

NORTHERN MIDLANDS COUNCIL

COUNCIL POLICIES



Policy Name:	Oversize Outbuildings
Originated Date:	Adopted 21 February 2011 – Min. No. 041/11 (as Policy 61)
Amended Date/s:	Amended 21 March 2011 – Min. No. 079/11
Applicable Legislation:	Local Government Act 1993; Land Use Planning & Approvals Act 1993; Northern Midlands Planning Scheme 1995
Dataworks Reference:	44/001/001
Objective	To provide guidance for consistent and equitable assessment of applications to develop outbuildings on residential zoned land.

INTRODUCTION

Pursuant to clauses 3.2.4(iii) and 3.4.3(vii) of the *Northern Midlands Planning Scheme 1995*, the erection of outbuildings over 56m² in area or over 3m in height are subject to a discretionary planning permit. However, in its current format, the planning scheme provides very little quantifiable guidance upon which to exercise, or decline to exercise, this discretion.

The Northern Midlands Council has determined that assessment should have specific regard to the percentage of the lot area covered by buildings.

DEFINITIONS

Lot area:

means the total area of the lot less the total area of building setbacks nominated in the planning scheme and land affected by easements (e.g. A 20m x40m lot with a 5m front and 1m side and rear setbacks, has a lot area for the purpose of this policy of 616m²).

Outbuilding:

means a non-habitable building of Class 10a pursuant to the Building Code of Australia, separate from a habitable building and includes, but is not limited to, garages, carports and sheds.

Floor area:

means the total floor area of the building measured from the outside of the external walls or the centre of a common wall.

OBJECTIVES

To ensure that outbuildings are:

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- (i) Sited and of a scale and construction that respects the amenity of adjoining properties by preserving solar access to living areas and private open space; and
- (ii) Not dominant when viewed from any public place including the street, and is proportionate to and visually compatible with the residential setting.

APPLICATION OF THE POLICY

When considering an application for an oversize outbuilding Council shall have regard to the following statements of intent and their applicable compliance measures which address the objectives of the Policy.

	Intent		Compliance Measure
AS1	The outbuilding is ancillary to a dwelling on the same lot	PC1	The outbuilding is ancillary to a dwelling on the same lot
AS2	The outbuilding does not adversely impact on adjoining properties through a reduction in existing solar access.	PC2	The outbuilding shall not cast a shadow over any window of a neighbouring habitable room between 11.00am and 2.00pm on 21 June.
AS3	The size and height of the outbuilding is proportionate to the size of the lot and to existing buildings on the lot.	PC3	(i) The total floor area of all buildings on the lot shall not exceed 40% of the lot area. (ii) Where outbuildings are greater than 5m in height at their highest point, for the purposes of PC3(i) the floor area of the outbuilding shall be counted as the proposed area multiplied by 1.5.
AS4	The outbuilding does not adversely impact on the streetscape.	PC4	(i) The outbuilding is located behind the dwelling on the lot. (ii) Where the outbuilding is to be beside the dwelling, or where the lot has two street frontages, there shall be additional landscaping to reduce the visual impact on the streetscape.