

LOCAL PLANNING POLICY NO 1

Sea Containers



Shire of Broomehill Town Planning Scheme No. 1

Shire of Tambellup Town Planning Scheme No. 2

1. POLICY PURPOSE

The purpose of this Policy is to outline the development standards in regards to the location and use of sea containers within the Shire of Broomehill Tambellup.

2. POLICY BASIS AND AIMS

This Policy has been prepared in accordance with Division 2, Part 2, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The *Planning and Development (Local Planning Schemes) Regulations 2015* are referred to as 'the Regulations' in this Policy.

The Policy is aimed at:

- Preserving the character and amenity of the Broomehill and Tambellup townsites;
- Safeguarding the visual impact on streetscapes throughout the local government area and adjacent properties by virtue of design, location, materials and finish of sea containers.
- To maintain the existing rural and semi-rural character and landscape amenity within the local government area.

3. APPLICATION

This Policy applies to all land within the local government boundary of the Shire of Broomehill Tambellup.

The Policy does not address the placement of transportable dwellings, relocated dwellings, railway carriages, or transportable offices, habitable buildings, or the type of building commonly referred to as a 'Donga'.

4. REQUIREMENT FOR PLANNING APPROVAL

Any sea container that is '*an enclosed non-habitable structure that is detached from any dwelling*' is construed as an outbuilding as defined in the 'State Planning 7.3 : Residential Design Codes'.

Any sea container that is not associated with residential development, and is proposed to be used for storage on a lot in the Rural Residential zone, Special Rural zone, or Farming zone is construed as a 'storage shed'.

Any sea container that is proposed to be used for storage on a lot in the Light Industrial or Industrial zone is best described as 'warehouse / storage', as defined in the Regulations.

A sea container is not deemed to be exempted from Planning Approval under Clause 5.1.2 c) of the Scheme of Broomehill Town Planning Scheme No 1 (TPS 1) or Clause 8.1.2 b)(ii) of the Shire of Tambellup Town Planning Scheme No 2 (TPS 2).

5. EXEMPTION FROM PLANNING APPROVAL

Any sea container proposed to be placed on a lot that is zoned Residential under the TPS 1 or TPS 2, and that complies with the 'deemed to comply' requirements for outbuildings under 'State Planning 7.3 : Residential Design Codes' is exempt from the need for development approval in accordance with Clause 61(1)(a)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The exemption does not apply to any sea container / outbuilding that is not ancillary to an existing dwelling on the same lot, or is proposed to be used for habitable purposes.

6. GENERAL REQUIREMENTS

The following general requirements apply to all land within the Shire of Broomehill Tambellup, unless otherwise specified in the Policy:

- 6a) A development application will be required to be submitted for determination prior to locating a sea container on-site, with the exception of sea containers on a lot in a Residential zone that complies with the Residential Design Codes (refer Clause 5);
- 6b) In all zones, an owner can write to the Shire and seek an exemption from the requirement for planning approval for any temporary sea container that will be on site for any period less than 48 hours, or a longer period agreed to in writing by the Shire, not exceeding 12 months. The Shire recognises that sea containers may be used temporarily to transport materials, when owners move into a new property, and for storage during construction.

A sea container must not be placed on any property prior to the issue of a building permit for construction of development on the same lot, and must be removed within the time period stipulated by the Shire in writing.

- 6c) Sea containers will not be supported in the Town Centre or on a vacant lot in the Residential zone unless the container is being temporarily used in conjunction with approved building works, or under other exceptional circumstances.
- 6d) Sea containers are not to be stacked vertically, with the exception of the Light Industrial and Industrial zone (subject to approval or a granted exemption).
- 6e) No portion of any sea container is permitted to be located over septic tanks and/or leach drains or utilities.
- 6f) The Shire may limit the term of any development approval and request removal of any sea container where that approval has lapsed.
- 6g) Setbacks will be assessed in accordance with the requirements of the relevant zone under TPS 1 and TPS 2. Where there is conflict between the setback requirements and a provision of this Policy, this Policy will prevail.

7. SEA CONTAINERS IN A RESIDENTIAL, SPECIAL RURAL OR RURAL RESIDENTIAL ZONE

The Shire has discretion to consider development applications for sea containers in a Residential, Special Rural or Rural Residential zone, subject to the following requirements:

- 7a) All external walls of any container are to be painted or clad in new materials within 3 months of any approval; and /or
- 7b) The container shall be suitably screened and/or fenced from view of any road frontage and neighbouring lot to the satisfaction of the local government; and
- 7c) Containers are to be located to the side or rear of an existing dwelling or existing outbuilding. A container will not be permitted within the front setback area or forward of an established building line.
- 7d) Sea containers proposed on vacant lots will generally not be supported. The Shire may consider a temporary approval if a dwelling is proposed to be constructed within 15 months.

7e) A maximum of one sea container will be considered on a Residential zoned lot. A maximum of 2 sea containers may be considered for any lot zoned Special Rural or Rural Residential.

8. SEA CONTAINERS IN A RURAL ZONE

The Shire has discretion to consider development applications for sea containers on any lot in a Rural zone, subject to the following requirements:

- 8a) The container is not proposed in a location on any lot that is highly visible from a public road or public place, especially along major tourist routes (unless screening is proposed); and
- 8b) Where there is an existing dwelling, outbuilding or other structure on the lot, the container is located to the side or rear of any existing building/structure (where practical); and
- 8c) A maximum of 2 sea containers may be considered on any one lot in the Rural zone unless otherwise approved by the Shire Council.

9. SEA CONTAINERS IN A LIGHT INDUSTRIAL OR INDUSTRIAL ZONE

The Shire has discretion to consider development applications for sea containers on any lot in a Light Industrial or Industrial zone, subject to the following requirements:

- 9a) The container is not proposed in a location on any lot that is highly visible from a public road or public place, (unless it is screened); and
- 9b) Where there is an existing building or structure on the lot, the container is located to the side or rear of any existing building/structure (if practical); and
- 9c) The placement of sea containers shall not interfere with car parking, vehicle accessways and / or any required truck loading bays.
- 9d) Container(s) shall not be stacked vertically unless otherwise approved by the Shire.

10. INTERPRETATION

For the purpose of this policy, a sea container is described as a rectangular shaped metal transportable structure designed for the storage and transport of goods from one location to another by road, rail and sea or modified for temporary or permanent use on a lot, where the structural integrity remains intact.

11. RECORD OF COUNCIL POLICY APPROVAL

Legislation	Description
Statutory Legislation	This Local Planning Policy has been prepared in accordance with Clause 3(1) Schedule 3, Part 2 of the 'Deemed Provisions' of the Planning and Development (Local Planning Schemes) Regulations 2015.
Adoption (initial)	This Local Planning Policy was adopted by Council on the 21 April 2022 for the purpose of conducting advertising to comply with Clause 4(1) Schedule 3, Part 2 of the 'Deemed Provisions' of the Planning and Development (Local Planning Schemes) Regulations 2015.
Adoption (final)	This Local Planning Policy was adopted by Council on 28 July 2022 for final approval in accordance with Clause 4(3)(b) Schedule 3, Part 2 of the 'Deemed Provisions' of the Planning and Development (Local Planning Schemes) Regulations 2015. 2022 Minute #. 099/22
Version Control	Version 1.0 Final
Scheduled Internal Review Date	12 months after operation.