

OUTBUILDINGS

Frequently Asked Questions (FAQ)

This FAQ is intended to provide general information and guidance to common questions regarding the development of Outbuilding(s) and other Non-Habitable Buildings.

Planning Framework and Legislation

For detailed information, please refer links to the key planning framework and legislation.

- [Planning and Development \(Local Planning Schemes\) Regulations 2015](#)
- [City of Busselton Local Planning Scheme No. 21](#)
- [State Planning Policy 7.3 Residential Design Codes](#)
- [Local Planning Policy 4.10 Outbuildings and Other Non-Habitable Buildings](#)
- [Local Planning Policy 4.11 Exempt Development](#)

What is an Outbuilding?

The term 'Outbuilding' is defined under Appendix 1: Definitions of *State Planning Policy 7.3 Residential Design Codes* (R-Codes) as follows:

***"Outbuilding"** an enclosed non-habitable structure that is detached from any dwelling and may include a detached garage.*

What size Outbuilding can I construct on my land?

The maximum size of Outbuilding(s) depends on various factors including the zoning, density code (where applicable) and site area of the subject land.

The *City of Busselton Local Planning Policy 4.10 Outbuildings and other Non-Habitable Buildings* (LPP 4.10) outlines standards and other guidance in relation to development of Outbuildings and other Non-Habitable Buildings. Appendix 1 of LPP 4.10 outlines the maximum total area, wall height and ridge height of Outbuildings in the various zones.

What are the relevant provisions for an Outbuilding on my land?

The relevant provisions for the development of an Outbuilding depends on the zoning, density code and site area of your land.

- Residential zoned land
Development on land zoned Residential is required to satisfy the provisions of *State Planning Policy 7.3 Residential Design Codes* (R-Codes).

Under clause 5.4.3 of the R-Codes, the following **deemed-to-comply** provisions apply to an Outbuilding in the Residential zone.

C3 Outbuildings associated with a dwelling site address either:

- (i) the standards for small outbuildings (A. Small outbuilding); or*
- (ii) the standards for large and multiple outbuildings (B. Large and multiple outbuildings).*

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A. Small outbuilding	i. no more than one outbuilding per dwelling site ; ii. has no more than two boundary walls ; iii. does not exceed 10m ² in area iv. does not exceed a wall height of 2.7m; v. not located within the primary or secondary street setback area ; and vi. does not reduce open space and outdoor living area requirements in Table B .
OR	
B. Large and multiple outbuildings	i. individually or collectively does not exceed 60m ² in area or 10 percent in aggregate of the site area , whichever is the lesser; ii. set back in accordance with Table 2a ; iii. does not exceed a wall height of 2.4m; iv. does not exceed a ridge height of 4.2m; v. not located within the primary or secondary street setback area ; and vi. does not reduce the open space and outdoor living area requirements in Table B .

Under Part 4.3 of the *City of Busselton Local Planning Scheme No. 21* (Scheme), the following provisions apply to Outbuildings in the Residential zone:

- (g) *Notwithstanding the deemed to comply provisions of the R-Codes, outbuildings that do not exceed a wall height of 2.7 metres and ridge height of 4.5 metres are deemed to meet the relevant performance criteria.*

Therefore, pursuant to the Scheme, the following **deemed-to-comply** area and height provisions apply to 'Large and Multiple Outbuildings' in the Residential zone.

	Deemed-to-comply
Area	60m ²
Wall Height	2.7m
Ridge Height	4.5m

The **deemed-to-comply** provision(s) provide a straightforward means for the proposal to demonstrate that it satisfies the objectives and design principles of the R-Codes. Where a proposed Outbuilding meets the **deemed-to-comply** provision(s) of the R-Codes, and any relevant provision(s) of the Scheme and local planning framework, the decision-maker shall not refuse to grant approval.

Where a proposed Outbuilding does not meet a **deemed-to-comply** provision(s) of the R-Codes and addresses a **design principle(s)**, the decision-maker is required to exercise judgement and undertake a merit-based assessment to determine the proposal through an application for development approval.

An application for an Outbuilding in the Residential zone that meets the standards outlined in Appendix 1 of LPP 4.10 will be deemed to meet the associated **design principles** of the R-Codes, and therefore development approval will be granted by the City.

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- All other zoned land

In all other zoned land, the standards outlined in Appendix 1 of the Policy apply to Outbuildings and other Non-Habitable Buildings.

Will I require development (planning) approval for my Outbuilding?

Maybe. It depends on the size, location, and zoning of the land where the Outbuilding is proposed.

Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations) exempts certain works from the requirement to obtain development approval.

