



# **TOWN PLANNING SCHEME POLICY NO. 13.4: OUTBUILDINGS**

**Adopted on the 15 April 2014 in accordance with  
Clause 8.2 of Town Planning Scheme No. 3.**

## 1. INTRODUCTION

Outbuildings (also commonly referred to as a garage, shed or workshop) are required for various legitimate needs of residents however without appropriate development controls in place can impact on neighbours, a street, a neighbourhood, locality or the Shire as a whole.

## 2. POLICY BASIS

Clause 8.2 of the Shire of Denmark's Town Planning Scheme No. 3 ('the Scheme') provides for the preparation and subsequent adoption of Town Planning Scheme Policies. Town Planning Scheme Policy No. 13.4: Outbuildings ('Policy No. 13.4') has been prepared in accordance with the Scheme.

As per Clause 8.2.4 of the Scheme, Policy 13.4 does not bind the Shire of Denmark in respect of any application for planning approval but the Shire of Denmark will have due regard to the provisions of Policy 13.4 and the objectives which the policy was designed to achieve before making its determination.

## 3. OBJECTIVES

To achieve a balance between providing for the various legitimate needs of residents for outbuildings and minimising any adverse impacts that such outbuildings may have on neighbours, a street, a neighbourhood, locality or the Shire as a whole.

## 4. DEFINITIONS

*Outbuilding: an enclosed non-habitable structure that is detached from any dwelling.*

*Primary Street Setback Area: the area between the primary street (being the sole or principal public road that provides access to the major entry (front door) to the dwelling) alignment and the street setback line as per the provisions of the relevant Town Planning Scheme or Residential Design Codes.*

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## 5. POLICY STATEMENT CRITERIA

### 5.1 Outbuildings in Residential Zones

<b>Permitted Uses of Buildings</b>	<ul style="list-style-type: none"> <li>• Must be for legitimate garaging, storage and other domestic needs of people living in residential areas.</li> <li>• Use of outbuildings for commercial/business use is not permitted except where planning approval has been obtained for a home business/home occupation.</li> <li>• Use of outbuildings for human habitation is not permitted unless in accordance with Council's <i>Guidelines for Temporary Accommodation Policy P130301</i>.</li> </ul>
<b>Setbacks</b>	<p>As per the Scheme and/or Residential Design Codes.  <i>NB: If the property is unsewered, the outbuilding will be required to have the following minimum setbacks to the effluent disposal system:</i></p> <ul style="list-style-type: none"> <li>• 1.2 metres to the tank(s); and</li> <li>• 1.8 metres to the leach drain(s).</li> </ul>
<b>Size</b>	<ul style="list-style-type: none"> <li>• Maximum cumulative area of outbuilding(s) per lot: <ul style="list-style-type: none"> <li>○ 80m<sup>2</sup> area where the lot is 1000m<sup>2</sup> or less</li> <li>○ 100m<sup>2</sup> where the lot is greater than 1000m<sup>2</sup></li> </ul> </li> <li>• Maximum wall height – 3.0 metres.</li> <li>• Maximum ridge height – 4.2 metres.</li> </ul>
<b>As-of-Right Outbuildings (i.e. planning consent not required).</b>	<p>Outbuildings that have floor areas not exceeding 10m<sup>2</sup> and no more than 2.4 metres in height overall (i.e. to top of roof) do not require Planning Consent (or a Building Permit as per the <i>Building Regulations 2012</i>) from the Shire of Denmark subject to the outbuilding complying with the relevant setbacks for the property as per the Scheme and/or Residential Design Codes.</p>

Applications for outbuildings that do not comply with the above criteria will be assessed on a case-by-case basis and may be granted Planning Approval subject to the following matters being taken into consideration as part of the assessment process:

- Demonstration that the larger size is required to satisfy specific domestic needs;
- The impact of the outbuilding's size on the amount of private open space associated with the dwelling;
- The outbuilding not being located within the primary street setback area; and
- Comments received from the affected adjoining landowner's (if applicable).

Outbuildings are not permitted to be constructed upon vacant Residential zoned lots unless Planning Approval and a Building Permit has been obtained for a Single House (NB: A Building Permit for a Single House and Outbuilding can be obtained concurrently).

