

11.2 Sustainable Development and Infrastructure

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11.2 Sustainable Development and Infrastructure

11.2.2 AMENDED LOCAL PLANNING POLICY 1 – OUTBUILDINGS, FARM BUILDINGS AND SWIMMING POOLS FOR FINAL ADOPTION

Attachment 1 – Amended Local Planning Policy 1 – Outbuildings, Farm Buildings and Swimming Pools

Attachment 2 – Schedule of Submissions

Local Planning Policy 1

Outbuildings, Farm Buildings and Swimming Pools



May 2021

This policy was adopted by Council to set governing principles in place that align the strategic direction of the organisation with [insert relevant strategic goal from Corporate Plan]

Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. In considering an application for planning approval, the local government must have due regard to relevant Local Planning Policies.

1.0 Introduction

This Local Planning Policy provides a framework for the assessment and determination of applications for farm buildings, swimming pools and for outbuildings on developed land, with regard to the provisions in the R-Codes and in accordance with the purpose and provisions of the Scheme. This policy is created under the Deemed Provisions of *Local Planning Scheme No. 1*.

2.0 Objectives

- (a) Timely processing of applications for planning approval for outbuildings, swimming pools and farm buildings that are in accordance with this Local Planning Policy.
- (b) Buildings located in proximity to, or clustered with, the main/habitable structure(s).
- (c) Buildings constructed in colours and of materials that complement the existing dwelling, the landscape and/or the amenity of the surrounding area.
- (d) Buildings which are ancillary to the main dwelling or principal land use on the site.
- (e) Buildings of a form and scale consistent with the purpose of the zone in which they are located.

3.0 Scope

This Local Planning Policy administers provisions for outbuildings and swimming pools on Future Development, Residential, Rural Residential, Bushland Protection, Priority Agriculture and General Agriculture zoned land. This Local Planning Policy also sets out provisions for farm buildings on Priority Agriculture and General Agriculture zoned land.

3.1 Limitations

This Local Planning Policy does not apply to the following:

- (a) Outbuildings equal to or less than ten square metres in size, which are considered below a threshold of ‘development’ and so exempt from the need to obtain planning approval where compliant with other relevant requirements of the scheme and R-Codes; and
- (b) Outbuildings or farm buildings in zones not mentioned in Part 3, which are to be considered on their merit under the general provisions of the Scheme.

3.2 Restrictions

- (a) The construction of Outbuildings on vacant Future Development, Residential and Rural Residential zoned land is only permitted when a dwelling exists, or when an approved dwelling is under construction on the same lot. A building permit for the outbuilding must be issued with, or after, a building permit has been issued for a dwelling on the site; and
- (b) Outbuildings used or capable of use for permanent occupation, except for an approved home occupation or cottage industry, will not be supported.

4.0 Interpretation

- (a) Land Use Definitions

‘**Outbuilding**’ means an enclosed non-habitable structure that is detached from any dwelling and for the purposes of this policy includes a water tank.

‘**Farm building**’ means those buildings and structures or parts of buildings and structures that are used for the storage of farm machinery and equipment and agricultural produce grown on the land.

5.0 Policy Measures

Note: Outbuildings, swimming pools and farm buildings that meet the acceptable development criteria of this policy are exempt from the need to obtain planning approval - refer to clause 61 of the Deemed Provisions of the Scheme.

Performance Criteria		Acceptable Development
Element: Outbuildings and Swimming pools		
PC1.1	Outbuildings that are/can be adequately screened from view from the street and neighbouring properties, or are otherwise an appropriate form and scale, and in an appropriate location, consistent with the visual management guidelines of the Local Planning Strategy.	Future Development and Residential Zones ¹ AD1.1 Outbuildings consistent with the deemed to comply requirements under clauses 5.4.3 and 6.4.4 of the R Codes, with the exception of wall height and floor area for lots coded R10 and lower. AD1.2 Outbuildings that do not exceed a wall height of 3.1m, measured in accordance with figure 1 or in the case of a skillion roof design, do not
PC1.2	Outbuildings constructed of colours and materials that complement the landscape,	

¹ For the Future Development and Residential zones this Local Planning Policy augments the deemed-to-comply standards C3 & C4 provided in the R Codes at clause 5.4.3.