- Residential zoned land

In accordance with the LPS Regulations, the development of an Outbuilding on the same lot as a Single House or Grouped Dwelling is exempt from the requirement to obtain development (planning) approval where:

- (a) *The R-Codes apply to the works.*
- (b) *The works comply with the deemed-to-comply provisions of the R-Codes.*
- (c) *The works are not located in a heritage-protected place.*

Notwithstanding the above, an Outbuilding located on land identified within a Special Control Area on the Scheme maps (eg Special Character Area, Landscape Value Area etc...) is not exempt from the requirement to obtain development (planning) approval.

- All other zoned land

For all other zoned land, the standards outlined in Appendix 1 of the Policy apply to Outbuildings and other Non-Habitable Buildings.

Except as otherwise provided in the LPS Regulations, the *City of Busselton Local Planning Policy 4.11 Exempt Development* establishes development that is exempt from the requirement to obtain development approval.

In most cases, an Outbuilding and other Non-Habitable Building in all other zoned land will require the prior development approval.

Will an Outbuilding that meets the standards of Appendix 1 be supported?

Yes. An Outbuilding and other Non-Habitable Building that meets the standards outlined in Appendix 1, will be granted approval by the City.

However, whilst the size of the Outbuilding may satisfy Appendix 1, it is important to note that the development will be required to satisfy all elements of the relevant planning framework, including but not limited to setbacks, open space etc.

What if my Outbuilding does not meet the standards of Appendix 1?

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Where an Outbuilding does not meet the standards outlined in Appendix 1, it will be considered and required to satisfy Part 4.4 Objectives for the Assessment of Applications of LPP 4.10.

An application for development (planning) approval for an Outbuilding or other Non-Habitable Building which does not meet the standards outlined in Appendix 1 must be accompanied by a letter of justification which addresses the Objectives of the Policy.

Can I construct an Outbuilding on a vacant lot?

No. In areas zoned Residential and Rural Residential and Outbuilding is not permitted on a vacant lot.

As defined under the R-Codes, an “Outbuilding” is in association with a habitable dwelling on the same lot. Therefore, where a dwelling does not exist on a lot, the proper classification of a non-habitable building, would be “Warehouse/Storage”, which is defined under Schedule 1 of the Scheme as follows:

“Warehouse/Storage” means premises including indoor or outdoor facilities used for:

- (a) the storage of goods equipment, plant or materials; or
- (b) the display or sale by wholesale of goods.

In accordance with Table 1 – Zoning Table of the Scheme, a “Warehouse/Storage” is an ‘X’ use in the Residential and Rural Residential zones, meaning that the use is not permitted.

Further information is available on the [DPLH website](#).

My Dwelling has not commenced construction – can I still apply for an Outbuilding?

Yes. An Outbuilding may be part of a development application that includes a habitable dwelling with an associated Outbuilding.

Conditions of the development approval may be applied to control the timing of construction to ensure that the Outbuilding is developed in association with the dwelling and not before.

Can I live in an Outbuilding?

No. As defined under the R-Codes, an “Outbuilding” is a non-habitable structure.

Additionally, under the National Construction Code (NCC) an Outbuilding is a Class 10a building or structure, which include non-habitable buildings such as sheds, carports, and private garages.

Any building or portion of a building being used for human habitation is considered a “Dwelling”. Under the NCC a Dwelling is a Class 1a building, which require a higher standard of construction to ensure safety, health, amenity, accessibility and sustainability of these types of buildings.

How do I find the zoning or density code of my land?

Please refer to the City’s [Online Property Maps](#) to search general property information.

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If you need assistance navigating the Online Property Maps, please refer to the [How to Guide - Online Property Maps \(Search General Property Information\)](#).

What supporting information will I need to submit with my application?

Please refer to the [Planning Checklists](#).

How do I lodge an application for development (planning) approval?

Please refer to the [How-to Guide – Application for Development Approval](#).

What is the development (planning) application fees?

Please refer to the [Planning Fees and Charges](#).

How will my application for development (planning) approval be assessed?

In considering an application for development approval, the local government shall have due regard to the matters to be considered under cl 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Deemed Provisions) and apply the principles of orderly and proper planning.

Other Legislations

Please be aware that this FAQ only refers to the planning framework. Additional requirements or approvals may be required under other legislations, such as the *Building Regulations 2012*.

Further Assistance

If you need further help, contact Planning at (08) 9781 1731 or lodge an enquiry request online:

<https://www.busselton.wa.gov.au/council/report-an-issue-or-request-assistance>

**** Disclaimer ****

This FAQ sheet is intended for general information purposes only and should not be relied upon as a comprehensive source of guidance. For accurate and official information, please consult the relevant planning framework, Local Laws and applicable legislation. The City of Busselton accepts no liability for any errors, omissions, or reliance on the information contained herein.

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