

1.0 Citation

This is a Local Planning Policy prepared under Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015. This Policy may be cited as Local Planning Policy 7 Outbuildings.

2.0 Introduction

It is Council's policy to achieve a balance between providing for the legitimate garaging, storage and other domestic needs of residents and to minimise the adverse impacts that outbuildings may have on neighbours and the amenity, appearance and character of neighbourhoods.

The Council recognises that households have varying needs for the garaging of vehicle, storage of boats, caravans and other items, domestic workshops etc. As a general rule, people expect to have larger outbuildings on larger lots. Inappropriately located and/or designed outbuildings can however create amenity and other impacts.

3.0 Objectives

The objectives of this Policy are to:

- Retain or enhance the visual amenity of neighbourhoods through outbuildings not detracting from the streetscape/landscape and the amenity of adjoining/nearby properties through controlling building bulk (size and height), appropriate siting, colours and use;
 - Provide further interpretation of State Planning Policy 7.3 – Residential Design Codes (SPP 7.3) and the *Shire of Boddington Local Planning Policy No. 3 (LPS3)* in the assessment of applications;
 - Set out the limitations for proposed outbuildings;
 - Promote the function and usability of residential yards;
 - Ensure that outbuildings are not used for permanent habitation and set out where the Council will support or not support conversions of outbuildings to dwellings; and
 - Provide increased certainty for landowners, the community and others to assist in providing greater consistency in decision making by the local government.
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4.0 Applications subject of this policy

This Policy applies throughout the Shire.

This Policy does not apply to carports, studios, games rooms, patios, pergolas and verandas and the like that are substantially connected to or form part of the dwelling or the principle building on the



property. In these cases, applications are assessed against criteria including compliance with setbacks, site coverage, overshadowing, and related requirements of SPP7.3 and LPS3 along with the requirements of the Building Code of Australia (BCA). Where there is inconsistency between this Policy and SPP 7.3, the SPP 7.3 prevails to the extent of the inconsistency. Where there is an inconsistency between this Policy and LPS3, then LPS3 prevails to the extent of such inconsistency.

Appendix 1 sets out in general terms, when a Development Application is and is not required, along with other key considerations.

5.0 Application Requirements

Proponents are encouraged to discuss proposals that seek to vary Policy requirements with the Shire administration early on in the planning process and prior to lodging an application.

Development Applications are to include the following:

- Completed Development Application Form
- A site plan (including highlighting existing outbuildings) and setting out the location of any easements;
- Floor plan/s and elevations detailing the area, wall and ridge heights and the external materials and colours to be used; and
- Details of intended uses/s of the outbuildings.

Subject to the proposed location and the scale of the proposed outbuilding, the Shire may also require the applicant to provide;

- Detailed contour information from a licensed surveyor;
- Cross sections showing the extent of cut and fill;
- Written information setting out why Policy requirements should be varied; and
- Any other plan or information that the Shire may reasonably require to enable the application to be determined.

Applications will be assessed on a case by case basis subject to this Policy, LPS3, SPP 7.3, information provided by the applicant and any submissions received.

Should an application for an outbuilding not comply with requirements of this Policy, the application may be referred to Council for determination. The Council will however consider applications that:

- Exceed the maximum permissible floor area for a single or aggregate outbuilding on a lot as set out in Appendix 1;
- Propose an outbuilding on a vacant lot in the Residential Zone unless a Development Application and/or Building Permit has been issued for a dwelling on the lot; and
- Are located within areas designed as floodway's in the *Shire of Boddington Floodplain Management Study*.



Where objections are received and the objections are not able to be adequately dealt with through conditions of approval, the application will be referred to Council for determination.

A Development Application may be refused where it is inconsistent with this Policy, LPS3 or SPP 7.3, based on the information provided by the applicant, or based on information set out in any submission.

Should Development Approval be issued, it will also be necessary for the proponent to submit a Building Permit application (which gains necessary approvals) prior to undertaking construction. There is also a requirement that outbuildings are developed in accordance with sections 82 and 90 of the *Water Services Act 2012*.

6.0 Policy Statement

6.1 General

Most outbuildings in the municipality do not require the submission of a Development Application to the Shire and accordingly in these instances no development approval is required. In particular this is where the outbuilding's location, size, height, design and use complies with LPS 3, SPP 7.3 and this Policy (Appendix 1).