Performance Criteria	Acceptable Development												
dwelling and/or the amenity of the surrounding area.	exceed a median height of 3.6m;												
PC1.3 Outbuildings that will not have an adverse impact to or detract from the streetscape or amenity of neighbouring properties.	AD1.3 Outbuildings do not exceed the following floor area:												
PC1.4 Outbuildings that, where practical, are grouped with the residence to limit potential adverse visual impacts and are proportionally scaled relative to the dwelling on site;	<table border="1" data-bbox="940 311 1378 512"> <thead> <tr> <th>Density Code</th> <th>Area</th> </tr> </thead> <tbody> <tr> <td>R10</td> <td>75m²</td> </tr> <tr> <td>R5 and lower</td> <td>80m²</td> </tr> </tbody> </table>	Density Code	Area	R10	75m ²	R5 and lower	80m ²						
Density Code	Area												
R10	75m ²												
R5 and lower	80m ²												
PC1.5 Outbuildings that exceed the following floor areas are unlikely to be supported:	AD1.4 Outbuildings located behind the front of an existing dwelling and where applicable within the prescribed building envelope or clustered with the dwelling.												
<table border="1" data-bbox="333 745 732 1364"> <thead> <tr> <th>Zone/Density</th> <th>Area</th> </tr> </thead> <tbody> <tr> <td>Residential R10</td> <td>100m²</td> </tr> <tr> <td>Residential R5 and lower</td> <td>120m²</td> </tr> <tr> <td>Rural Residential ≤2ha</td> <td>150m²</td> </tr> <tr> <td>Rural Residential >2ha</td> <td>180m²</td> </tr> <tr> <td>Bushland Protection</td> <td></td> </tr> </tbody> </table>	Zone/Density	Area	Residential R10	100m ²	Residential R5 and lower	120m ²	Rural Residential ≤2ha	150m ²	Rural Residential >2ha	180m ²	Bushland Protection		AD1.5 On properties coded R5, the 5m side setback does not apply to Outbuildings (including water tanks) and swimming pools where located wholly behind the rear elevation of the associated dwelling and where compliant with tables 2a and 2b and clause 5.4.1 of the R-Codes.
Zone/Density	Area												
Residential R10	100m ²												
Residential R5 and lower	120m ²												
Rural Residential ≤2ha	150m ²												
Rural Residential >2ha	180m ²												
Bushland Protection													
	Rural Residential and Bushland Protection Zone												
	AD1.6 On Rural Residential lots equal to or less than 2ha in area, outbuildings that collectively are no greater than 120sqm in size on any one site excluding water tank(s).												
	AD1.7 On Rural Residential lots greater than 2ha in area and Bushland Protection lots outbuildings that collectively are no greater than 150sqm in size on any one site excluding water tank(s).												
	AD1.8 Outbuildings that do not exceed a ridge height of 4.5m.												
	AD1.9 Outbuildings ancillary to the residential use of the land.												
	AD1.10 Outbuildings and swimming pools located behind the front of the dwelling and where applicable within the prescribed building envelope												
	Priority and General Agriculture Zones												
	AD1.11 A total outbuilding floor area that is no greater than 150sqm on any one site excluding water tank(s).												
	AD1.12 Outbuildings ancillary to the residential use of the land.												

Performance Criteria	Acceptable Development
	AD1.13 Swimming pools and outbuildings located behind the front of the dwelling.
Element: Farm Buildings	
<p>PC1.5 Farm buildings that are/can be adequately screened from view, or are otherwise an appropriate form and scale, and in an appropriate location, consistent with the visual management guidelines of the Local Planning Strategy.</p> <p>PC1.6 Farm buildings constructed of colours and materials which complement the landscape and/or the amenity of the surrounding area.</p> <p>PC1.7 Farm buildings that will not have an adverse impact on or detract from the amenity of neighbouring properties.</p> <p>PC1.8 Farm buildings that are of a scale consistent with the size of the lot on which it is proposed.</p>	<p>Priority and General Agriculture Zones</p> <p>AD1.14 A cumulative farm building floor area no greater than 450sqm on any one site.</p> <p>AD1.15 Farm buildings necessary for the management and conduct of rural practices.</p> <p>AD1.16 Farm buildings ancillary to a legally existing rural use.</p> <p>AD1.17 Farm buildings designed and located to achieve any visual management objectives which apply to the area.</p>