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## 5.2 Outbuildings in Special Residential and Landscape Protection Zones

<b>Permitted Uses of Buildings</b>	<ul style="list-style-type: none"> <li>• Must be for legitimate garaging, storage and other domestic needs of people living in special residential and landscape protection areas.</li> <li>• Use of outbuildings for commercial/business use is not permitted except where planning approval has been obtained for a home business/occupation (NB: in some Special Residential and Landscape Protection zoned areas, home businesses and/or home occupations are not permitted as per Table 1 – Zoning Table of the Scheme).</li> <li>• Use of outbuildings for human habitation is not permitted unless in accordance with Council's <i>Guidelines for Temporary Accommodation Policy P130301</i>.</li> </ul>
<b>Setbacks</b>	<p>As per Town Planning Scheme No. 3 provisions relevant to the particular Special Residential or Landscape Protection area.</p> <p><i>NB: If the property is unsewered, the outbuilding will be required to have the following minimum setbacks to the effluent disposal system:</i></p> <ul style="list-style-type: none"> <li>• 1.2 metres to the tank(s); and</li> <li>• 1.8 metres to the leach drain(s).</li> </ul>
<b>Size</b>	<ul style="list-style-type: none"> <li>• Maximum cumulative area of outbuilding(s) per lot - 100m<sup>2</sup></li> <li>• Maximum wall height – 3.5 metres.</li> <li>• Maximum ridge height – 4.2 metres.</li> </ul>
<b>As-of-Right Outbuildings (i.e. planning consent not required).</b>	<p>Outbuildings that have floor areas not exceeding 10m<sup>2</sup> and no more than 2.4 metres in height overall (i.e. to top of roof) do not require Planning Consent (or a Building Permit as per the <i>Building Regulations 2012</i>) from the Shire of Denmark subject to the outbuilding complying with the relevant setbacks for the property as per the Scheme.</p>

Applications for outbuildings that do not comply with the above criteria will be assessed on a case-by-case basis and may be granted Planning Approval subject to the following matters being taken into consideration as part of the assessment process:

- Demonstration that the larger size is required to satisfy appropriate needs; and
- Comments from the affected adjoining landowner's (if applicable).

Outbuildings are not permitted to be constructed upon vacant Special Residential and Landscape Protection zoned lots unless Planning Approval and a Building Permit has been obtained for a Single House (NB: Building Permit for Single House and Outbuilding can be obtained concurrently).

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### 5.3 Outbuildings in Special Rural and Rural Multiple Occupancy Zones

<b>Permitted Uses of Buildings</b>	<ul style="list-style-type: none"> <li>• Must be for legitimate garaging, storage and other domestic needs of people living in special rural and rural multiple occupancy areas.</li> <li>• Use of outbuildings for commercial/business use is not permitted except where planning approval has been granted for a home business/occupation.</li> <li>• Use of outbuildings for human habitation is not permitted unless in accordance with Council's <i>Guidelines for Temporary Accommodation Policy P130301</i> (NB: policy provisions only apply to Special Rural zoned properties).</li> </ul>
<b>Setbacks</b>	<p>As per Town Planning Scheme No. 3 and/or <i>Town Planning Scheme Policy No. 5: Minimum Setback</i> provisions relevant to the particular Special Rural or Rural Multiple Occupancy area.</p> <p><i>NB: If the property is unsewered, the outbuilding will be required to have the following minimum setbacks to the effluent disposal system:</i></p> <ul style="list-style-type: none"> <li>• 1.2 metres to the tank(s); and</li> <li>• 1.8 metres to the leach drain(s).</li> </ul>
<b>Size</b>	<ul style="list-style-type: none"> <li>• Maximum cumulative area of outbuilding(s) per lot - 150m<sup>2</sup></li> <li>• Maximum wall height – 3.5 metres.</li> <li>• Maximum ridge height – 4.2 metres.</li> </ul>
<b>As-of-Right Outbuildings (i.e. planning consent not required).</b>	<p>Outbuildings that have floor areas not exceeding 10m<sup>2</sup> and no more than 2.4 metres in height overall (i.e. to top of roof) do not require Planning Consent (or a Building Permit as per the <i>Building Regulations 2012</i>) from the Shire of Denmark subject to the outbuilding complying with the relevant setbacks for the property as per the Scheme.</p>

Applications for outbuildings that do not comply with the above criteria will be assessed on a case-by-case basis and may be granted Planning Approval subject to the following matters being taken into consideration as part of the assessment process:

- Demonstration that the larger size is required to satisfy appropriate needs; and
- Comments from the affected adjoining landowner's (if applicable).

Outbuildings are not permitted to be constructed upon vacant Special Rural or Rural Multiple Occupancy zoned lots unless Planning Approval and a Building Permit has been obtained for a Single House (NB: Building Permit for Single House and Outbuilding can be obtained concurrently).

