

Local Planning Policy No. 4.10

Outbuildings and Other Non-Habitable Buildings

Version: Adopted

1. HEAD OF POWER AND SCOPE

This Policy has been adopted pursuant to the *Planning and Development (Local Planning Schemes) Regulations 2015 (WA)*, Schedule 2 ('Deemed Provisions'), Clause 4 and applies to:

- (a) All Outbuildings in the following Zones:
 - (i) Residential;
 - (ii) Regional Centre;
 - (iii) Centre; and
 - (iv) Local Centre.
- (b) All Outbuildings and other Non-habitable buildings in the following Zones:
 - (i) Rural Residential;
 - (ii) Rural;
 - (iii) Viticulture and Tourism;
 - (iv) Rural Landscape;
 - (v) Conservation; and
 - (vi) Bushland Protection.

Note 1 : See the City's 'Outbuildings and other Non-habitable Buildings Information Sheet' for guidance on exemptions from Development Approval.

2. PURPOSE

The purpose of this Policy is to outline standards and other guidance in relation to development of Outbuildings and other Non-habitable Buildings which are subject to this Policy as outlined in Part 1 above.

3. INTERPRETATION

Terms should be interpreted in the same way as they would be interpreted if they were contained or within the Scheme, other than those terms defined below:

"Building Envelope" means an area within which development (other than landscaping or means of access) on a lot should generally be contained and which is identified on a Structure Plan, DGP, Local Development Plan, Building Envelope Plan or similar.

"Centre Zones" includes land zoned 'Regional Centre', 'Centre' and/or 'Local Centre' under the Scheme.

"DGP" means a plan adopted as a Development Guide Plan by the City and WAPC prior to the introduction of the *Planning and Development (Local Planning Schemes) Regulations 2015 (WA)*.

"Habitable Purposes" means intended to be lived in on a permanent or temporary basis.

"Heritage significance" means a place that is —

- (i) entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990;
- (ii) the subject of an order under the Heritage of Western Australia Act 1990 Part 6;
- (iii) included on a heritage list prepared in accordance with this Scheme;

- (iv) within an area designated under the Scheme as a heritage area; or
- (v) the subject of a heritage agreement entered into under the Heritage of Western Australia Act 1990 section 29.

Note 2 : There are currently no 'Heritage Areas' within the City of Busselton.

“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.

“Outbuilding” as defined by the R-codes and provided below:

An enclosed non-habitable structure that is detached from any dwelling. .

“R-codes” means *State Planning Policy 7.3: Residential Design Codes Volume 1* (as amended).

“Residential Development” means Single Houses, Ancillary Dwelling, Grouped Dwelling and/or Multiple Dwellings.

“Scheme” means the *City of Busselton Local Planning Scheme No. 21* (as amended).

4. POLICY STATEMENT

4.1 OUTBUILDINGS IN THE RESIDENTIAL OR CENTRE ZONES

- (a) All Outbuildings associated with Residential Development in the Residential or Centre Zones should comply with the deemed-to-comply criteria of Part 5.4.3 Outbuildings of the R-codes as provided below:

C3 Outbuildings that:

- i. are not attached to a dwelling;*
- ii. are non-habitable;*
- iii. **collectively do not exceed 60m² in area or 10 per cent in aggregate of the site area, whichever is the lesser;***
- iv. **do not exceed a wall height of 2.4m;***
- v. **do not exceed ridge height of 4.2m;***
- vi. are not within the primary or secondary street setback area;*
- vii. do not reduce the amount of open space required in [Table 1 \[of the R-codes\]](#); and*
- viii. are set back in accordance with [Tables 2a and 2b \[of the R-codes\]](#).*

- (b) Further to 4.1 (a) above, in assessing an application for development approval where a discretion is sought to iii, iv and/or v of Part 5.4.3 of the R-codes (indicated in **bold** above) and the development meets the applicable provisions within Appendix 1 : Outbuilding and

other Non-habitable Building Standards of this Policy, the application will be deemed to meet the associated Design Principles of the R-codes and therefore development approval

will be granted by the City.

- (c) All Outbuildings not associated with Residential Development in the Residential or Centre Zones should comply with Appendix 1 : Outbuilding and other Non-habitable Building Standards of this Policy.