Figure 1 – Measuring Wall and Ridge Height of an Outbuilding

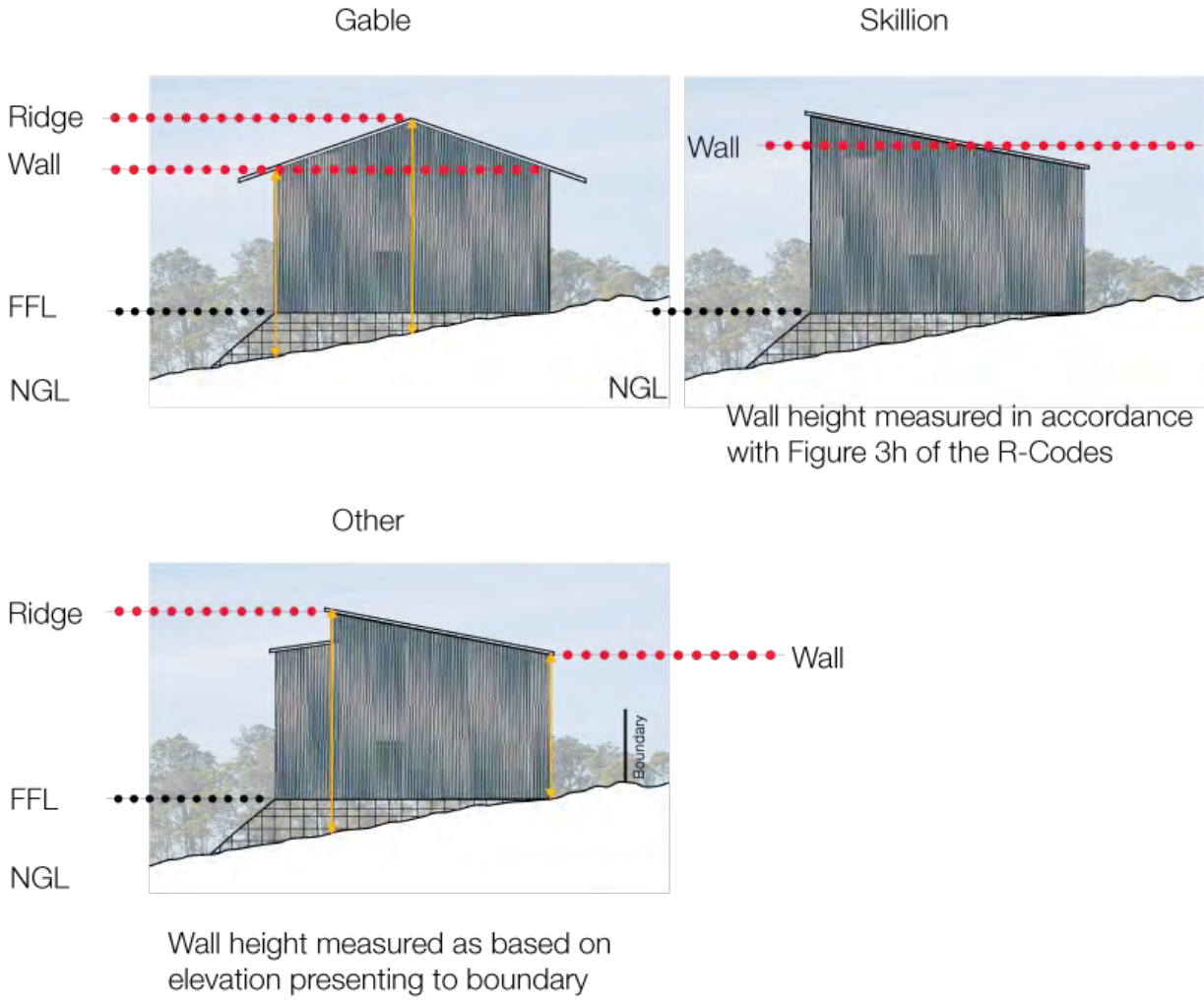
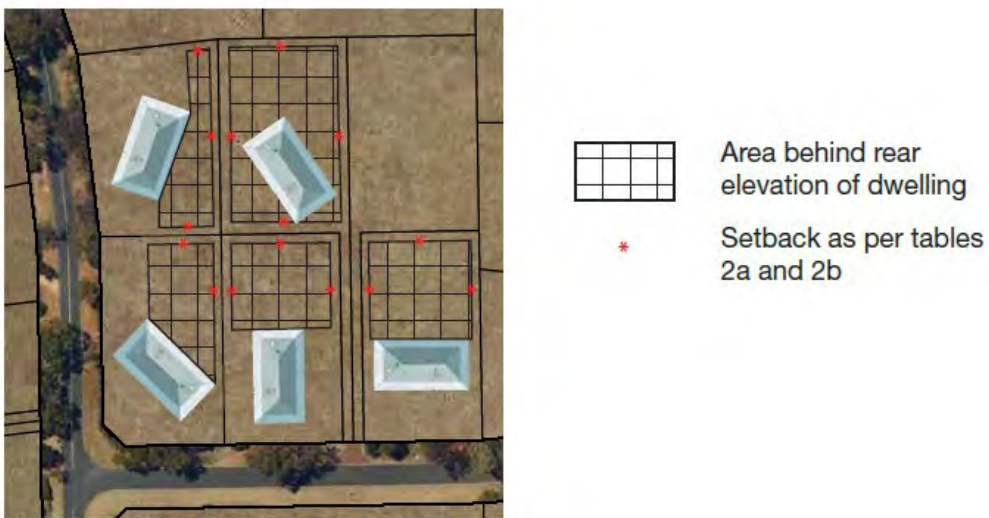