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## 5.4 Outbuildings in Rural Zone

<b>Permitted Uses of Buildings</b>	<ul style="list-style-type: none"> <li>Use of outbuildings for commercial/business use is not permitted except where planning approval has been granted accordingly (NB: use for rural pursuits/farm operations are not deemed as commercial/business uses for the purposes of this policy).</li> <li>Use of outbuildings for human habitation is not permitted unless in accordance with Council's <i>Guidelines for Temporary Accommodation Policy P130301</i>.</li> </ul>
<b>Setbacks</b>	<p>As per the Scheme and/or <i>Town Planning Scheme Policy No. 5: Minimum Setback</i> provisions.</p> <p><i>NB: If the property is unsewered, the outbuilding will be required to have the following minimum setbacks to the effluent disposal system:</i></p> <ul style="list-style-type: none"> <li>1.2 metres to the tank(s); and</li> <li>1.8 metres to the leach drain(s).</li> </ul>
<b>Size</b>	No restrictions on size, wall heights and/or ridge heights.
<b>As-of-Right Outbuildings (i.e. planning consent not required).</b>	<ul style="list-style-type: none"> <li>Outbuildings that have floor areas not exceeding 10m<sup>2</sup> and no more than 2.4 metres in height overall (i.e. to top of roof) do not require Planning Consent (or a Building Permit as per the <i>Building Regulations 2012</i>) from the Shire of Denmark subject to the outbuilding complying with the relevant setbacks for the property as per the Scheme.</li> </ul>

## 6. APPLICATION REQUIREMENTS

The following information is required to be submitted to enable an assessment of the Outbuilding proposal by Planning Services:

- Completed 'Application for Planning Consent' form.
- Payment of the applicable Planning Application fee as per Council's operative Fees & Charges Schedule.
- Two copies of the following:
  - Site plan (to scale) showing:
    - proposed location of the outbuilding on the land in relation to the lot boundaries, any existing or proposed development on-site (including car parking areas, landscaping areas, effluent disposal areas etc);
    - location of crossover(s) on-site and the vehicular access arrangements to the outbuilding (if applicable).
  - Floor plan(s) (to scale) of the proposed outbuilding.
  - Elevations (to scale) of the proposed outbuilding.
- Accompanying letter detailing the need for the outbuilding, particularly if proposing to exceed the sizes provided in Section 5 of this policy.

## 7. ADDITIONAL APPROVALS REQUIRED

The issuance of planning approval is not permission to commence building. An application for a Building Permit is required to be submitted and approved by Building Services prior to construction works commencing on-site as per the *Building Regulations 2012*.

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## **SHIRE OF DENMARK**

### **TOWN PLANNING SCHEME No. 3**

#### **POLICY No. 40**

### **RAINWATER TANKS AND GREYWATER RE-USE SYSTEMS**

**ADOPTED AT THE ORDINARY COUNCIL MEETING ON 22 JUNE 2010**

**18 July 2023 - Attachment 9.1.2b**

## **1. INTRODUCTION**

The Shire of Denmark has prepared this policy to encourage landowners, developers and builders to incorporate residential rainwater tanks and greywater re-use systems. This will achieve a number of environmental benefits including:

- Reduce risk of future water restrictions,
- Increased local awareness of water scarcity and sustainable usage,
- Promote responsible use of water supplies and reduce demand on the Water Corporation supply network,
- Encourage waterwise developments through recycling of greywater and other initiatives, and
- Promote an increased level of sustainability within the Shire.

Whilst the introduction of this policy may result in additional costs for housing developments in the short-term, the economic benefits over the long-term are considerable. Encouraging residents to become more sustainable in their use of water and energy will also deliver benefits to the community as a whole over time.

The policy delivers on the Council's commitment to the community to promote environmentally sensitive development and create a sustainable community.

## **2. POLICY BASIS**

Clause 8.2 of the Shire of Denmark's Town Planning Scheme No. 3 ('the Scheme') provides for the preparation of Local Planning Policies. This Policy has been prepared in accordance with the Scheme.

This Policy does not bind the local government in respect of any application for development approval but the local government will have due regard to the provision of the Policy and the objectives which the Policy is designed to achieve before making its determination.

## **3. OBJECTIVES**

The objectives of the Policy are to:

- Improve the environmental sustainability of housing and other developments within the Shire by lowering consumers' individual 'carbon footprints'.
- Encourage installation of rainwater tanks and greywater re-use systems for residential developments.
- Ensure that streetscape and local amenity values of the local area are not adversely affected through unacceptable visual impacts from the placement of rainwater tanks.
- Introduce standards for the siting and development of rainwater tanks and greywater re-use systems.

