

### 1. PURPOSE

Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. The Scheme prevails should there be any conflict between this Policy and the Scheme.

It is not intended that a policy be applied rigidly, but each application be examined on its merits, with the objectives and intent of the policy the key for assessment. However, it should not be assumed that the local government, in exercising its planning discretion, be limited to the policy provisions and that mere compliance will result in an approval. This approach has produced many examples of inappropriate built form that has a long-term impact on the amenity and sustainability of the locality.

The Shire encourages applicants to produce innovative ways of achieving the stated objectives and acknowledges that these may sit outside the more traditional planning and architectural approaches. In these instances the local government is open to considering (and encourages) well-presented cases, during pre-application consultation, having due regard to the outcome of any public consultation undertaken and the orderly and proper planning of the locality.

### 2. SCOPE

A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

### 3. OBJECTIVE

- 3.1 To allow for a regional variation to Section 5.4.3 of State Planning Policy 7.3 - Residential Design Codes.
- 3.2 To provide a clear definition of what constitutes an “outbuilding”.
- 3.3 To ensure that outbuildings are not used for habitation, commercial or industrial purposes by controlling building size and location.
- 3.4 To limit the visual impact of outbuildings.
- 3.5 To encourage the use of outbuilding materials and colours that complement the landscape and amenity of the surrounding areas.
- 3.6 To ensure that the outbuilding remains an ancillary use to the main dwelling or the principle land use on the property.

#### 4. POLICY STATEMENT

- 4.1 For the purpose of this Policy an outbuilding means a building structure not under the main roof of a dwelling and is measured by the total floor area (whether enclosed or open).
- 4.2 Should Ancillary Accommodation be constructed within a Class 10 Outbuilding (i.e. a box or rectangular shaped structure constructed of coated or uncoated metal sheeting which does not include additional features such as eaves, verandahs, windows and other 'house' like features) the Ancillary Accommodation will be considered to be included within the total outbuilding area of a property. However, should the Ancillary Accommodation structure be purposely constructed as a Class 1A building and incorporate design features such as eaves, verandahs, windows and other 'house' like features the building would not be considered within the aggregate outbuilding area permitted upon a property.
- 4.3 Pre-fabricated garden sheds, "cubby houses", kennels and other animal enclosures (such as aviaries, stables) less than 9m<sup>2</sup> in total aggregate area and less than 2.5m in height (measured from natural ground level) are exempt from this policy provided they are located to the rear of the residence, satisfy the site and development requirements set out in the Scheme, and are of a design and colour considered in keeping with the amenity of the area by the Local Government.
- 4.4 In consideration of an application the following maximum standards apply to outbuildings:

Zone	Standard	Maximum
Residential (R10 and higher density)	Area (total aggregate) Wall Height Overall Height (single story)	120m <sup>2</sup> 3m* 4.5m*
Townsite	Area (total aggregate) Wall Height Overall Height (single story)	120m <sup>2</sup> 3m* 4.5m*
Residential (R5 and lower density)	Area (total aggregate) Wall Height Overall Height (single story)	180m <sup>2</sup> 4m* 5m*
Rural Residential Rural Smallholding Rural (lots less than 4ha)	Area (total aggregate)  Wall Height Overall Height (single story) Overall Height (double story barn)	240m <sup>2</sup> (In addition up to a maximum of 120m <sup>2</sup> unenclosed area may be considered subject to prior consultation being undertaken as per Section 4.11(b) of this policy)  4.5m* 5.5m* 6.5m*
Rural Residential Rural Smallholding Rural (lots greater than 4ha)	Exempt from the area and height requirements of this policy	

\* heights are to be measured from natural ground level.

- 4.5 Other than for general storage and/or agricultural purposes an outbuilding shall not be used for any commercial or industrial use without prior approval from Council.
- 4.6 The storage of accumulated personal items and any items in connection with a commercial or industrial operation (e.g. cray pots, building materials, earthmoving equipment etc.) is considered contrary to the objectives of this policy and is therefore not considered sufficient justification for an increase in the maximum standards prescribed.
- 4.7 An outbuilding is required to be sited behind the 'front building line' of a dwelling on lots less than 4ha in area in all zones, unless sufficient justification has been provided by the applicant and the building is consistent in design and materials with the existing dwelling.

*Note: For the purpose of this statement the 'front building line' is to be measured from the closest point of the house to the front boundary drawn parallel to the boundary as illustrated below:*