Figure 2 – Application of AD1.5 for relaxation of 5m setback requirement



Document and version control table

Strategic outcome	Clearly defined areas for growth renewal and protection		
Responsible Directorate	Sustainable Development and Infrastructure		
Authority of original issue	Council		
Date of original issue	25 September 2013 (decision OM1309/23)		
Contact officer	Planning Services		
Date of next review	[1-3 years from last review]		
Document No.	[Synergy Document No.]	File No.	[Synergy File No.]
Version	Date issued	Brief description	
1.0	24 February 2016	Reviewed (advertised)	
1.1	24 August 2016	Adopted by Council	

Schedule of Submissions - Amended Local Planning Policy No.1 – Outbuildings, Farm Buildings and Swimming Pools

Submission	Response
<p>Survey Respondent 1</p> <p>Do you support the change in floor area limits in the policy?</p> <p>Yes.</p> <p>Do you support the relaxation of the 5m side setback for sheds and water tanks behind the house in the R5 zone?</p> <p>This makes a lot of sense - much more efficient land use. There needs to be some flexibility as to what constitutes the "rear" of the main dwelling. We essentially have neighbours on all sides - all of whom could theoretically prosecute a "visual amenity" objection.</p> <p>Do you support the change to provide more flexibility to skillion roofed outbuildings differently?</p> <p>Yes.</p> <p>Any other feedback or comments on the policy? As a general rule, the more flexibility for landowners and less red tape the better.</p>	<p>Noted.</p> <p>Noted. Diagrams included at Figure 2 in the Local Planning Policy to assist in explaining this.</p> <p>Noted.</p> <p>Noted.</p>
<p>Survey Respondent 2</p> <p>Do you support the change in floor area limits in the policy?</p> <p>No</p> <p>Larger sheds will mean more likelihood of work being done in sheds causing noise and nuisance in residential areas. Seriously, why do people living on a residential block need up to 120m² of outbuildings?</p>	<p>The deemed to comply standard (below which planning approval is not required) is changing from 60m² to 80m², 120m² outbuildings would only be considered on Rural Residential lots.</p>

You have to think that there are reasons beyond garaging a car and storing garden tools/bikes/canoes! So, if they have a reason it is most likely that they want to use it as a workshop or additional accommodation in which case there will be excessive noise and vehicle movement which will impact on neighbours. Yes you can say that they would not have consent to run a business or use the shed for accommodation but it will happen and won't be policed adequately leading to complaints and neighbours falling out.