## 4. APPLICATION OF THE POLICY

This policy applies to all land within the Residential, Special Residential, Special Rural, Rural Multiple Occupancy, Landscape Protection and Rural zones in the scheme area. In addition, certain areas of the Shire including heritage places and some residential areas are covered by other planning scheme provisions or policies and proposals will also need to comply with these requirements.

## 5. DEFINITIONS

For the purpose of this Policy, the following definitions apply:

**‘greywater re-use system’** shall mean any equipment designed and used to treat and re-use greywater from a residential dwelling.

**‘total height’** shall mean the vertical height from natural ground level to the highest point of the system such as the highest point of photovoltaic frame/cell.

## 6. POLICY STATEMENT

### 6.1 Acceptable Development

Proposals that meet all of the acceptable development criteria as set out Table 1 will not require planning consent to be issued, as they are deemed acceptable.

Though not all renewable energy systems require formal approval, the Council expects that the proponents will strive to achieve the objectives of this policy.

### 6.2 Planning Consent Requirements

Proposals that do not meet all the acceptable development provisions as set out in Table 1 will require planning consent approval before the system is installed. Applicants will be required to submit details to show how the proposal can achieve the objectives of the policy.

Applicant shall provide the following information for assessment.

1 Completed Planning Consent Application Form and payment of application fee.

2 Four (4) copies of plans to scale and written information providing the following details:

#### Site Details

- Site plan showing all boundaries, proposed position and setbacks of rainwater tank or renewable energy system, lot number, dimensions, contours, north point and street names.

- Details of all buildings on any adjoining properties.

#### Proposal Details

- Details of rainwater tank design including purpose for the system, capacities/volumes, estimates of water use/savings, information on visual impacts from adjoining properties and public roads, streetscape etc.
- If proposing to connect the system to Water Corporation sewer or water supply networks, a copy of the agreement between the proponent and the Agency that the system complies with their requirements.

Applications will be referred (for a period of 21-days) to adjoining landowners for comment and consideration in the assessment of the application.

All applications will be subject to conditions as determined by Council

### **6.3 Maintenance and Upkeep of Rainwater Tanks**

The use of rainwater tanks for water supplies requires careful management and regular maintenance and upkeep (including cleaning gutters, de-sludging tanks, first flush bypass systems and mosquito control) to ensure that water quality is not affected by environmental and/or health contaminants. The Department of Health has prepared several factsheets on rainwater use including information about collection, storage and disinfection (see 'Water' link at <http://www.public.health.wa.gov.au/>). Proponents are encouraged to use these resources if considering the installation of rainwater tanks for potable water supplies.

Shire of Denmark  
Town Planning Scheme No.3 Policy No. 40 - Rainwater Tanks and Greywater re-use Systems

<b>ACCEPTABLE DEVELOPMENT CRITERIA</b>				
<b>TYPE</b>	<b>SIZE, SITING &amp; AMENITY</b>	<b>TOTAL HEIGHT</b>	<b>NOISE</b>	<b>SETBACKS</b>
<p><b>RAINWATER TANK</b></p> <p>The use of rainwater tanks for water supplies requires careful management and regular maintenance and upkeep (including cleaning gutters, de-sludging tanks, first flush bypass systems and mosquito control) to ensure that water quality is not affected by environmental and/or health contaminants.</p>	<ul style="list-style-type: none"> <li>• Is used in accordance with the Department of Health's standard on water tanks. This includes but is not limited to a 'First Flush Water Diverter' (for detailed information see 'Water' link at <a href="http://www.public.health.wa.gov.au/">http://www.public.health.wa.gov.au/</a>).</li> <li>• In Residential, Special Residential, Rural Multiple Occupancy, Landscape Protection and Special Rural Zones, has a capacity of less than 45,000L and in the Rural zone has a capacity of less than 200,000L.</li> <li>• Is not located between front of building and street.</li> <li>• The tank (and any pumping equipment or structure) shall be coloured, toned or painted to complement the colours of the existing dwelling and/or outbuilding.</li> <li>• Any runoff from the tank must not overflow onto adjoining properties.</li> </ul>	n/a	n/a	<p><u>Residential Zone:</u> In accordance with R-Codes.</p> <p><u>Special Residential, Special Rural, Landscape Protection and Rural Multiple Occupancy Zones:</u> Is within approved building envelope or setbacks.</p> <p><u>Rural Zone:</u> Is in accordance with setbacks prescribed by Town Planning Scheme No.3.</p>
<p><b>GREYWATER RE-USE SYSTEM</b></p>	<ul style="list-style-type: none"> <li>• Is an approved system endorsed by the Department of Health for domestic greywater re-use purposes.</li> <li>• Is installed and maintained in accordance with the manufacturers recommendations by a licensed plumber and is subject to an annual inspection.</li> <li>• Is used for non-potable (not drinking) purposes.</li> </ul>	n/a	n/a	n/a

Note: Rainwater tanks in Tourist, Commercial, Industrial and Professional Office are to comply with Town Planning Scheme No.3 development standards in accordance with Clause 5 of this Policy.



