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## LOCAL PLANNING POLICIES

# Outbuildings In The Rural Zones



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Policy Number:	PXX
Relevant Delegation:	Not Applicable
Adoption Details:	XXXX
Last Review Details:	22/07/2021 (NEW)

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### **POLICY OBJECTIVE:**

To provide a basis for the construction of outbuildings in Rural Zones within the Shire of York and to provide exemptions to the requirement to seek planning approval under certain circumstances.

### **POLICY SCOPE:**

This policy is to provide a basis for the construction of new outbuildings in the Rural Residential, Rural Small Holdings and Rural zones as identified by the Scheme. This policy does not impact on any outbuildings associated with an approved or permitted Agricultural use on a property in the Rural or Rural Small Holding Zones.

### **POLICY STATEMENT:**

#### **PRINCIPLES**

- (a) To facilitate the construction of outbuildings that meet the needs of local residents.
- (b) Recognise the unique characteristics of outbuildings constructed in Rural Zones within the Shire.
- (c) Provide appropriate development standards for outbuildings that reflect the Shire's climate, lifestyle and built form and do not detrimentally affect the amenity of the property or adjoining properties.
- (d) To provide exemptions from the requirement to seek development approval, where the outbuilding is constructed in accordance with this policy.

#### **BACKGROUND**

This Policy recognises the need for larger outbuildings in the rural zones for the garaging of vehicles, storage of boats, caravans and other items, domestic workshops, games rooms, studios, stables, etc. As a general rule people expect to be able to have larger outbuildings on larger lots.

Currently under the Shire of York's Local Planning Scheme No. 3, development approval is required for the construction of outbuildings when the site is located in a heritage precinct, is on the heritage list, located within the Avon River Flood Fringe and when the proposed outbuilding does not meet the requirements of the Scheme's acceptable development criteria.

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## PROVISIONS

### KEY TERMS/DEFINITIONS:

The definitions that are used in this policy are the same as in the Shire of York Local Planning Scheme No. 3 (the Scheme).

For the purposes of this Policy:

- **Detached Garages** are considered outbuildings.
- **Attached Garages** that are incorporated into the house design and under the same roof line are not considered outbuildings.
- **Carports** are not considered outbuildings if they are attached or within 5m of a Residential Dwelling.
- **Lean-to** means an ancillary structure to an outbuilding that is attached to an existing or proposed outbuilding and has at least three open sides, generally designed to accommodate one or more motor vehicles

### EXEMPTIONS:

This Policy does not apply to:

- Carports.
- Garages attached to a house and incorporated under the same roof line.
- Unenclosed structures considered under the R-Codes requirements.
- Garden sheds with a floor area of less than 10m<sup>2</sup> and height of 2.4m and not located in the front setback area.
- Commercial or industrial sheds and outbuildings.
- Sheds and Outbuildings associated with an approved or permitted Agricultural use on a property in the Rural or Rural Small Holding Zones.
- Habitable buildings.
- Sea Containers and other similar storage structures considered under Local Planning Policy No. 9– ‘Sea Containers’.

### APPROVAL REQUIREMENTS

Development approval is not required for an outbuilding if:

- (a) The outbuilding is located on the same lot as a single house or grouped dwelling or is associated with a previously approved use; and
  - (b) The works comply with the deemed-to-comply provisions of this Policy; and
  - (c) The works are not located on a heritage-protected place or in a Heritage Area as defined in The Shire of York’s Local Planning Policy No.6 – Heritage Conservation and Development; and
  - (d) The works are not located on a property mapped as being impacted by the Avon River Flood Fringe or Floodway.
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A development application for a variation to the deemed-to-comply provisions of this Policy may be granted with appropriate conditions if the development:

- (a) meets the stated design principle for outbuilding development;
- (b) meets the primary objectives of this Policy;
- (c) will not set an undesirable precedent for future development; and
- (d) is not likely to have a detrimental impact on the amenity of the locality and adjoining properties.

Alternatively, the development application may be refused.

### OUTBUILDING DESIGN PRINCIPLES

1. Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties; and
2. Outbuildings that have regard to the relevant objectives of the scheme zone which they are located in (listed in Table 1 below):