Do you support the relaxation of the 5m side setback for sheds and water tanks behind the house in the R5 zone?

No

Long shed walls up to 3.1m high (plus up to 4.5m ridge height) only 1m from a boundary may/will have a very negative impact on the amenity of blocks next door. The impact of noise from working in sheds will also be more of a nuisance the closer to the boundary the shed is. Many of these larger blocks have been lived on for many years and the impact of a large shed being built 1m from the boundary can completely ruin the outlook from joining neighbours and significantly affect amenity and value of properties. The simple rule of being behind the rear elevation of the house will also not work well in all situations as front setbacks vary on properties and there are staggered boundaries and so the impact of the shed wall could be even more significant in some cases.

I don't have an objection to rainwater tanks closer to boundaries if there could be control of height (3.5m) and colour of material. The impact of a rain water tank on neighbours is far less than a long shed wall.

Do you support the change to provide more flexibility to skillion roofed outbuildings differently?

No

There are separate approval requirements for operating a business from an outbuilding or using it for habitable purposes. The use of a property needs to comply with the Environmental Protection (Noise) Regulations.

Refer to discussion on side setbacks in the planning comment section of the report.

Where setbacks are determined in accordance with tables 2a and 2b of the R-Codes, the setback is relative to the length and height of a wall. Walls greater than 9m in length are required to be setback 1.5m.

Noted.

<p>Any other feedback or comments on the policy? Would be interested to be informed why these amendments are being proposed and what has been the driving force behind them.</p> <p>I personally have not heard anyone complaining that there has been an issue with building the shed they needed on their 2000m2 site within the current R codes.</p>	<p>This has been raised in consultation on the Local Planning Strategy review, to redirect the Shire's resources away from lower risk forms of development such as outbuildings, allowing greater emphasis to be put on landscape protection and environmental outcomes.</p>
<p>Survey Respondent 3</p> <p>Do you support the change in floor area limits in the policy?</p> <p>Yes</p> <p>Do you support the relaxation of the 5m side setback for sheds and water tanks behind the house in the R5 zone?</p> <p>Yes</p> <p>This is incredibly sensible and falls in line with general R-Code requirements. It also enables maximum use of lot areas</p> <p>Do you support the change to provide more flexibility to skillion roofed outbuildings differently?</p> <p>Yes</p> <p>The majority of outbuildings now appear to have skillion rooves. Very sensible amendment</p> <p>Any other feedback or comments on the policy? Support anything (within reason) that enables easier and more efficient construction on AMRSC jurisdiction lots is warmly received</p>	<p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p>

<p>Survey Respondent 4</p> <p>Do you support the change in floor area limits in the policy?</p> <p>Yes</p> <p>Yes this makes perfect sense to improve process for property owners and workload on Shire staff.</p> <p>Do you support the relaxation of the 5m side setback for sheds and water tanks behind the house in the R5 zone?</p> <p>Yes</p> <p>Yes this will significantly reduce the wasted space on properties that results from the current 5m setback requirement and should be considered on individual proposal basis.</p> <p>Do you support the change to provide more flexibility to skillion roofed outbuildings differently?</p> <p>Yes</p> <p>This change reflects current building trends and makes sense.</p> <p>Any other feedback or comments on the policy?</p>	<p>Noted.</p> <p>Noted.</p> <p>Noted.</p>
<p>Survey Respondent 5</p> <p>Do you support the change in floor area limits in the policy?</p> <p>Yes</p> <p>Sometimes need a bit extra</p>	<p>Noted.</p>