# **LOCAL PLANNING SCHEME POLICY NO. 13: OUTBUILDINGS & WATER TANKS**

**Adopted on the XX<sup>th</sup> Month 20XX in accordance with  
Schedule 2, Part 2 of the *Planning & Development (Local Planning  
Schemes) Regulations 2015***

## 1. INTRODUCTION

This Local Planning Policy has been prepared under the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) and the *Shire of Denmark Local Planning Scheme No. 3* (the Scheme).

The purpose of this Policy is to detail development standards and assessment criteria for outbuildings within a residential and rural context.

This policy does not address the development of outbuildings within the Tourist, Commercial, Industrial or General Industry zones.

## 2. OBJECTIVES

This Policy aims to:

- Identify standards for the development and use of outbuildings and water tanks that balance the needs of landowners with the protection of visual amenity, environment and streetscape character.
- Enable the development of outbuildings and water tanks that are consistent with adopted development standards.
- Provide clear direction for the assessment of proposed variations from adopted development standards.

## 3. DEFINITIONS

Terms used in this Policy are consistent with the Scheme, the Residential Design Codes (R-Codes) and the Regulations, including:

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

*(Note: A garage that is attached (shares a common wall and under same roof line) with a residential dwelling is not considered an Outbuilding.)*

**Water Tank** – An enclosed structure designed and engineered to retain water.

**Enclosed** – An area bound on three or more sides by a permanent wall and covered [roofed] in a water impermeable material.

Other buildings or structures that are not enclosed (including carports, pergolas, shade houses and patios) are not directed by this Policy unless attached to an outbuilding.

## 4. DEVELOPMENT APPROVAL REQUIREMENTS

### 4.1 Deemed to Comply Proposals

Outbuildings and water tanks that meet the development standards prescribed in this policy are considered 'deemed to comply' and do not require planning approval unless works are located in a heritage protected place.

### 4.2 Variations

Planning approval is required for any proposals that do not meet the development standards of this policy or for the relevant zone. The Shire will assess proposed variations as follows:

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#### 4.2.1 Residential, Special Residential, Professional Office, Special Rural, and Landscape Protection Zones

- (a) A proposal for a 'minor' variation from any of the deemed to comply standards, including a proposed variation of up to 15% for any prescribed standard, may be supported subject to assessment. Referral of the proposal to neighbouring landowners for comment will be at the discretion of the Shire.

*(Note: Proposals that include variations of up to 15% are not automatically approved. All variations will be assessed according to the criteria outlined at (c) below.)*

- (b) A proposal for a 'substantial' variation from any of the deemed to comply standards, including a proposed variation of over 15% from any prescribed standard, will require considerable justification on planning grounds by the proponent. Variations of this extent will only be supported in exceptional circumstances. Referral of the proposal to neighbouring landowners for comment will be undertaken in all cases.

- (c) All proposals for a variation from any of the deemed to comply standards will be assessed against the following criteria:

- Justification on planning grounds provided by the proponent.

*(Note: Justification on planning grounds may include, for example, demonstrated limitations of the site such as slope or the need to retain remnant vegetation. Planning grounds do not include personal need.)*

- Extent of variation proposed and ability to meet other applicable development standards.

*(Note: For example, a variation seeking increased height should endeavour to meet all other development standards, where possible.)*

- Impact of building bulk, scale and cumulative development on the subject site.
- Impact on the streetscape including minimising visibility, promoting passive surveillance and providing a high standard of design/ aesthetics.
- Reasonableness of the proposal given the size and slope of the site, including potential alternative locations for development.
- Potential impact on the visual amenity of adjoining landowners.
- Disturbance of any remnant vegetation and provision for additional screening vegetation.
- Retention of a sufficient amount of open space on site, including in accordance with the deemed to comply criteria of the R-Codes where applicable.

#### 4.2.2 Rural and Rural Multiple Occupancy Zones

- (a) Subject to assessment the Shire may support additional outbuildings and water tanks with no maximum cumulative area limit or heights where directly associated with an approved rural land use.

