

1. PURPOSE

The purpose of this policy is to communicate the Shire of Kellerberrin's commitment to a zero tolerance approach to misconduct, fraud and corruption.

This policy also establishes the Shire's commitment to maintaining high standards of professional and ethical conduct by supporting strategies that prevent, detect and respond to misconduct, fraud and corruption.

2. SCOPE

This policy is applied to the Shire of Kellerberrin and its elected members and employees.

Outbuildings are often a necessary requirement for landowners within the Shire, as they support a variety of rural land uses. As lifestyle patterns and domestic storage needs have evolved there is a trend toward the construction of larger outbuildings within the Shire.

This policy seeks to apply a regional variation to the deemed-to-comply provisions for outbuildings within *State Planning Policy 3.1 - Residential Design Codes (R-Codes)* by allowing for greater floor area, ridge and wall heights within the specified zones. Outbuildings need to be sensitively located and designed so as not to impact on the amenity of nearby residents, the streetscape, and the character and environmental attributes of the area. Therefore, this policy seeks to ensure that outbuildings are constructed to a high standard, and are suitably sized and located relevant to their context so as to not adversely impact on the surrounding area.

3. DEFINITIONS

"Council" means the elected members of the Shire.

"Deemed provisions" means the provision designated as a deemed provision under Section 256(5)(b) of the *Planning and Development Act 2005*. Deemed provisions, as amended from time to time, have affect and may be enforced as part of each local planning scheme to which they apply, whether they are prescribed before or after the scheme comes into force.

"Development site" means a parent lot in which development is proposed.

"Outbuilding" means an enclosed non-habitable structure that is detached from any dwelling.

"Residential Design Codes" as referenced under *State Planning Policy 3.1 - Residential Design Codes*.

"Ridge Height" means the maximum vertical distance between the natural ground level and the finished roof height directly above.

"Scheme" means the Shire of Kellerberrin *Local Planning Scheme No.4*.

"Substantially commenced" means that some substantial part of work in respect in respect of a development approved under a planning scheme or under an interim development order has been performed.

"Wall height" means the vertical distance from the natural ground level at the boundary immediately adjacent to the wall to the roof or parapet at any point.

4. STRATEGIC CONTEXT

This policy links to key goal areas:

1. Relationships that bring us tangible benefits (to the Shire and our community)
2. Our lifestyle and strong sense of community
3. We are prepared for opportunities and we are innovative to ensure our relevancy and destiny

5. POLICY STATEMENT

The Shire of Kellerberrin, as enabled under the *Planning and Development (Local Planning Schemes) Regulations 2015*, Division 2, Schedule 2 of the deemed provisions, hereby makes this Local Planning Policy (LPP) regarding Outbuildings. Clause 3(1) of the deemed provisions allows for a local government to prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area.

Any LPP prepared under this part shall be consistent with the Scheme and if any inconsistency arises the Scheme shall prevail.

A LPP is not part of the Scheme and shall not bind the Local Government in any respect of any application for development approval, but the local government shall have due regard to the provisions of any policy, and the objectives which the policy is designed to achieve before making its decision.

This LPP applies to the Residential, Rural Residential and Rural Townsite zones within the Scheme area.

BACKGROUND

Outbuildings are often a necessary requirement for landowners within the Shire, as they support a variety of rural land uses. As lifestyle patterns and domestic storage needs have evolved there is a trend toward the construction of larger outbuildings within the Shire.

This policy seeks to apply a regional variation to the deemed-to-comply provisions for outbuildings within *State Planning Policy 3.1 -Residential Design Codes (R-Codes)* by allowing for greater floor area, ridge and wall heights within the specified zones. Outbuildings need to be sensitively located and designed so as not to impact on the amenity of nearby residents, the streetscape, and the character and environmental attributes of the area. Therefore, this policy seeks to ensure that outbuildings are constructed to a high standard, and are suitably sized and located relevant to their context so as to not adversely impact on the surrounding area.

OBJECTIVES

The objectives of this policy are:

- To vary the deemed-to-comply provisions of the R-Codes for Design Principles 5.4.3 - Outbuildings;
- To provide flexibility for outbuilding size, construction and materials to meet the needs of local residents;
- To ensure that outbuildings are constructed to a suitable standard and located in such a way as to minimise their impact on the amenity of the locality or adjoining properties, including the protection of natural vegetation, water quality and bushfire risk;
- To ensure outbuildings constructed within the Shire are consistent with relevant zone objectives outlined in the scheme; and
- To provide further clarity on the definition of an outbuilding.

