

## OUTBUILDINGS – NON-RESIDENTIAL ZONE 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 in the following zones:

- Rural Residential;
- Rural;
- Viticulture and Tourism;
- Rural Landscape;
- Conservation; and
- Bushland Protection.

### 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 is a Non- Habitable Building?

The term 'Non-habitable Building' is defined within the City's [Local Planning Policy 4.10 Outbuildings and Other Non-Habitable Buildings](#) (LPP 4.10) as follows:

*“Non-habitable Building” means any building, not considered to be an Outbuilding (as defined below), that can be attached or detached to a dwelling but is not located under the main roof of a dwelling and includes, but is not limited to:*

*(a) carports;*

*(b) patios;*

*(c) shade structure/orchard enclosure; and*

*(d) pergolas/gazebos;*

*but excludes boundary fences, water tanks and swimming pools and decking not more than 500mm above natural ground level.*

### What size Outbuilding and Other Non-Habitable Building can I build on my land?

The maximum size of Outbuildings and Non-Habitable Buildings depends on various factors including the zoning, density code (where applicable) and site area of the subject land.

The City's 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 and site area of your land. The standards outlined in Appendix 1 of the LPP 4.10 apply to Outbuildings and other Non-Habitable Buildings.

### Will I require development (planning) approval for my Outbuilding/s and other Non-Habitable Building/s?

#### All Communications to:

T (08) 9781 0444  
E [city@busselton.wa.gov.au](mailto:city@busselton.wa.gov.au)

Locked Bag 1 Busselton WA 6280  
[www.busselton.wa.gov.au](http://www.busselton.wa.gov.au)

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Maybe. In most cases, outbuildings and other non-habitable structures located within the Rural Residential, Rural, Viticulture and Tourism, Rural Landscape, Conservation, or Bushland Protection zones will require prior development approval. However, whether approval is needed ultimately depends on the size and location of the proposed building and whether it is situated within a Special Control Area.

The *City of Busselton Local Planning Policy 4.11 Exempt Development* establishes development that is exempt from the requirement to obtain 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 and other Non-Habitable Building 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 and any other relevant requirements.

**What if my Outbuilding and other Non-Habitable Building does not meet the standards of Appendix 1?**

An Outbuilding and other Non-Habitable Building that does not meet the standards outlined in Appendix 1, may still be considered; however, it will be 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 and/or Non-Habitable Building on a vacant lot?**

In the Residential and Rural Residential zone an Outbuilding and/or Non-Habitable Building is not permitted on a vacant lot. An “Outbuilding” is defined as a structure that is ancillary to a habitable dwelling on the same lot. Therefore, where no dwelling exists, the correct classification for a non-habitable structure is “Warehouse/Storage”.

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

In the Rural, Viticulture and Tourism, Rural Landscape, Conservation and Bushland Protection zones an Outbuilding and/or Non-Habitable Building could be considered where it is suitably demonstrated that it will be associated with a land use that could be considered in that zone (i.e. Agricultural – Extensive, such as grazing, in the Rural zone, where the outbuilding is required to store associated machinery).

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

**My Dwelling has not commenced construction in the Rural Residential zone – 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.

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Additionally, under the National Construction Code (NCC) an Outbuilding is a Class 10a building or structure, which includes 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 requires a higher standard of construction to ensure that safety, health, amenity, accessibility and sustainability are achieved in association with this type of building.

### **Planning Framework and Legislation**

For detailed information, please refer to links below for 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](#)

### **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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