Table 1: from the Scheme *Zone Objectives*

Zone Name	Objectives
<b>Rural Residential</b>	<ul style="list-style-type: none"> <li>• To provide opportunities for a range of limited rural and related ancillary pursuits on rural-residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land.</li> <li>• To set aside areas for the retention of vegetation and landform or other features which distinguish the land.</li> <li>• To encourage the growth of tourism businesses and experiences in York which are compatible with the rural character of the locality.</li> <li>• To retain and enhance the rural landscape and amenity.</li> </ul>
<b>Rural Smallholdings</b>	<ul style="list-style-type: none"> <li>• To provide for a limited range of rural land uses where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land.</li> <li>• To set aside areas for the retention of vegetation and landform or other features which distinguish the land.</li> <li>• To encourage the growth of tourism businesses and experiences in York which are compatible with the rural character of the locality.</li> <li>• To retain and enhance the rural landscape and amenity.</li> </ul>
<b>Rural</b>	<ul style="list-style-type: none"> <li>• To provide for the maintenance or enhancement of specific local rural character.</li> <li>• To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use.</li> <li>• To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage.</li> <li>• To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone.</li> <li>• To provide for a range of non-rural land uses where they have demonstrated social and economic benefit to the community of York and are compatible with surrounding rural uses.</li> <li>• To encourage the growth of tourism businesses and experiences in York, where they demonstrate compatibility with the primary agricultural use of the land.</li> </ul>

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## DEEMED TO COMPLY REQUIREMENTS

Outbuildings in Rural Zones are 'Deemed-to-comply' if they comply with the following:

1. **Not** to be **attached** to a dwelling.
2. **Not** to be **habitable** (i.e. not used for residential purposes).
3. **Not** to be used for **commercial** purposes unless approved otherwise by the local government.
4. Outbuildings with **maximum aggregate outbuilding area** as follows:

Table 2: Rural Residential Zoned Land

Lot Size	Maximum Aggregate Outbuilding Area
Lot less than 0.5ha	200m <sup>2</sup>
Lot between 0.5ha and 2ha	250m <sup>2</sup>
Lot between 2ha and 5ha	300m <sup>2</sup>
Lot greater than 5ha	500m <sup>2</sup>

Table 3: Rural Small Holdings and Rural Zoned land

Lot Size	Maximum Aggregate Outbuilding Area
Lot less than 5ha	Assessed in accordance with Table 2
Lot between 5ha and 40ha	750m <sup>2</sup>
Lot greater than 40ha	1000m <sup>2</sup>

5. A **lean-to** may be constructed in addition to the maximum aggregate outbuilding area if it is:
  - (a) **30% or less of the roof cover** of the existing or proposed outbuilding;
  - (b) **Enclosed** only on **one side**; and
  - (c) Constructed of **materials that match** or complement the proposed / existing **adjoining outbuilding**.

A 'lean-to' which does not meet the above criteria is considered a part of the outbuilding and is included in the calculation for maximum aggregate outbuilding area.

6. A detached carport or garage up to 40m<sup>2</sup> in addition to the maximum aggregate outbuilding area provided there is no garage incorporated under the main roof of the dwelling.
  7. **Not to exceed** a wall height (measured from NGL) of 6 metres where located in a Rural Residential or Rural Small Holdings Zone.
  8. **Not to exceed** a roof ridge height (measured from NGL) of 9 metres where located in a Rural Residential or Rural Small Holdings Zone.
  9. **Not** located **within** the street setback area(s).
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10. Setback:

- (a) Less than 1.0m from a side or rear boundary or on the boundary where; or
- i. the wall height does not exceed 2.7m;
  - ii. roof ridge height does not exceed 4.2m;
  - iii. wall length does not exceed 14.0m; and
  - iv. stormwater is contained on the property.
- (b) In accordance with table 4 or table 5:

Table 4: for properties in the Rural Residential zone

Shed Wall Height	Shed Ridge Height	Required Setback
Less than or equal to 3.6m	Less than or equal to 4.2m	10m
Less than or equal to 4.2m	Less than or equal to 5.1m	11m
Less than or equal to 4.5m	Less than or equal to 5.3m	12m
Less than or equal to 4.8m	Less than or equal to 5.6m	13m

Table 5: for properties with an R-Code of 10 or lower

Shed Wall Height	Shed Ridge Height	Required Setback
Less than or equal to 4.8m	Less than or equal to 5.6m	15m
Greater than 4.8m	Greater than 5.6m	20m

11. Constructed of new cladding material unless otherwise approved. Re-used materials must be finished to present an “as new” appearance.
12. Wholly within any building envelope on the property.
13. Located within 50 metres of the dwelling on the property.
14. Does not require the removal of existing protected or native Flora.

**PENALTIES:**

Not applicable.

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Responsible Officer: Chief Executive Officer  
Contact Officer: Chief Executive Officer  
Related Shire Documents: Shire of York Local Planning Scheme No.3  
Shire of York Local Planning Strategy 2020  
Relevant Legislation: Planning and Development Act 2005  
Planning and Development (Local Planning Schemes) Regulations  
2015

Review History:

<b>Date Review Adopted:</b>	<b>Resolution Number</b>
<b>Former Policy No:</b>	P7