



### 6.1.3 OUTBUILDINGS

#### Purpose

The purpose of this Policy is to:

- a) Apply a regional variation to the deemed-to-comply provisions of the State Planning Policy 7.3 - Residential Design Codes Volume 1 (R-Codes) relating to domestic outbuildings on land where the R-Codes apply;
- b) Provide acceptable development provisions for domestic outbuildings in the Rural Residential Zone, exceeding the maximum size prescribed by Local Planning Scheme No. 4 (the Scheme);
- c) Provide acceptable development provisions for the use of shipping containers as domestic outbuildings; and
- d) Identify the process for approvals and consideration of judgement of merit applications.

#### Objectives

The objectives of this Policy are to:

- a) Maintain the amenity of streetscapes and views along the street by ensuring that domestic outbuildings and shipping containers are appropriately designed and located so as to not detract from the streetscape and are not visually intrusive to neighbouring properties or adjoining public spaces;
- b) Ensure planning controls reflect the community's expectations regarding the size and height of domestic outbuildings; and
- c) Recognise and cater for the trend towards the use of shipping containers as an affordable and convenient form of providing additional storage space on residential and rural residential land.

#### Application of Policy

This Policy applies to the assessment of domestic outbuildings on land in the following zones in the Shire of Manjimup:

- ) Residential
- ) Town Centre
- ) Rural Residential

The Policy is to be read in conjunction with the Scheme and any other relevant Local Planning Policies. If a provision of the Policy is inconsistent with the Scheme, the Scheme prevails.

#### Policy Exclusions

This Policy excludes the following:

- ) Domestic Outbuildings on land not zoned *Residential*, *Town Centre* or *Rural*

- Residential;*
- ) Unenclosed structures, such as patios, verandahs, carports and lean-tos;
  - ) Outbuildings located under the same roof as the dwelling, such as garages;
  - ) Incidental structures exempt under Local Planning Scheme No. 4; and
  - ) Outbuildings associated with an approved commercial, industrial or agricultural use.

#### Relationship to Residential Design Codes

This Policy is made under Part 7 of the R-Codes.

The Policy is intended to replace the deemed-to-comply provisions contained in the R-Codes for the matters it relates to. Where a provision of the Policy is inconsistent with a deemed-to-comply provision of the R-Codes, the Policy shall prevail.

In accordance with section 7.3.2 of the R-Codes, this Policy has been approved by the Western Australian Planning Commission.

#### Relationship to Building Code of Australia

All outbuildings and shipping containers subject to approval under this policy will be required to obtain a Building Permit unless otherwise stated.

### **Background / Issues**

Residential and Rural Residential development in the Shire of Manjimup has traditionally seen the construction of domestic outbuildings that are greater in terms of floor area and wall height than that considered appropriate in the metropolitan area.

This Policy seeks to apply greater floor area and wall heights for domestic outbuildings controlled by the R-Codes through a regional variation to the deemed-to-comply provisions of the R-Codes.

The trend for generally larger outbuildings in country areas has been well established. This is partly due to relatively large urban lot sizes, as well as a greater community acceptance of outbuildings in urban areas.

There is also a trend for the use of shipping containers as an alternative to a site-built outbuilding. This trend is noted and supported where the container is located, screened and painted in a manner that does not affect the amenity of the locality.

Domestic outbuildings on land zoned *Town Centre* have been included in this Policy given the Scheme applies the provisions of the R-Codes to this Zone.