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## 5. POLICY PROVISIONS

All proposed outbuildings and water tanks will be assessed for consistency with the following requirements:

### 5.1 Development Standards – Outbuildings

#### 5.1.1 Residential, Special Residential & Professional Office Zones

- (a) Outbuildings individually or collectively do not exceed the following standards:
- (i) 60m<sup>2</sup> for lots <500m<sup>2</sup>
  - (ii) 80m<sup>2</sup> for lots 500m<sup>2</sup> to 1000m<sup>2</sup>
  - (iii) 100m<sup>2</sup> for lots 1000m<sup>2</sup> to 2000m<sup>2</sup>
  - (iv) 120m<sup>2</sup> for lots >2000m<sup>2</sup>
- (b) Maximum wall height of 3.2m above natural ground level (including site works).  
*(Note: A minor variation in wall height of up to 15% may be supported by the Shire subject to development approval, the outbuilding not containing any boundary walls, and the outbuilding being designed to be compatible with the colour and materials of the residential dwelling on the same site.)*
- (c) Maximum ridge height of 4.2m above natural ground level (including site works).
- (d) Outbuildings are not located within the primary or secondary street setback area.
- (e) Outbuildings do not require the clearing of remnant vegetation or are located within 30 metres of a natural waterway or wetland.
- (f) Within the Special Residential Zone, outbuildings are built with external materials that are non-reflective and recede visually within the surrounding landscape. This includes materials on walls and rooves that meet the following standards:
- (i) Minimum solar absorptance of 0.5
  - (ii) Maximum solar reflectance index of 50
- (Note: The lightest Colorbond™ colour permitted is 'Bluegum'.)*
- (g) Services/ facilities provided to the outbuilding are limited to a small water closet with handwashing basin only.
- (h) Within the Special Residential Zone a minimum of 80% open space is to be retained on the site.
- (i) Development standards and requirements of the zone and R-Codes (where applicable), including street and boundary setback standards.

#### 5.1.2 Special Rural and Landscape Protection Zones

- (a) Maximum cumulative area of outbuildings up to 150m<sup>2</sup>.
- (b) Maximum wall height of 3.5m above natural ground level (including site works).
- (c) Maximum ridge height of 4.5m above natural ground level (including site works).
- (d) Located within an existing building envelope (where applicable).

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- (e) Outbuildings do not require the clearing of remnant vegetation or are located within 30 metres of a natural waterway or wetland.
- (f) Outbuildings are built with external materials that are non-reflective and recede visually within the surrounding landscape. This includes materials on walls and rooves that meet the following standards:
  - Minimum solar absorptance of 0.5
  - Maximum solar reflectance index of 50

*(Note: The lightest Colorbond™ colour permitted is 'Bluegum'.)*
- (g) Services/ facilities provided to the outbuilding are limited to a small water closet with handwashing basin only.
- (h) Development standards and requirements of the zone, including street and boundary setback standards.

### 5.1.3 Rural and Rural Multiple Occupancy Zones

- (a) Maximum cumulative area of outbuildings on the property is 500m<sup>2</sup>.  
*(Note: Within the Rural Multiple Occupancy Zone this refers to the parent lot.)*
- (b) Maximum wall height of 5.0m above natural ground level (including site works).
- (c) Maximum ridge height of 6.0m above natural ground level (including site works).
- (d) Minimum 50m setback from all lot boundaries.
- (e) Outbuildings do not require the clearing of remnant vegetation or are located within 30 metres of a natural waterway or wetland.
- (f) Services/ facilities provided to the outbuilding are limited to a small water closet with handwashing basin only.
- (g) Development standards and requirements of the zone.

## 5.2 Development Standards – Water Tanks

### 5.2.1 Residential, Special Residential, Professional Office, Special Rural, and Landscape Protection Zones

- (a) Maximum cumulative size of up to 50,000 litres where connection to a reticulated water supply service is available, or up to 140,000 litres where connection to a reticulated water supply service is not available.  
*(Note: The minimum requirement for on-site water supply storage where a reticulated water supply service is not available is 92,000 litres)*
- (b) Maximum height of 3.5m above natural ground level (including site works).
- (c) Not located in front of a residential dwelling (between the dwelling and the primary street).
- (d) Within the Special Residential, Special Rural and Landscape Protection zones, tanks are coloured, toned or painted with external materials that are non-reflective and recede visually within the surrounding landscape. This includes materials on walls and rooves that meet the following standards:

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- Minimum solar absorptance of 0.5
- Maximum solar reflectance index of 50

*(Note: The lightest Colorbond™ colour permitted is 'Bluegum'.)*

- (e) Do not direct water overflow or runoff into an adjoining property.
- (f) Water tanks do not require the clearing of remnant vegetation or are located within 30 metres of a natural waterway or wetland.
- (g) Meet all relevant development standards, including street and boundary setback standards (or building envelopes where applicable), consistent with the R-Codes (where applicable) and the requirements of the zone.