A Development Application for an outbuilding is required where:

- It necessitates the exercise of discretion by the local government including to vary SPP 7.3, LPS 3 or this Policy;
- The outbuilding is outside a designated/approved building envelope;
- The outbuilding is within a designated building exclusion area;
- The outbuilding is proposed on flood prone land;
- The outbuilding comprises a relocated second hand building or part thereof;
- The outbuilding is proposed on a lot or location which does not have access to a dedicated and constructed public road;
- The outbuilding is located in a Heritage Area or Special Control Area;
- The outbuilding is located within a drainage / stormwater easement; or
- The outbuilding is inconsistent with a Local Planning Policy relating to development, design or related matter (which includes this Policy). In relation to this Policy, this includes that outbuildings which are oversized or over height (as set out in Appendix 1) or are proposed on a vacant lot within a residential zone.

Various matters will be considered in assessing outbuilding applications including:

- The zoning of the lot;
- Lot size, shape and features, including the extent of existing screening;
- The existing level of development, including outbuildings, on the site;



- Floor area of the proposed outbuilding and maintaining existing and generally accepted overall outbuilding floor area standards for the locality;
- Ensuring that the outbuilding remains an ancillary use to the main dwelling or the principle land use on the property;
- Setbacks and location of the proposed outbuilding;
- Height of the proposed outbuilding, including impact, amenity and overshadowing on adjoining/nearby properties;
- The effect on the streetscape and visibility from nearby public places;
- The level of cut and fill;
- Construction materials and proposed colour/s;
- The intended use of the outbuilding;
- Provisions and requirements set out in LPS3 and SPP 7.3.;
- Relevant State and Local Planning Policies;
- Other planning considerations including Structure Plans and Local Development Plans;
- Written comments from affected landowners; and
- Any other circumstance and factor affecting the application in the opinion of Council.

The “onus of proof” rests with the applicant to justify their application and variations to this Policy.

6.2 Floor Area

The floor area will be determined as the total gross area of all outbuildings (existing and proposed) on the site. This excludes carports, studios, games rooms, patios, pergolas, verandahs and the like that are substantially connected or form part of the dwelling or the principle building on the property.

A proposed outbuilding that would result in a total combined outbuilding area greater than set out in Appendix 1 is defined as an “oversized” outbuilding for the purposes of this policy.

The maximum permissible floor area for a single or aggregate outbuilding on a lot is outlined in Appendix 1.

Applications for outbuildings that propose a mezzanine or a second story will be considered on their merits. The floor area of the mezzanine/second story will not be included in the calculation of gross floor area. However, the Council will consider potential impacts on privacy from the mezzanine/second story especially in residential areas.

6.3 Height

The height of the proposed outbuilding is measured from natural ground level.



An outbuilding that proposes a height greater than set out in Appendix 1 is defined as an “over height” outbuilding for the purposes of this Policy.

6.4 Setbacks/Location

Boundary setbacks for outbuildings are set out in SPP 7.3 for residential areas, Appendix 1 of this policy and table 5 of LPS3. Outbuildings are to be located within the approved building envelope for the site or outside of building exclusions areas where relevant.

The Council may approve outbuildings with walls or supporting columns that are setback less than 1.0 metre from side and rear boundaries on residential lots, subject to compliance with the fire separation requirements of the BCA and consultation with adjoining landowners.

6.5 Colours

The Council supports colours that retain or enhance the area’s amenity. The Council encourages outbuilding walls and roofs to be constructed of non-reflective colours that are essentially natural and earthy, rather than colours such as white or silver.

6.6 Habitable Use and Conversion of Outbuildings to Dwellings

Outbuildings shall not be used for habitable purposes unless they gain Shire approval and comply with LPS3, SPP 7.3 and the BCA as a habitable unit. The Council does not support ablution facilities within outbuildings unless appropriately justified by the applicant to the satisfaction of the local government.

6.7 Outbuildings on Vacant Lots

In residential areas an outbuilding may at the discretion of the Council be constructed on a vacant lot where the owner also owns the abutting lot and where the abutting lot contains a single house, provided the lots are amalgamated or the owner enters into an agreement with the Shire supported by absolute caveat over both lots precluding the sale of either lot unless the outbuilding is removed or a dwelling is constructed on the lot with the outbuilding.

Within all other zones unless supported by this Policy, the Council will consider on its merits approving an outbuilding on a vacant lot subject to the applicant providing appropriate written assurances that a dwelling will be applied for and substantially commenced within two years of the outbuilding receiving conditional development approval.