Figure 1

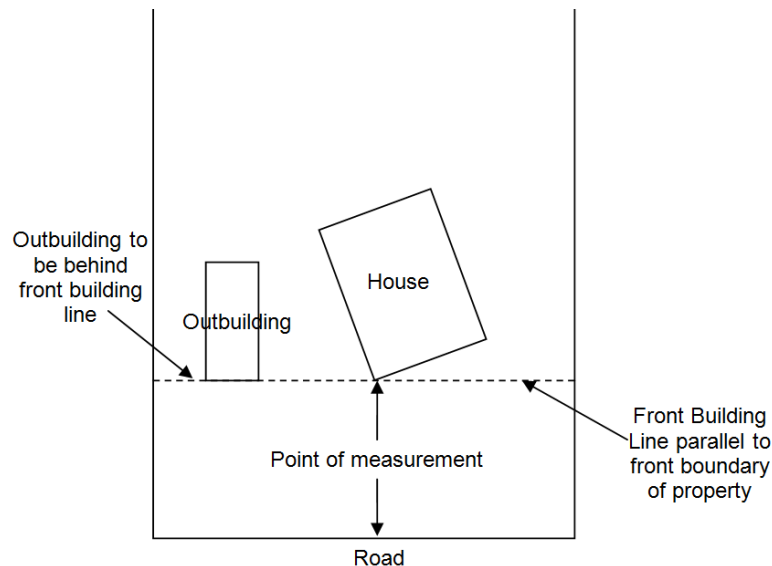
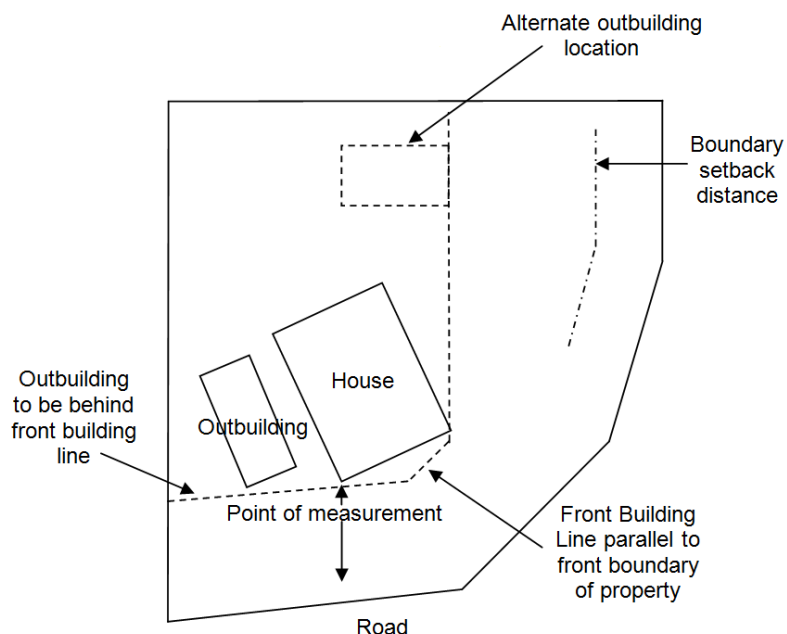


Figure 2



4.8 The development of an outbuilding on vacant residential land shall not be approved unless 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).

#### 4.9 Setbacks for outbuildings

- (a) For lots zoned 'Townsite' or 'Residential' lots zoned R5 and higher density the side/rear boundary can be reduced to nil (subject to compliance with the Building Code of Australia) provided neighbour consent is given. No planning application is required to be lodged.
- (b) For 'Residential' lots zoned R2.5 and lower density the outbuilding is to be setback in accordance with the Residential Design Codes, or if applicable located within a defined building envelope (Variation to a 5m side and/or rear boundary setback for outbuildings may be considered subject to prior consultation being undertaken as per Section 4.11(c) of this policy).
- (c) For lots zoned 'Rural-Residential', 'Rural Smallholding' and 'Rural' the outbuildings are to be setback in accordance with the Local Planning Scheme, or if applicable located within a defined building envelope.

#### 4.10 Materials

- (a) The use of uncoated metal sheeting (i.e. zincalume or corrugated iron) is only permitted upon land zoned 'Rural Smallholdings' or 'Rural'.
- (b) The use of uncoated metal sheeting may be considered in the 'Townsite' zone or where existing buildings have been constructed with the use of uncoated metal sheeting or similar upon a property or another property located in close proximity.

#### 4.11 Consultation

- (a) Applications that propose variation to any part of the Policy (other than the variation pursuant to Section 4.11(b) & (c) of this policy) will require consultation with surrounding landowners, by means of the Shire writing directly to the surrounding landowners inviting comment, and placement of an advisory sign on-site for a period of not less than 21 days, prior to the application and any received submissions being placed before a meeting of Council for consideration.
- (b) Applications within the 'Rural Residential', 'Rural Smallholding' and 'Rural' zone (where the lots are less than 4ha) that propose a total outbuilding area comprising not more than 240m<sup>2</sup> enclosed aggregate area and an additional 120m<sup>2</sup> unenclosed aggregate area will require consultation with surrounding landowners, by means of the Shire writing directly to the surrounding landowners inviting comment, and placement of an advisory sign on-site for a period of not less than 21 days. In the event that at the conclusion of the consultation period no written, author-identified objections have been received then the application may be determined by Shire staff under delegated authority. In the event that a written, author-identified objection is received then the application and the received submission(s) will be placed before a meeting of Council for consideration.

- (c) Applications for 'Residential' lots zoned R2.5 and lower density that propose a side and/or rear boundary setback of less than the R-Code requirement, but not less than 5m, will require consultation with surrounding landowners, by means of the Shire writing directly to the surrounding landowners inviting comment, and placement of an advisory sign on-site for a period of not less than 21 days. In the event that at the conclusion of the consultation period no written, author-identified objections have been received then the application may be determined by Shire staff under delegated authority. In the event that a written, author-identified objection is received then the application and the received submission(s) will be placed before a meeting of Council for consideration.

Note: The advertising of a received application that proposes variation to any part of the Policy is undertaken to make the proposal available for inspection in order to provide opportunity for public comment and it should not be construed that final approval will be granted.

The local government in determining the application will take into account the submissions received but is not obliged to support those views.

## **5. REFERENCES AND ADOPTION**

Shire of Chapman Valley Local Planning Scheme No.3

*Planning & Development Act 2005*

*Planning and Development (Local Planning Schemes) Regulations 2015*

State Planning Policy 7.3 - Residential Design Codes

*Adopted for advertising for public comment at the 19 June 2019 meeting of Council.*

*Adopted at the 21 August 2019 meeting of Council.*