<p>Do you support the relaxation of the 5m side setback for sheds and water tanks behind the house in the R5 zone?</p> <p>Yes</p> <p>On a 2000m2 block you lose 1000m2 with the 5m set back, limiting what can then be put on the block especially when you want to add a shed/garage water tank etc. sometime (has been in my experience) the shape of the block, drive way etc does not allow one to have extra outbuildings.</p> <p>Do you support the change to provide more flexibility to skillion roofed outbuildings differently?</p> <p>Yes</p> <p>If the house has a skillion roof the outbuildings would match</p> <p>Any other feedback or comments on the policy?</p> <p>Currently we are building at Vita Court, zoned R5, and for some reason we have a 6m set back from the southern boundary, it is a slopping, triangular shaped block and to maximise drainage and views we are building at the top of the triangle which makes it difficult to fit in a garage at the top of the block. An easing of the regulations would allow us to utilise a small portion of the 6m set back, actually just a corner of the garage.</p>	<p>Noted.</p> <p>Noted.</p> <p>Noted.</p>
<p>Survey Respondent 6</p> <p>Do you support the change in floor area limits in the policy?</p> <p>Yes</p> <p>No additional comment</p>	<p>Noted.</p>

<p>Do you support the relaxation of the 5m side setback for sheds and water tanks behind the house in the R5 zone?</p> <p>Yes</p> <p>There needs to be consistency with the language (text) and definition of the relaxation setbacks - Within the draft there appears to be various interpretations for what is an "Acceptable Development". I believe the consistent approach that defines where "Outbuildings located behind the front of an existing dwelling and where applicable within the prescribed building envelope or clustered with the dwelling" should be utilised as the definition and explanation for determining an AD. There should also be consideration and justification within any application for the amount of "established" trees (native or exotic) that are likely to be removed/felled as a result of the application being approved.</p> <p>Do you support the change to provide more flexibility to skillion roofed outbuildings differently?</p> <p>Yes</p> <p>No additional comments</p> <p>Any other feedback or comments on the policy? As noted and mentioned above...it will be important to provide consistency in the definitions for the applicant. It will also be important to ensure that the scenic values associated with established trees remains - and that any relaxation of setbacks does not impact these values nor the habitat they provide.</p>	<p>Noted. See Diagrams included at Figure 2 in the Local Planning Policy to assist in explaining the reduced setbacks for an R5 coded property.</p> <p>Limits on vegetation removal are dealt with through the Local Planning Scheme – planning approval is required for the removal of vegetation on lots greater than 2000sqm, which is the case for the majority of R5 coded lots.</p> <p>Noted.</p> <p>See above comments.</p>
<p>Survey Respondent 7</p> <p>Do you support the change in floor area limits in the policy?</p>	

<p>Indifferent</p> <p>Do you support the relaxation of the 5m side setback for sheds and water tanks behind the house in the R5 zone?</p> <p>No</p> <p>Currently an owner wanting to build a structure or tank within 5m of the boundary must advise their neighbour of their plans, This is important particularly where the properties are separated by only rural post-and wire fencing. The current rules require proponents to advise and request agreement from neighbours for proposed changes. This is particularly important when there is little or no amicable relationship or communication between neighbours.</p> <p>Do you support the change to provide more flexibility to skillion roofed outbuildings differently?</p> <p>Indifferent</p> <p>Any other feedback or comments on the policy?</p> <p>I appreciate the proposed changes would reduce the work-load on council staff, particularly during the current period of rapid development. However, the proposed changes may result in tension between neighbours if impacted neighbours are not advised of proposed developments and adequate screening is not included in development plans.</p>	<p>Noted.</p> <p>See discussion/officer comment section of the report on this matter.</p> <p>Noted. The current framework can be cause for tension if neighbours object to applications to relax the side setback requirements. In some cases this can't be avoided, but the proposed changes will mean Shire resources aren't impacted resolving neighbour disputes over minor forms of development.</p>
<p>Survey Respondent 8</p> <p>Do you support the change in floor area limits in the policy?</p> <p>Indifferent</p>	<p>Noted.</p>