Application

This policy applies to the assessment of outbuildings on land in the Scheme area within the following zones:

- Residential
- Rural Residential; and
- Rural Townsite;

A person must not commence the construction of an outbuilding on land within the above zones in the Scheme area unless

- (i) the person has obtained development approval of the Council; or
- (ii) the development is of a type that is referred to in Section 6.1.2 of this policy.

The following provisions are intended to guide and regulate the design and positioning of outbuildings to ensure a balance between legitimate forms of storage requirements

of landowners and potential amenity and landscape impacts. For the purposes of this policy, sea containers, animal feed bins, dongas and water tanks do not constitute an outbuilding.

This policy does not apply to the Town Centre zone; outbuildings in this zone are regulated by the R-Codes as permitted under Clause 4.2 of the Scheme. Outbuildings in the Industrial zone will be considered on a case-by-case basis and require Council approval.

Exemptions from Development Approval

Under Clause 61(1)(i) of Schedule 2 of the deemed provisions, the following exemptions from development approval apply:

- (i) Development approval of the Shire is not required for the development of an outbuilding with an area of 10m² or less.
- (ii) Development approval of the Shire is not required for the development of an outbuilding with an area of greater than 10m², provided that it complies with the maximum development requirements outlined within Section 7 of this policy, in the Residential, Rural Residential and Rural Townsite zones.
- (iii) Development approval of the Shire is not required for the development of an outbuilding in the general agriculture zone, providing the development adheres to the provisions of the Scheme.

Development approval is required if located in 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*;
- (iii) included on a heritage list prepared in accordance with the Scheme;
- (iv) within an area designated under the Scheme as a heritage area;
- (v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990, Section 29*; and/or
- (vi) on a lot abutting an unconstructed road, or a lot which does not have frontage to a constructed road.

Maximum Development Requirements

Maximum standards for outbuildings in R-Coded areas

(Includes: Residential, Rural Residential and Rural Townsite zones as seen on Scheme Map)

The following variations to the deemed-to-comply requirements of Part 5.4.3, C3 iii, iv and v of the R-Codes, shall apply in these R-Coded areas:

DENSITY CODE	ZONING	GROSS TOTAL SITE AREA	WALL HEIGHT (m)	RIDGE HEIGHT (m)
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R2	RESIDENTIAL / RURAL RESIDENTIAL	200m ² or 10% of the site area (whichever is less)		4	5.5
R2.5 - 5	RESIDENTIAL	Lots less than 2000m ²	150m ² or 10% of the site area (whichever is less)	3.5	4.5
		Lots greater than 2000m ²	180m ² or 10% of the site area (whichever is less)		
R10 - 40	RESIDENTIAL / RURAL TOWNSITE	Lots less than 1000m ²	80m ² or 10% of the site area (whichever is less)		
		Lots greater than 1000m ²	100m ² or 10% of the site area (whichever is less)		

Maximum standards do not override the deemed-to-comply requirements of Table 1 of the R-Codes or any specific Scheme requirements.

Outbuildings shall be located in cleared areas, behind the main residential building line in accordance with Schedule 1 of this policy.

The gross total area is cumulative.

Appearance and other standards

Factory applied steel wall and roof cladded outbuildings shall be constructed of non reflective material that is sympathetic to the surroundings and finish of the existing dwelling on the development site.

The use of second-hand materials will only be permitted where the materials are in good condition and are sympathetic to the surroundings and finish of the existing dwelling on the development site. The Shire may require a structural engineer report for use of second-hand materials.

Outbuildings that do not comply with the maximum development requirements will not be supported unless detailed justification can be provided for proposed variations.

Use of Outbuildings

Outbuildings shall only be used for incidental uses associated with a residential use and/or rural purpose.

The Shire may grant approval for the use of an outbuilding to accommodate a caravan for the purposes of temporary accommodation for a period not exceeding twelve (12) months, where a building permit has been approved and work has substantially commenced on the development site.

