



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

**Adopted on 18<sup>th</sup> July 2023 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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