<p>Floor area limit change submissions should only be approved after neighbour consultation and agreement. Outbuildings once constructed can be easily converted into a habitable dwelling which would then impact negatively with an increase in noise and traffic movements to adjacent properties.</p>	<p>See response to submission 2 – separate approval requirements exist for these types of uses.</p>
<p>Do you support the relaxation of the 5m side setback for sheds and water tanks behind the house in the R5 zone?</p>	
<p>No</p>	<p>Noted.</p>
<p>When the original R5 zoned properties were sold, the 5 metre building setback was marketed as being non-negotiable and the high real estate prices were justified as it provided and safeguarded the privacy and visual amenity from neighbouring properties. The outbuilding setback encouraged property owners to plant trees and shrubs in the 5 metre zone which ensured that privacy was maintained.</p>	<p>See discussion/officer comment section of the report on this matter.</p>
<p>Any relaxation of the setback area has the potential for an increase in neighbouring property owners disputes unless there is mutual agreement to the proposed reduction.</p>	
<p>Do you support the change to provide more flexibility to skillion roofed outbuildings differently?</p>	
<p>Indifferent</p>	<p>Noted.</p>
<p>Skillion roofed outbuildings can be adequately screened with landscaping if the 5 metre setback is maintained.</p>	
<p>Any other feedback or comments on the policy?</p>	
<p>The Augusta Margaret River Shire has an opportunity to maintain the status quo for existing properties and prevent disagreements with</p>	<p>See response to submitter 7 and discussion/officer comment section of the report on this matter.</p>

<p>adjoining land owners by ensuring that there is neighbour consultation and agreement with any proposed relaxation of the 5 metre side setback requirement.</p> <p>R5 zoned properties are generally of a larger lot size than most residential lots so there should not be too many situations where a neighbouring property owner's privacy and visual amenity is compromised by the relaxation of the 5 metre side setback requirement.</p>	
<p>Survey Respondent 9</p> <p>Do you support the change in floor area limits in the policy?</p> <p>Indifferent</p> <p>Do you support the relaxation of the 5m side setback for sheds and water tanks behind the house in the R5 zone?</p> <p>No</p> <p>The reason people buy large, R5, blocks is to put some space between them and their neighbours. Previous attempts by the Shire to reduce the 5m setback weren't well received by landowners and this is another attempt to erode the policy. The last thing that someone wants is a swimming pool on their boundary - it brings with it a lot of noise and can be quite intrusive. Likewise for sheds and water tanks - they are often ugly and should be screened by plants in the 5m boundary corridor.</p> <p>Do you support the change to provide more flexibility to skillion roofed outbuildings differently?</p> <p>Indifferent</p> <p>Any other feedback or comments on the policy?</p>	<p>Noted.</p> <p>See response to submitter 2 and discussion/officer comment section of the report on this matter.</p> <p>Noted.</p>

<p>Thanks you for the opportunity to comment on the proposed amendments which look like good common sense to me.</p> <p>I presume the definition of 'outbuildings' will include building my grandchildren a 10m2 or thereabouts tree house in the middle of the property out of view of the road and neighbours.</p>	<p>Noted.</p> <p>This has been covered by separate changes to the local planning schemes regulations undertaken by the state government.</p>
<p>Some weeks ago I received a letter regarding proposal of new 1 m boundary rule when building a shed. Unfortunately, I've misplaced the letter, but I would like to see the original 5 m rule stay in place. 1 m is very close to a boundary and could easily disrupt outlook and privacy.</p> <p>I wonder if it is too late to oppose any changes to the laws to sheds, as I do not agree to the current industrial size of a shed being built at 3 Calabrese Close. There has also been a recent destruction of the native plants from the street near no 3.</p> <p>It concerns me the shed has been approved by the council. It doesn't seem to be in proportion with the size of the block – its proportionally too big, in my opinion.</p> <p>The approval of this industrial shed means that, one day, I can expect a similar shed to be built in front of my house in no 6 Calabrese Close! I would definitely not approve and be very disappointed about a council approval.</p> <p>I have recently built a shed in my backyard. It fitted in with council regulations, the colour fits in with our green MR environment and doesn't disrupt any outlook or privacy.</p>	<p>See response to submitter 2 - Walls greater than 9m in length are required to be setback 1.5m.</p> <p>The approval in question was for a shed at 96sqm in size. This would still require planning approval and consultation under the revised policy which requires planning approval for sheds with a floor area greater than 80sqm.</p> <p>Noted.</p> <p>Both the current and proposed policy does not support outbuilding being constructed forward of the dwelling.</p> <p>Noted.</p>