### 5.2.2 Rural and Rural Multiple Occupancy Zones

- (a) Maximum cumulative size of water tanks on the property is 250,000 litres.  
*(Note: Within the Rural Multiple Occupancy Zone this refers to the parent lot.)*
- (b) Do not direct water overflow or runoff into an adjoining property.
- (c) Meet all relevant development standards, including street and boundary setback standards, and the requirements of the zone.

### 5.3 Vacant Sites

Outbuildings and water tanks may not be constructed on vacant lots in the Residential, Special Residential, Professional Office, Special Rural, Landscape Protection or Rural Multiple Occupancy zones unless Planning Approval and a Building Permit has been obtained for a residential dwelling.

*(Note: A Building Permit for a residential dwelling and outbuilding can be obtained concurrently.)*

### 5.4 Commercial Use

Use of outbuildings for commercial or business purposes is not permitted unless planning approval has been obtained for that use.

### 5.5 Habitation & Servicing

Outbuildings may not be used for human habitation except where approval has been granted under the Shire's *Guidelines for Temporary Accommodation Policy* (P130301).

Outbuildings must be designed to reflect their use as a non-habitable building. The Shire may not support designs that contain lined ceilings, extensive windows, glass sliding doors and other similar features.

The provision of a bathroom or other non-habitable room (as defined in the Building Code of Australia) that is normally associated with a residential dwelling will only be supported by the Shire in exceptional circumstances, where the applicant has demonstrated a need that the Shire considers appropriate relative to the intended land use.

*(Note: The Shire cannot support the development of habitable rooms (including a kitchen, study, etc.) within an outbuilding. The development of habitable rooms may only take place within a building of a*

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*different class under the Building Code of Australia and will therefore only be approved as part of a residential dwelling, ancillary dwelling or detached habitable room. Any additional services and facilities that are proposed in association with approved Temporary Accommodation must be removed in full after 12 months and confirmed upon inspection by the Shire.)*

## 5.6 Detached Habitable Rooms

The area of any detached habitable room(s) on the subject site will be subtracted from the allowable area of outbuildings.

*(Note: For example, on a lot of 500 – 1000m<sup>2</sup> in the Residential Zone where an outbuilding/s of up to 80m<sup>2</sup> may be permitted, this allowance may be reduced to 40m<sup>2</sup> if a Detached Habitable Room of 40m<sup>2</sup> is developed on the site. Refer to Local Planning Policy 49: Ancillary Dwellings & Detached Habitable Rooms for further details.)*

## 5.7 Unenclosed Additions

To reduce the size and bulk of outbuildings within the Residential, Special Residential, Professional Office, Special Rural and Landscape Protection zones, the addition of carports and other unenclosed structures to outbuildings must not result in a cumulative roofed area greater than the permitted outbuilding floor area (see Part 5.1) plus 30%.

*(Note: For example, a property within the Special Rural Zone can build an outbuilding of up to 150m<sup>2</sup> with attached verandas or carport up to an additional 30% (45m<sup>2</sup>), totalling a maximum cumulative roofed area of 195m<sup>2</sup>. Alternatively, this potentially also provides for an outbuilding of 110m<sup>2</sup> with attached unenclosed structures of up to 85m<sup>2</sup>. A structure is considered enclosed if it is bound on three or more sides by a permanent wall and covered [roofed] in a water impermeable material.)*

## 5.8 On-Site Effluent Systems

For properties with an on-site effluent disposal system, outbuildings and water tanks are required to have the following minimum setbacks to the effluent disposal system:

- 1.2 metres to the tank(s)
- 1.8 metres to the leach drain(s)

## 5.9 Bushfire Prone Areas

Within designated ‘bushfire prone areas’ (defined by the Department of Fire & Emergency Services) outbuildings must be located to minimise bushfire risk, avoid impacts on remnant vegetation and be developed consistent with relevant planning and building requirements for bushfire protection.

*(Note: Outbuildings should be located in locations of lower risk where possible. In order that an outbuilding does not increase the bushfire risk to an established residential dwelling, structural and/or physical fire separation may be required.)*

## 5.10 Sea Containers and other moveable structures

A sea container or other moveable structure may be placed on a property for less than 48 hours without approval.

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A formal request may be made for the temporary use of a sea container or other moveable structure on a property for up to 28 days.

In all other circumstances a sea container or other moveable structure is considered an outbuilding and the same planning approval and building permit requirements apply.

