

**Scheme Provisions:**

LPS #11 3.2 Zoning Table  
4.8.19 Outbuildings  
LPS #10  
4.1 Zoning and Development Table  
5.11.1 Outbuildings in Residential Zone  
5.13.5 General Rural  
5.13.6 Rural Residential  
5.13.7 Rural Smallholdings

**Other References:**

Shire of Northampton Local Planning Scheme No. 10  
Shire of Northampton Local Planning Scheme No. 11  
Planning and Development Act 2005

**Special procedural considerations:**

<b>RESPONSIBILITY</b>	Chief Executive Officer as per the Delegations Policy and Register.		
<b>ADOPTION</b>	16 November 2007	Advertising	Agenda Item 6.2.3
	19 December 2007	Final Approval	Minute 12.7.13
	V2 16 June 2014	Advertising / Final Approval	(Minutes 6.8.1)
	V3 17 August 2018	Advertising / Final Approval	

## 1.0 CITATION

This is a local planning policy prepared under the *Planning and Development (Local Planning Schemes) Regulations 2015* and the *Shire of Northampton Local Planning Schemes: No. 10 - Northampton District; and No. 11 - Kalbarri Townsite* ('the Scheme'). It may be cited as the 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 OBJECTIVE

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

## 3.0 POLICY STATEMENT

### 3.1 Definitions

**"Outbuilding"** – is defined in the *Residential Design Codes of WA (2015)* as: an enclosed non-habitable structure that is detached from any dwelling.

**"Enclosed"** – is defined in the *Residential Design Codes of WA (2015)* as:

An area bound on three or more sides by a permanent wall and covered in a water permeable material. For the purposes of this policy the following clarification is provided:

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 (ie. 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 considered 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 (ie. verandah, breezeway, walkway, 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 through it is physically connected to a dwelling.

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

### **3.2 Application of Policy**

- 3.2.1 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 Schemes.
- 3.2.2 Rural land (generally less than 20ha) adjacent to settlements or within a townsite boundary, subject to future increase in density or in an area of visual prominence or heritage/high landscape amenity shall be subject to this policy with maximum standards for outbuildings determined on lot size in accordance with clause 3.5.
- 3.2.3 Other rural land that is remote from existing settlements is exempt from this policy.

### **3.3 Maximum Standards for R10 and Higher Density**

- 3.3.1 Maximum standards do not override the open space requirements of Table 1 of the R-Codes or any specific Scheme requirements.
- 3.3.2 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, with a maximum wall height of 3.0m and a total maximum height of 4.5m measured from natural ground level.
- 3.3.3 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.
  - 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 floor area is not greater than the maximum area prescribed in clause 3.3.2 (the intent is if higher outbuildings are approved, the footprint of the outbuilding is reduced, thereby reducing building bulk).
  - g) Setbacks to comply with the R-Codes.
  - h) Consultation with adjoining properties is required.

### **3.4 Maximum Standards for R5 and Lower Density**

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

a) Lots between 1,000m<sup>2</sup> and 2,000m<sup>2</sup>, 180m<sup>2</sup> in aggregate area, with a maximum wall height of 3.5m and a total maximum height of 5.0m measured from natural ground level.

b) Lots 2,000m<sup>2</sup> and above, 240m<sup>2</sup> in aggregate area, with a maximum wall height of 4.0m and total maximum height of 6.5m measured from natural ground level

3.4.3 Increases in total maximum height to a maximum of 5.5m, for lots less than 2,000m<sup>2</sup>, 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.

### **3.5 Maximum Standards for Rural Residential and Rural Smallholdings**

3.5.1 In addition to the Scheme requirements, the following shall apply:

240m<sup>2</sup> in aggregate area, with a maximum wall height of 4.0m and total maximum height of 6.5m measured from natural ground level.

3.5.2 In addition to the 240m<sup>2</sup> aggregate area, a maximum of 120m<sup>2</sup> unenclosed area 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.
- 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.
- h) Consultation with adjoining properties is required.

### **3.6 Setbacks**

3.6.1 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 R20 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.

3.6.2 A development application is required for reduced setbacks for rural residential areas and areas coded R15 and lower and in considering applications, consultation with the adjoining property is required.

### **3.7 Other Standards**

- 3.7.1 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 180m<sup>2</sup> approved.

- 3.7.2 In considering applications as per clause 3.7.1, 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.

### **3.8 Outbuildings on Vacant Residential, Rural Residential and Rural Smallholding Land**

- 3.8.1 The erection of an outbuilding on vacant residential, rural residential and rural smallholding zoned land shall not be approved unless the following requirements have 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) A building permit having been issued for the construction of the residence on the property with written evidence of a signed building contract with a registered builder for the construction of the residence, 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 of amount of \$10,000.00 that will be repaid to the applicant upon completion of the final inspection of the residence.

- 3.8.2 The approval of the outbuilding, prior to the residence, will be subject to the outbuilding not being used for habitable purpose in residential zoned areas, and in rural residential and rural smallholding zoned areas will be subject to *Local Planning Policy – Caravans for Temporary Accommodation*.

- 3.8.3 In residential zoned areas the applicant/landowner will also be required to complete 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.

### **3.9 Use of Outbuildings**

- 3.9.1 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).

- 3.9.2 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.

- 3.9.3 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.

### **3.10 Location and Appearance**

- 3.10.1 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.
- 3.10.2 Other than on rural land greater than 20ha, the use of second hand cladding materials will not be permitted, unless it can be demonstrated by the Applicant that the materials are of a high quality, that no panels or materials are damaged or corroded, and that the external materials will be repainted where necessary in a colour to match the existing dwelling. Photos of the materials must be provided, and an inspection may be required, in order to meet this provision and obtain approval for the use of the materials.
- 3.10.3 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.
- 3.10.4 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).