6.8 Land Uses

Outbuildings are not to be used for commercial, industrial, habitable or other non-domestic purposes. Outbuildings are to be used for low-key “domestic” uses, to the satisfaction of the Council, that do not create undesirable impacts on adjoining or nearby properties.

7 Consultation

The local government may consult with adjoining/nearby landowners where an application for an outbuilding is made that does not comply with the requirements of this policy or where a proposed outbuilding has the potential to adversely impact landowners in the opinion of the local government. Alternatively, the local government will require the applicant to supply written comments from adjoining and other affected landowners, with the process undertaken in



accordance with the consultation requirements of SPP 7.3.

8 Definitions

“Ancillary outbuilding” – an outbuilding which is incidental to the predominant use of the land and other buildings on the lot. In particular, this is an outbuilding which is not oversized or over height (as set out in appendix 1) or is proposed on a vacant lot.

“BCA” – Building Code of Australia

“Dwelling” – as defined in SPP 7.3, is a building or a portion of a building being used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family or no more than six persons who do not compromise a single family.

“LPS 3” – Shire of Boddington Local Planning Scheme 3.

“Outbuildings” – are enclosed non-habitable Class 10a buildings, under the BCA, that are detached from a dwelling and which are not used for commercial or industrial purposes.

“Overheight outbuilding” – an outbuilding that proposes a height greater than set out in appendix 1 of this policy.

“Oversize outbuilding” - an outbuilding that would result in a total combined outbuilding area on the lot which is greater than that set out in appendix 1 of this policy.

“SPP 7.3” – State Planning Policy 7.3 Residential Design Codes

“Vacant Lot” – is a lot or property upon which no dwelling is constructed and includes a lot created pursuant to the *Strata Titles Act 1985 (as amended)*.

Policy Number / Name	No 7 – outbuildings
Adopted by Council	20 May 2014
Amended	



Appendix 1
Shire of Boddington – Local Planning Policy No. 7 – Outbuildings

Note 1: The Council will determine outbuilding floor areas based on the total combined gross floor area of outbuildings on the lot, which will include existing outbuildings proposed to be retained by the applicant along with the proposed outbuilding/s.

Note 2: There are limits to the number of dwellings on properties in different zones as set out in LPS3, SPP 7.3 and other Local Planning Policies.

Note 3: Separate to Attachment 1, a Development Application is required as set out in section 6.1 of the Policy.

Zones	Floor Area ¹	Height	Setbacks/Location	Colours	Outbuildings on a vacant lot
Residential	<p>Outbuildings which individually or collectively do not exceed 60m² do not require a Development Application provided other considerations are met.</p> <p>Outbuildings above 60m² are classified as “oversize” and require a Development Application.</p> <p>Maximum floor area: 200m².</p>	<p>Outbuildings that have a wall height that does not exceed 2.4 metres and/or a ridge height that does not exceed 4.2 metres do not require a Development Application provided other considerations are met.</p> <p>Outbuildings that have a wall height above 2.4 metres and/or a ridge height above 4.2 metres are classified as “overheight” and require a Development Application.</p> <p>The maximum wall height is 4.0 metres and the maximum ridge height is 6.0 metres.</p>	<p>Outbuildings that comply with the setback requirements SPP 7.3 do not require a Development Application, provided other considerations are met.</p> <p>Outbuildings that do not comply with the setback requirements of SPP 7.3 require a Development Application</p>	<p>The Council supports colours that are compatible with the amenity of the area.</p>	<p>The Council does not support an outbuilding on a vacant lot, but will entertain applications in limited circumstances as set out in the Policy. Proposals for an outbuilding on a vacant lot will require a Development Application.</p> <p>No Development Application is required however where a Building Permit has been issued and is valid for a dwelling provided other considerations are met.</p>

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Note 2: There are limits to the number of dwellings on properties in different zones as set out in LPS3, SPP 7.3 and other Local Planning Policies.