4.2 OUTBUILDINGS AND OTHER NON-HABITABLE BUILDINGS IN RURAL RESIDENTIAL, RURAL LANDSCAPE, CONSERVATION, BUSHLAND PROTECTION, RURAL AND VITICULTURE AND TOURISM

- (a) All Outbuildings and other Non-habitable Buildings in the Rural Residential, Rural Landscape, Conservation, Bushland Protection, Rural and Viticulture and Tourism should comply with Appendix 1 : Outbuilding and other Non-habitable Building Standards of this Policy.

4.3 OUTBUILDINGS AND OTHER NON-HABITABLE BUILDINGS ON VACANT LOTS

- (a) Details regarding the circumstances where an Outbuilding and other Non-habitable Building may be supported on a vacant lot (i.e. a lot without a dwelling) are outlined in Appendix 1 : Outbuilding and other Non-habitable Building Standards of this Policy.

4.4 OBJECTIVES FOR THE ASSESSMENT OF APPLICATIONS

An outbuilding and other Non-habitable Building that meets the standards outlined in Appendix 1 is deemed compliant, with respect to the objectives below

Note 3: Development may also require assessment against other planning requirements, not directly identified or addressed in this Policy.

Where development does not meet those standards, it will be considered and required to satisfy the following objectives (in addition to any other relevant 'matters to be considered', as per clause 67 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*);

- (a) Outbuildings and other Non-habitable Buildings are to be of a scale that will not unreasonably detract from the streetscape and/or the visual amenity of residents or neighbouring properties.
- (b) Outbuildings and other Non-habitable Buildings are to be of a form and scale consistent with the Objectives of the Zone in which they are located.
- (c) Outbuildings and other Non-habitable Buildings are to be suitably located on a site with adequate setbacks and located within a Building Envelope (where applicable). Where a lot does not have a designated Building Envelope but one is applicable under the Scheme, Outbuildings and other Non-habitable Buildings should be located in proximity to, or clustered with, other development (including the dwelling) on the site.
- (d) Outbuildings and other Non-habitable Buildings are to be located with consideration given to the retention of native vegetation and/or remnant vegetation on site.
- (e) Outbuildings and other Non-habitable Buildings are to be located such that they do not increase the threat of bushfire to habitable buildings on the site.

5. RELATED DOCUMENTS

- *State Planning Policy 7.3 Residential Design Codes*

6. REVIEW DETAILS

Review Frequency		2 yearly		
Council Adoption	DATE	09/09/2020	Resolution #	(C2009/104)
Previous Adoption	DATE		Resolution #	