### **Policy Measures**

#### Design Principle

The following design principle applies to all domestic outbuildings and shipping containers subject to this Policy in accordance with the R-Codes:

*Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.*

#### Deemed-to-Comply Provisions – Residential and Town Centre Zones

Domestic outbuildings in the Residential and Town Centre Zones are controlled by the R-Codes. Section 5.4.3 C3 as contained in the R-Codes is replaced with the

following deemed-to-comply provisions:

C3 *Outbuildings that:*

- i. *are not attached to a dwelling;*
- ii. *are non-habitable;*
- iii. *collectively do not exceed 60m<sup>2</sup> in area or 10 percent in aggregate of the site area up to 190m<sup>2</sup>;*
- iv. *do not exceed a wall height of 3.0m;*
- v. *do not exceed a ridge height of 4.2m;*
- vi. *is located behind the rear of the dwelling or behind the front of the dwelling if constructed of colours and materials compatible with the residential setting;*
- vii. *do not reduce the amount of open space required in Table 1;*
- viii. *have a rear setback in accordance with Table 1 of the R-Codes for R15 density or lower; and*
- ix. *are set back in accordance with Tables 2a and 2b of the R-Codes.*

Compliance with the Deemed-to-Comply Provisions is considered to meet the Design Principle of this policy and will be approved without referral to neighbours for comment.

A variation of up to 10% of the outbuilding area and/or heights set above may be determined following referral to neighbours for comment.

Deemed-to-Comply Provisions – Rural Residential Zone

For properties in the Rural Residential Zone the following deemed-to-comply provisions apply where a variation is sought to the maximum area of domestic outbuildings permitted under clause 5.36.3.9 (200m<sup>2</sup>) of the Scheme:

Outbuildings that:

- i. *are not attached to a dwelling;*
- ii. *are non-habitable;*
- iii. *collectively do not exceed 300m<sup>2</sup> in area;*
- iv. *do not exceed a wall height of 4m;*
- v. *do not exceed a ridge height of 5.0m;*
- vi. *is located behind the rear of the dwelling or behind the front of the dwelling if constructed of colours and materials compatible with the rural setting*
- vii. *is setback a minimum 3m from the side and rear boundaries or contained within the approved building envelope, if applicable to the site; and*
- viii. *clad in accordance with any applicable provision of the Scheme or relevant Policy.*

Compliance with the Deemed-to-Comply Provisions is considered to meet the Design Principle of this policy and will be approved without referral to neighbours for comment.

A variation of up to 15% of the outbuilding area and/or heights set above may be approved following referral to neighbours for comment.

Deemed-to-Comply Provisions – Shipping Containers

For the purposes of the Policy, a shipping container is to be considered a domestic outbuilding where made to meet the following deemed-to-comply provisions:

Shipping containers that:

- i. *Have obtained Development Approval from the local government prior to placement;*
- ii. *Are not attached to a dwelling;*
- iii. *Are non-habitable;*
- iv. *Do not exceed 6.1m in length, 2.4m in width and 2.6m in height (Standard 20 foot dry shipping container);*
- v. *Do not contain refrigeration or air conditioning equipment;*
- vi. *Are limited to a maximum of one (1) container per lot in the Residential and Town Centre zones and two (2) containers per lot in the Rural Residential Zone;*
- vii. *Are located behind the rear of the dwelling and/or screened so that the container is not readily visible from any street;*
- viii. *Are repainted in a manner that complements other buildings on the lot, assists in reducing the visual impact and covers any rust or signage within one (1) month of placement; and*
- ix. *Comply with the setback requirements for the Zone and/or are contained within the approved building envelope, if applicable to the site.*

Compliance with the Deemed-to-Comply Provisions is considered to meet the Design Principle of this policy.

A shipping container may be placed on any property for the purposes of relocating personal effects, for up to 14 days, without requiring planning approval, where the landowner has first written to the Shire of Manjimup and advised of the occurrence.

Shipping containers used temporarily to store materials associated with the approved construction of a dwelling are not subject to this Policy, subject to being located on the property for no more than 12 months and obtaining a Building Permit for periods of more than one month, unless otherwise approved by the local government.

Domestic Outbuildings and Shipping Containers on Vacant Land

The local government will employ a general presumption against approving domestic outbuildings and shipping containers on a lot where a dwelling does not exist.

Development approval for a domestic outbuilding or shipping container shall be granted where it is to be constructed in association with construction of a dwelling upon the same lot, subject to compliance with the relevant deemed-to-comply provisions of this Policy.