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Zones	Floor Area ¹	Height	Setbacks/Location	Colours	Outbuildings on a vacant lot
Rural Residential	<p>Outbuildings which individually or collectively do not exceed 80m² do not require a Development Application provided other considerations are met.</p> <p>Outbuildings above 80m² are classified as “oversize” and require a Development Application.</p> <p>Maximum floor area: 300m².</p>	<p>Outbuildings that have a wall height that does not exceed 5.0 metres and/or a ridge height that does not exceed 7.0 metres do not require a Development Application provided other considerations are met.</p> <p>Outbuildings that have a wall height above 5.0 metres and/or a ridge height above 7.0 metres are classified as “overheight” and require a Development Application.</p>	<p>Outbuildings that are located within approved building envelopes do not require a Development Application, provided other considerations are met.</p> <p>Outbuildings that are located outside of approved building envelopes require a Development Application and will generally be advertised for comment.</p>	<p>The Council supports colours that are compatible with the amenity of the area.</p>	<p>In rural residential areas outbuildings may be permitted where no dwelling exists on the property, however the outbuilding is only to be used for residential purposes such as storage of equipment associated with the maintenance of the lot and the land owner’s domestic storage.</p>

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Note 2: There are limits to the number of dwellings on properties in different zones as set out in LPS3, SPP 7.3 and other Local Planning Policies.

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Zones	Floor Area ¹	Height	Setbacks/Location	Colours	Outbuildings on a vacant lot
Rural Small Holding	<p>Outbuildings which individually or collectively do not exceed 100m² do not require a Development Application provided other considerations are met.</p> <p>Outbuildings above 100m² are classified as “oversize” and require a Development Application.</p> <p>Maximum floor area: No maximum limit provided the outbuilding is located in the building envelope.</p>	<p>Outbuildings that have a wall height that does not exceed 7.0 metres and/or a ridge height that does not exceed 9.0 metres do not require a Development Application provided other considerations are met.</p> <p>Outbuildings that have a wall height above 7.0 metres and/or a ridge height above 9.0 metres are classified as “overheight” and require a Development Application.</p>	<p>Outbuildings that are located within approved building envelopes do not require a Development Application, provided other considerations are met.</p> <p>Outbuildings that are located outside of approved building envelopes require a Development Application and will generally be advertised for comment.</p>	<p>The Council supports colours that are compatible with the amenity of the area.</p>	<p>In rural small holding areas outbuildings may be permitted where no dwelling exists on the property, however the outbuilding is only to be used for residential purposes such as storage of equipment associated with the maintenance of the lot and the land owner’s domestic storage.</p>

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Zones	Floor Area ¹	Height	Setbacks/Location	Colours	Outbuildings on a vacant lot
Rural	<p>Outbuildings which individually or collectively do not exceed 150m² do not require a Development Application provided other considerations are met.</p> <p>Outbuildings above 150m² are classified as “oversize” and require a Development Application.</p> <p>Maximum floor area: No maximum limit provided the outbuilding is located in the building envelope.</p>	<p>Outbuildings that have a wall height that does not exceed 9.0 metres and/or a ridge height that does not exceed 12.0 metres do not require a Development Application provided other considerations are met.</p> <p>Outbuildings that have a wall height above 9.0 metres and/or a ridge height above 12.0 metres are classified as “overheight” and require a Development Application.</p>	<p>Outbuildings that are located within approved building envelopes do not require a Development Application, provided other considerations are met.</p> <p>Outbuildings that are located outside of approved building envelopes require a Development Application and will generally be advertised for comment.</p>	<p>The Council supports colours that are compatible with the amenity of the area.</p>	<p>No Development Application is required provided the outbuilding is consistent with other considerations in this Policy.</p> <p>Where a Development Application is required the Council will consider each application on its merits.</p>

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Note 2: There are limits to the number of dwellings on properties in different zones as set out in LPS3, SPP 7.3 and other Local Planning Policies.

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Zones	Floor Area ¹	Height	Setbacks/Location	Colours	Outbuildings on a vacant lot
Special Use	<p>For areas classified as Residential and Rural Residential on an endorsed Structure Plan, refer to relevant zones in Appendix 1 under the headings of “Residential” and “Rural Residential”.</p> <p>Maximum floor area: Refer to related “zones” in Appendix 1.</p>	<p>For areas classified as Residential and Rural Residential on an endorsed Structure Plan, refer to relevant zones in Appendix 1 under the headings of “Residential” and “Rural Residential”.</p>	<p>For areas classified as Residential and Rural Residential on an endorsed Structure Plan, refer to relevant zones in Appendix 1 under the headings of “Residential” and “Rural Residential”.</p>	<p>Unless set out in a Local Development Plan, for areas classified as Residential and Rural Residential on an endorsed Structure Plan, refer to relevant zones in Appendix 1 under the headings of “Residential” and “Rural Residential”.</p>	<p>For areas classified as Residential and Rural residential on an endorsed Structure Plan, refer to relevant zones in Appendix 1 under the headings of “Residential” and “Rural Residential”.</p>