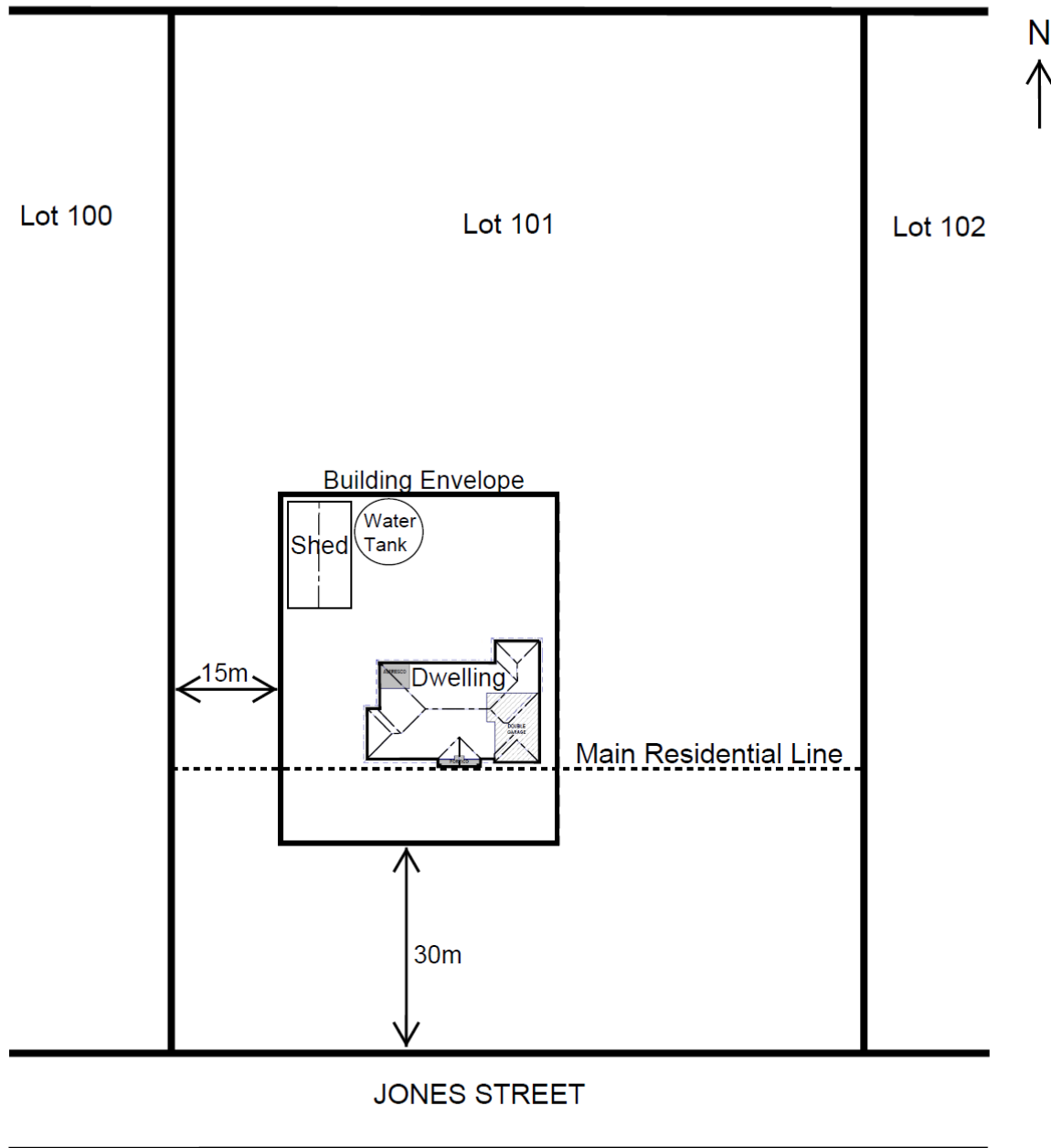
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Advertising

Variations to the acceptable standards will be referred to affected surrounding landowners for comment, in accordance with Clause 64 of Schedule 2 of the deemed provisions. Where a submission is received objecting to a proposal the application may be referred to Council for consideration.

Schedule 1: Main Residential Line

----- Main Residential Line



6. RELATED LEGISLATION/ DOCUMENTATION

7. REVIEW DETAILS

Council Adoption	Date	June 2020	Resolution #	MIN 089/20
Previous Adoption	Date	April 2018	Resolution #	