The local government may grant development approval for a domestic outbuilding or shipping container on a vacant lot, where it is satisfied that:

- a) The landowner can demonstrate that a future dwelling can be provided for on the lot by submitting concept site and floor plans as part of any application;
- b) Approval will not adversely affect the amenity of neighbouring properties, the amenity of the streetscape or the development potential of the lot in question;
- c) A valid reason for constructing a domestic outbuilding or shipping container on a vacant lot exists;
- d) The landowner entering into a legal agreement with the local government to

- construct a dwelling within an agreed timeframe; and
- e) The proposal meets the relevant deemed-to-comply provisions or can be approved by judgement of merit by this Policy.

### **Administration**

#### Applications for Domestic Outbuildings Consistent with Deemed-to-Comply

##### Provisions

Compliance with the relevant deemed-to-comply provisions of this Policy allows a domestic outbuilding to be exempt from the need to obtain Development Approval, where an exemption exists under clause 8.4 of the Scheme.

Domestic outbuildings that are not exempt under the Scheme and comply with the relevant deemed-to-comply provisions of this Policy, approval may be granted by the Chief Executive Officer under delegated authority in accordance with clause 11.3 of the Scheme.

Consultation with neighbours is not required for applications that meet the relevant deemed-to-comply provisions for domestic outbuildings as contained in this Policy.

##### Applications for Shipping Containers

Proposals for the use of shipping containers that meet, or can be conditioned to meet, the deemed-to-comply provisions contained in this Policy may be granted Development Approval by the Chief Executive Officer under delegated authority.

Approval will be subject to any conditions necessary to ensure compliance with the deemed-to-comply provisions.

Consultation with neighbours is not required for applications that meet the relevant deemed-to-comply provisions for shipping containers as contained in this Policy.

##### Applications Requiring Judgement of Merit

Non-compliance with a deemed-to-comply provision is not to be employed as grounds for refusal of a proposal. Instead, where a proposal does not meet one or more relevant deemed-to-comply provisions, it will require judgement of merit by the local government.

The following process will apply to judgement of merit applications:

- a) An Application for Development Approval is to be lodged with the local government that shows how all objectives and the design principle contained in this Policy are met for any matters that are not deemed-to-comply;
- b) The local government is to consult with any neighbouring property owner that it considers may be affected by the variation(s) to the deemed-to-comply provision, in accordance with the relevant local planning policy relating to advertising of planning proposals. Details of the variation(s) sought are to be provided to the neighbour to allow for proper consideration;
- c) The local government is to give due regard to any comments made during the consultation period. Where no comment is received, the local government will assume the neighbour has no objection to the variation(s) proposed; and
- d) The local government is to assess the proposal against the objectives and design principle contained in this Policy, taking into account the merits of the proposal and determine if the development should be approved as proposed, refused as proposed or conditioned to ensure compliance with the Policy objectives and

design principle.

Delegated authority is not to be exercised for judgement of merit applications where an objection based on material planning grounds has been received from an affected neighbouring property owner.

Delegated authority can be exercised where an objection is withdrawn after negotiation between the applicants and objecting neighbour that the local government is satisfied allows for the development to proceed in a manner consistent with the relevant design principle contained in this Policy.

Domestic Outbuildings and Shipping Containers on Vacant Lots

Development approval is required for all domestic outbuildings and shipping containers to be located on a lot where a dwelling does not currently exist.

The local government is to consult with neighbouring property owners to identify any concerns regarding construction of a domestic outbuilding or shipping container on a vacant lot prior to making a determination, except where the proposal is associated with a dwelling to be constructed at the same time and where consultation would not be otherwise required.

A condition will be imposed requiring the construction of a dwelling within two years of the date of the approval, or otherwise agreed to by the local government.

**ADOPTED – 23 January 2020**

**EFFECTIVE – 5 February 2020**

**NEXT DUE FOR REVIEW – February 2024**

<b>The Administration of this Policy is by the Development and Regulation Division.</b>
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