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Zones	Floor Area ¹	Height	Setbacks/Location	Colours	Outbuildings on a vacant lot
Commercial	<p>Outbuildings which do not exceed 12m² do not require a Development Application provided other considerations are met and there is no loss of car parking bays and/or vehicle maneuvering areas.</p> <p>Outbuildings above 12m² require a Development Application.</p> <p>Maximum floor area: No maximum limit.</p>	<p>Outbuildings that have a wall height that does not exceed 2.4 metres and/or a ridge height that does not exceed 4.2 metres do not require a development application provided other considerations are met.</p> <p>Outbuildings that have a wall height above 2.4 metres and/or a ridge height above 4.2 metres require a Development Application.</p>	<p>Outbuildings are to be located in accordance with the BCA and to take account of required car parking bays and/or vehicle maneuvering areas.</p>	<p>The Council supports colours that are compatible with the Town Centre Design Guidelines.</p>	<p>The Council will consider on its merits an outbuilding on a vacant lot provided relevant considerations, including the location/siting of development, have been appropriately addressed to the satisfaction of the Council. A Development Application is required.</p>

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Zones	Floor Area ¹	Height	Setbacks/Location	Colours	Outbuildings on a vacant lot
Tourism	<p>Outbuildings which do not exceed 12m² do not require a Development Application provided other considerations are met and there is no loss of car parking bays and/or vehicle maneuvering areas.</p> <p>Outbuildings above 12m² require a Development Application.</p> <p>Maximum floor area: No maximum limit.</p>	<p>Outbuildings that have a wall height that does not exceed 2.4 metres and/or a ridge height that does not exceed 4.2 metres do not require a development application provided other considerations are met.</p> <p>Outbuildings that have a wall height above 2.4 metres and/or a ridge height above 4.2 metres require a Development Application.</p>	<p>Outbuildings are to be located in accordance with LPS3 and the BCA.</p>	<p>The Council supports colours that are compatible with the Town Centre Design Guidelines.</p>	<p>The Council will consider on its merits an outbuilding on a vacant lot provided relevant considerations, including the location/siting of development, have been appropriately addressed to the satisfaction of the Council. A Development Application is required.</p>

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General Industry	<p>Outbuildings which do not exceed 12m² do not require a Development Application provided other considerations are met and there is no loss of car parking bays and/or vehicle maneuvering areas.</p> <p>Outbuildings above 12m² require a Development Application.</p> <p>Maximum floor area: No maximum limit.</p>	<p>Outbuildings that have a wall height that does not exceed 2.4 metres and/or a ridge height that does not exceed 4.2 metres do not require a development application provided other considerations are met.</p> <p>Outbuildings that have a wall height above 2.4 metres and/or a ridge height above 4.2 metres require a Development Application.</p>	<p>Outbuildings are to be located in accordance with LPS3 and the BCA.</p>	<p>The Council supports colours that are compatible with the amenity of the area.</p>	<p>The Council will support outbuildings being located on vacant land provided other considerations, planning and servicing matters have been appropriately addressed to the satisfaction of Council. A Development Application is required.</p>

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<p>Environmental Conservation</p>	<p>Outbuildings which do not exceed 12m² do not require a Development Application provided other considerations are met and there is no loss of car parking bays and/or vehicle maneuvering areas.</p> <p>Outbuildings above 12m² require a Development Application.</p> <p>Maximum floor area: 300m².</p>	<p>Outbuildings that have a wall height that does not exceed 2.4 metres and/or a ridge height that does not exceed 4.2 metres do not require a development application provided other considerations are met.</p> <p>Outbuildings that have a wall height above 2.4 metres and/or a ridge height above 4.2 metres require a Development Application.</p>	<p>Outbuildings are to be located in accordance with LPS3 and the BCA.</p>	<p>The Council supports colours that are compatible with the amenity of the area.</p>	<p>In Environmental Conservation areas outbuildings may be permitted where no dwelling exists on the property, however the outbuilding is only to be used for residential purposes such as storage of equipment associated with the maintenance of the lot and the land owner's domestic storage</p>