APPENDIX 1 : OUTBUILDING AND OTHER NON-HABITABLE BUILDING STANDARDS

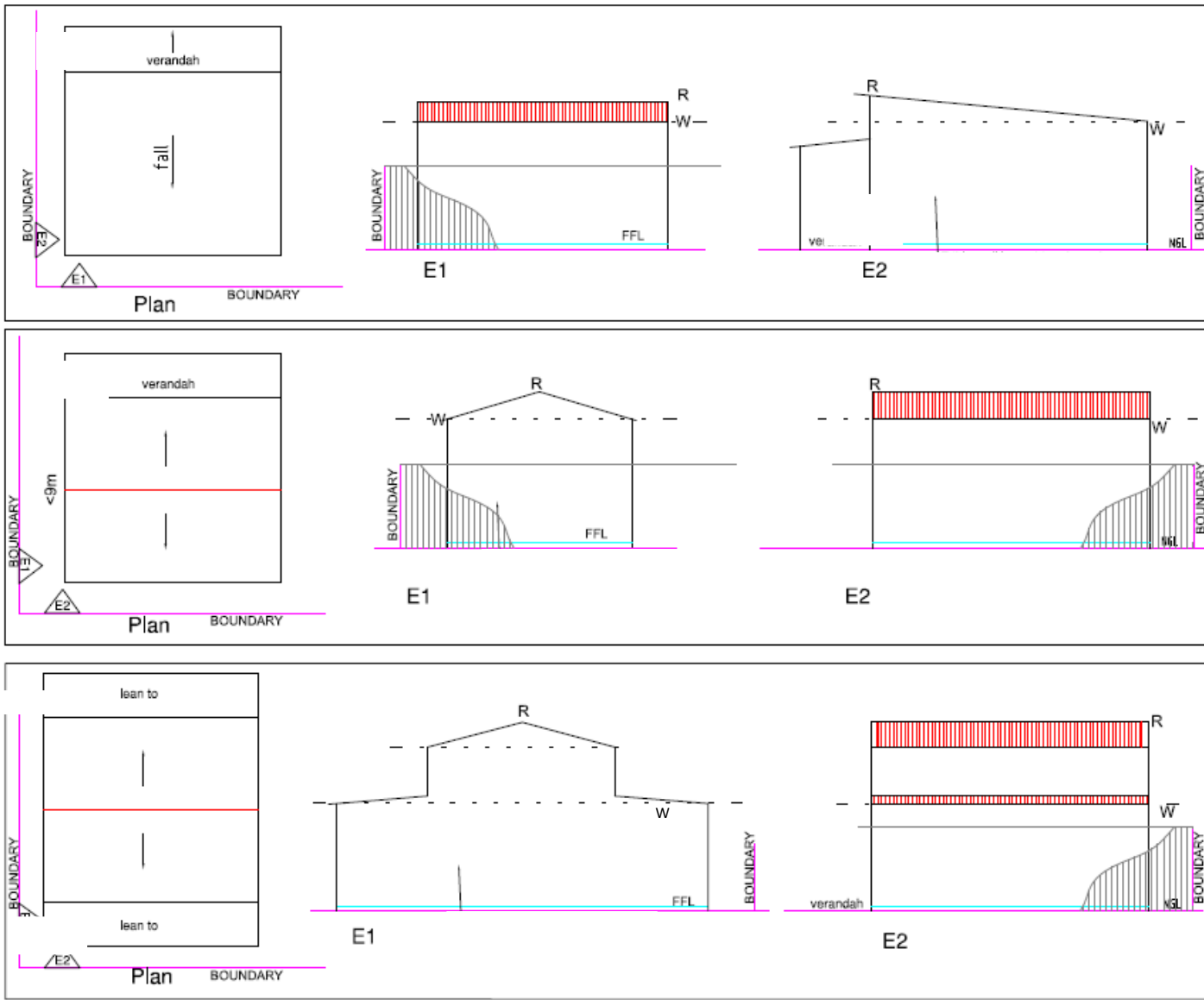
ZONE	DENSITY/LOT SIZE ⁴	MAXIMUM WALL HEIGHT ⁶	MAXIMUM RIDGE HEIGHT ⁶	MAXIMUM TOTAL AREA	VACANT LOTS
<ul style="list-style-type: none"> • Residential⁵ • Centre Zones 	R30 and above (including RAC) and/or lots less than 300m ²	2.7m	4.5m	60m ² or 10% of the lot (whichever is lesser)	Up to one Outbuilding on a vacant may be supported where: <ul style="list-style-type: none"> (a) Construction of a dwelling on the lot has substantially commenced (i.e. foundations completed); and (b) No bathroom and/or toilet are proposed within the Outbuilding; and (a) It is not proposed that the Outbuilding will be used for Habitable Purposes.
	R10 – R25 and/or lots 300m ² or greater but less than 2,000m ²	3.1m	4.5m	90m ² or 10% of the lot (whichever is lesser)	
	R2 - R5 and/or lots 2,000m ² or greater	3.1m	4.5m	120m ²	
• Rural Residential	Lots 5000m ² or less	3.1m	4.5m	120m ²	
	Lots greater than 5000m ²	3.6m	5.5m	200m ²	
<ul style="list-style-type: none"> • Rural Landscape • Conservation • Bushland Protection 	All	3.6m	5.5m	200m ²	
<ul style="list-style-type: none"> • Rural • Viticulture and Tourism 	All	As per clause 4.8.1 of the Scheme.		No limit	Outbuildings may be located on vacant lots.

Note 4 : Where a lot falls within two categories of the density/lot size within the same zone the lesser/lower wall height, ridge height and total maximum area requirement shall apply.

Note 5: Maximum wall and ridge height and area do not apply to Non-habitable Buildings in the Residential zone as they are to be assessed as a 'building' in accordance with the requirements of the R-codes.

Note 6: In relation to measuring wall and ridge height refer to Appendix 2 : Measuring wall and ridge height of an Outbuilding and/or other Non-habitable building.

APPENDIX 2 : MEASURING WALL AND RIDGE HEIGHT OF AN OUTBUILDING AND/OR OTHER NON-HABITABLE BUILDING



R - Ridge height W - Wall height