilding is to match the roof pitch of the existing (or approved) dwelling.
- c) The overall total maximum height of the outbuilding is not to be any higher than the highest part of the existing (or approved) dwelling;
- d) The outbuilding is not within the primary or secondary street setback area;
- e) The outbuilding footprint is not greater than the existing (or approved) dwelling footprint.
- f) The aggregate of all floor areas (including mezzanine levels) is not greater than the maximum area prescribed in clause 4.3.2 (the intent is if higher outbuildings are approved, the footprint of the outbuilding is reduced, thereby reducing building bulk).
- g) Setbacks comply with the R-Codes.
- h) Consultation with adjoining properties is required.

#### 4.4 Maximum Standards for Rural Residential

4.4.1 Maximum standards do not override the open space requirements of Table 1 of the R-Codes or any specific Scheme requirements.

4.4.2 300m<sup>2</sup> in aggregate area and in addition up to a maximum of 120m<sup>2</sup> unenclosed area, with a maximum wall height of 4.8m and total maximum height of 6.5m measured from natural ground level.

#### 4.5 Setbacks

4.5.1 In addition to the deemed-to-comply requirements for Part 5.4.3, C3 viii and Part 6.4.4, C4 viii of the R-Codes, the following shall apply:

For areas coded R5 and higher – the setback to the side/rear boundary can be reduced to nil (subject to compliance with the National Construction Code Series). No development application is required provided the adjoining property has given its consent.

4.5.2 A development application is required for reduced setbacks for rural residential areas and areas coded R2.5 and lower and in considering applications, consultation with the adjoining property is required.

#### 4.6 Other Standards

4.6.1 Regardless of zoning, in the case of lots with the potential for further subdivision, outbuildings may be approved by the local government that meet the maximum standards comparable with the size of the lot.

e.g. A lot coded R12.5 that is 2,000m<sup>2</sup> in area may (subject to the discretion of the local government) have an outbuilding of 210m<sup>2</sup> approved.

4.6.2 In considering applications as per clause 4.6.1, consultation with the adjoining property is required. Due regard will be given to the objectives of this policy, and in order to protect the future amenity of the lots once subdivided, the local government may impose a condition of approval requiring that a legal agreement be lodged with the local government requiring that in the event of further subdivision of that property the outbuilding must be removed or reduced in size to conform with this policy.

#### 4.7 Outbuildings on Vacant Residential Land

4.7.1 The erection of an outbuilding on vacant residential land shall not be approved unless one of the following requirements has been satisfied:

- a) The residence has been completed up to, and including, the pouring of a concrete house slab (although variation to this is permitted where the slabs for the residence and outbuilding are poured concurrently); or
- b) The applicant has a building permit for a residence issued by the local government and provided written evidence of a signed building contract with a registered builder for the construction of that residence upon that lot, and a commitment date that is within 6 months by that builder for the commencement of construction of the residence; or
- c) In the case of an owner builder, a building permit for a residence has been issued by the local government and the applicant shall lodge with the local government a Statutory Declaration providing a commitment to construct a residence and an accompanying commencement date that is within 6 months. The applicant will also be required to lodge a bond amount equivalent to 10% of the estimated value of the outbuilding (with a minimum amount of \$1,000) that will be repaid to the applicant upon completion of the final inspection of the residence.

4.7.2 The approval of the outbuilding, prior to the residence, will be subject to the outbuilding not being used for habitable purposes and the applicant completing the fencing of the side and rear property boundaries for the purpose of lessening the visual impact of the building from neighbouring properties and the road to the approval of the local government.

#### 4.8 Outbuildings on Vacant Rural Residential and Rural Land

No development application is required for an outbuilding on vacant rural residential and rural land provided it satisfies the requirements of this policy and the site and development requirements set out in the Scheme.

#### 4.9 Use of Outbuildings

- 4.9.1 Outbuildings shall only be used for incidental uses associated with a residential use and/or general agricultural purposes and shall not be used for any commercial or industrial use (with the exception of an approved home based business).
- 4.9.2 The storage of any items in connection with a commercial or industrial operation (e.g. cray pots, building materials, etc.) is considered contrary to the objectives of this policy.
- 4.9.3 Based on legal advice, it is not possible for development approval to be granted for a Class 10 building (such as a shed) to be used for habitation, even on a temporary basis, as it contradicts the National Construction Code Series.

#### 4.10 Location and Appearance

- 4.10.1 Regardless of zoning, on lots of 4ha or less, an outbuilding and/or detached garage is to be located entirely behind any existing dwelling on the lot unless the outbuilding and/or detached garage is consistent in design and constructed in the same materials and colours as the dwelling.
- 4.10.2 Other than on rural land greater than 20ha, the use of second hand cladding materials will not be permitted.
- 4.10.3 Masonry constructed outbuildings and/or detached garages shall be constructed of similar (or complimentary) material and exterior finish as the existing dwelling on the lot.
- 4.10.4 Other than on rural land greater than 20ha, all non-masonry construction of outbuildings in excess of 60m<sup>2</sup> in area are to be constructed of a colour so as to complement the dwelling on the lot and/or the visual character of the landscape (in general non-reflective buildings materials consistent with the character of the area, however zincalume roofing may be permitted).

### 5.0 DEFINITIONS

Refer to *State Planning Policy 3.1 – Residential Design Codes (the R-Codes)*.

**Enclosed** is further clarified as follows:

- eg. An enclosed side includes walls with a number of openings (windows etc.).
- eg. The non-enclosed side of any outbuilding is required to be fully open. A partial wall on any side of an outbuilding is considered enclosed.
- eg. A shade sail is not considered an outbuilding.

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

Note: For a structure detached from the dwelling to be considered 'habitable' it must be built to a Class 1 standard as prescribed under the National Construction Code Series (i.e. must contain ablutions, kitchen, laundry facilities etc.).



**Detached** means detached in the sense of ‘not belonging’, ‘standing apart’, ‘not contiguous’ or ‘separate’ to another building.

Note: A structure can be connected to a dwelling whilst still being ‘detached’ from it in the relevant sense. The true nature and function of the building and whether it is separate or stands apart from the dwelling is most relevant, not just whether it is connected to the dwelling.

If a new structure is proposed to be connected to any part of a habitable building, either existing or proposed (i.e. via a verandah, walkway, breezeway, carport, garage etc.) then for it not to be considered an outbuilding it must be constructed in the same materials and finish to the habitable building, and to the Class 1 building standards under the National Construction Code Series. If not then the proposed structure shall be considered an outbuilding even though it is physically connected to a dwelling.

**Aggregate** means a sum, or assemblage of particulars; a total or gross amount.

**Examples of a fully open side (non-enclosed sides)**



**Examples of partial walls (enclosed sides)**