Related Policies	<i>Local Planning Policy No. 49: Ancillary Dwellings &amp; Detached Habitable Rooms</i> <i>Local Planning Policy No. 50: Building Envelopes</i>
Related Procedures and Documents	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> <i>State Planning Policy No. 7.3 Residential Design Codes Volume 1</i>
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## SCHEDULE OF SUBMISSIONS

### Proposed Local Planning Policy 13: Outbuildings and Water Tanks

#### Submissions Received from Public

Ref No.	Submitter Details	Verbatim Submission	Planning Services Comment
1	Name Withheld	<p><i>Survey form submitted via Your Denmark</i></p> <p><i>Do you support the proposed Local Planning Policy for Outbuildings &amp; Rainwater Tanks?</i></p> <p>No</p> <p><i>What are your questions, comments or concerns?</i></p> <p>Council is applying too many restrictions on the ability of property holders to setup their property as they see fit. There is an overstepping of authority by the council which could be better directed towards improving the ability of landowners to support those members of our community that are currently without housing. Perhaps focus more on how we can make blocks more usable, rather than less usable. The council is meant to take the needs of the community as their first priority - not the look/feel.</p>	<p>Objection noted. Response provided to submitter.</p> <p>Feedback about unnecessary restrictions on development is consistent with the Draft Strategic Community Plan 2033, and officers suggest that the proposed policy is responsive to this.</p> <p>If adopted by the Council, the proposed policy will reduce the number of development proposals that need planning approval. This is achieved by adopting 'acceptable development' standards, and proposals that meet these standards will not need planning approval.</p> <p>The Draft Local Planning Strategy (to be advertised in July/ August) identifies a number of opportunities to improve the local planning framework to enable the development of affordable housing.</p>
2	Ranbuild Great Southern	<p>To whom it may concern,</p> <p>I have viewed the new planning policy for Outbuildings. It is refreshing to see a positive change on the horizon.</p> <p>The new policy will streamline council application timelines by removing applications that meet the requirements.</p> <p>I look forward to its implementation as soon as possible.</p>	<p>Support noted.</p>
3	Tankman Mount Barker	<p>Tankman Mount Barker thanks the Shire for the opportunity to make comment on the draft policy and to gain an understanding to assist future Tankman customers within the Shire of Denmark.</p> <p>An increase in water tank sizes that are exempt from the need for</p>	<p>Support noted.</p>

	<p>planning approval (when meeting all relevant developmental standards) is acknowledged and welcomed.</p> <p>The minimum litre requirement (92,000 litres) of water storage for a non-reticulated household is not mentioned here however there is a need for this information to be forefront for customers so that they can plan their water tank size and budget accordingly. The new information brochures that will be made available were seen as a suitable avenue for this type of information/detail.</p> <p>With reference to maximum height exempt from planning approval, Tankman installs Pioneer® Steel Water Tanks with the two ranges of heights being 2.18m and 3.24m (not including the sandpad/site works). I have attached the ranges of tanks and heights for your information. Tankman is also an agent for West Coast Poly Tanks and I have attached their brochure which outlines their tank range and heights, the tallest being their largest tank of 50,000 litres with a height of 3.300m.</p> <p>In terms of colour, Tankman appreciates that there are particular areas and zones that would not be conducive to large amounts of reflecting materials. Tankman would just like to inform you that for Pioneer Water Tanks, in some instances, there is quite a price difference between Zincalume, Standard Colorbond® Colours and Non-Standard Colorbond® Colours. The colour that is referred to in the Planning Policy is Bluegum® which in Pioneer terms is in the more expensive Non-Standard Colour range. I have attached our colour chart for your information. Thank you again for the opportunity for comment.</p>	<p>The requirement for a minimum of 92,000L water storage for new residential dwellings that are not connected to a reticulated water service is from Town Planning Scheme No. 3. This suggestion is supported and the proposed policy and information brochures can be amended to provide clarity.</p> <p>Officers will recommend that the acceptable development standards in the proposed Policy are amended so that these incorporate the standard product types of major suppliers and to ensure synchronicity between the size and height standards of the Policy.</p> <p>The Policy provides minimum standards for solar absorptance and reflectance and provides reference of the lightest 'standard' colour that this allows for (Colorbond™ 'Bluegum'). Other darker tones also meet the acceptable development standards. This will include, based on the details provided, 5 of 8 from the 'standard' range and 9 of 14 from the 'non-standard' range.</p> <p>This standard only applies to the establishment of tanks that do not need Shire approval. In any of the zones where this standard applies, a landowner may make application to the Shire for approval of a water tank in a lighter colour. Officers have proposed this standard to reduce the risk of inappropriate development occurring without the opportunity for review, and the potential impacts on neighbours and visual landscape values being addressed.</p>
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