

Policy Number:	LPP 3
Policy Type:	Local Planning Policy
Policy Name:	Sea Containers
Policy Owner:	Chief Executive Officer

Authority: Shire of Nannup Local Planning Scheme No. 3

POLICY BASIS

This is a local planning policy prepared under the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) and the *Shire of Nannup Local Planning Scheme No. 3 (LPS3)*.

OBJECTIVES

The objectives of this Policy are to:

1. Regulate the use of sea containers within the Shire of Nannup so as to ensure that they do not detract from the amenity of the area.
2. Allow for temporary controlled use of sea containers for storage and during building construction.
3. Outline Council's development standards in regard to the location and use of sea containers within the municipality.
4. Provide increased certainty for landowners, the community and others and to assist in providing greater consistency in decision making by the local government.

DEFINITIONS

In this Policy, the following definitions apply:

Dwelling - as defined in the *Residential Design Codes of Western Australia*, is a building or 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 comprise a single family.

R Codes - the *Residential Design Codes of Western Australia*, adopted by the Western Australian Planning Commission including any updates.

Sea Container - is a metal transportable structure designed for the storage and transport of goods from one location to another by road and sea, but can be used generally in five different ways:

- a) Road and sea transport: Used by transport and shipping companies to transport and store goods or are temporary used for storage on private or public property.
- b) Temporary storage of materials on a building site.
- c) Conversion to a building for commercial uses, for example as a kiosk.
- d) Conversion to a building for personal or commercial storage on a property.

- e) Conversion to a habitable building complying with LPS3, *Building Code of Australia*, *Public Health Act 2016* and *Health (Miscellaneous Provisions) Act 1911* requirements.

Temporary storage - is outlined in sections 2 and 3. The sea container used for temporary storage is not connected to power or 'powered up'.

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).

All other terms within this Policy shall have the same meaning given under the provisions of LPS3 or the 'deemed provisions' in the Regulations.

Application of the Policy

This Policy applies throughout the municipality.

Links to Local Planning Scheme and Other Documents

This Policy relates to various requirements set out in LPS3, the R Codes and is also guided by the *Building Act 2011*, *Building Regulations 2012* and the *Building Code of Australia*. Where there is an inconsistency between this Policy and the R Codes, then this Policy prevails to the extent of such inconsistency. Where there is an inconsistency between this Policy and LPS3, then LPS3 prevails to the extent of such inconsistency.

POLICY PROVISIONS

1. General

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

A sea container is not deemed to be an outbuilding or minor structure exempted from Development Approval of the local government under the Regulations or LPS3.

Other than proposals set out in sections 2 and 3 of this Policy, a Development Application is required to be submitted to the local government with associated development approval and a Building Permit gained prior to siting a sea container on a property.

2. Road and sea transport - temporary storage

No development approval or Building Permit is required for temporary storage of one (1) sea container on a lot in all zones for up to three (3) months. This is subject to the sea container not being located within the front boundary setback area, in areas designated for car parking or landscaping and is not connected to power or powered up.

Multiple sea containers can be located on lots zoned Industry, Agriculture, Agriculture Priority 1 and Agriculture Priority 2 zones for up to 3 months, without a requirement for development approval or a Building Permit, provided the sea containers are not located within the front boundary setback area, or in areas designated for car parking or landscaping. Subject to the intended use, such as a transport depot, the overall development may however require development approval.

Sea containers must be stored in neat rows (not stacked) and shall be screened by landscaping, fencing or other means acceptable to the local government, to ensure that storage areas are not exposed to view from nearby roads or other public places.

Should the sea container be connected to power or be powered up, the local government will require a Development Application for the temporary sea container.

3. Temporary storage of materials on a building site

In all zones, a sea container may be placed temporarily on a property to store building materials while construction of an approved dwelling, approved commercial building, or other approved building is being carried out on the property, without requiring development approval or a Building Permit.

A sea container must not, however, be placed on the property prior to the issue of a Building Permit for the dwelling, approved commercial building or other approved building. The sea container must be removed immediately upon completion of construction of the approved building or the expiry of the Building Permit.

Should the sea container be connected to power or be powered up, the local government will require a Development Application for the temporary sea container.

4. Conversion to a building for personal or commercial storage

Proposals to permanently place a sea container on a property zoned Residential or Special Residential are generally discouraged as they can impact local amenity. Where a Development Application is received, to permanently place a sea container on a property zoned Residential or Special Residential, the local government may invite comments from neighbours, prior to determining the Development Application.

The local government does not favour permanent sea containers within a Heritage Area or within a Landscape Values Area unless it is effectively screened from main roads or key tourist routes.

The local government will consider Development Applications on their merits in other zones.

A Development Application proposing conversion to a building for personal or commercial storage on a property is required to address the following:

- a) The sea container not being used for habitable purposes.
- b) The sea container is screened from public view including from nearby roads, other public places and adjoining properties.

- c) If the sea container will be easily seen from nearby roads, other public places, or adjoining properties, then the exterior of the sea container shall be in a state of good repair or shall be upgraded (i.e. painted to blend in with the surrounding development or landscape) within three (3) months of being placed on site.
- d) The sea container is not located within the front setback. The sea container is to be appropriately sited to address side and rear boundary setbacks as per LPS3, be within an approved building envelope, or located outside of building exclusion areas.
- e) The number of sea container/s per property is at the discretion of the local government.

5. Conversion to a building for habitation

Sea containers shall not be used for habitable purposes, unless they gain local government approval and comply with LPS3, the *Building Code of Australia*, *Public Health Act 2016* and *Health (Miscellaneous Provisions) Act 1911* as a habitable unit. The local government will have regard to other Local Planning Policies as relevant.

An application to permanently or temporarily place a sea container on a property for habitation purposes shall not be supported, unless the following criteria are met:

- a) The exterior of the sea container shall be in a state of good repair. Unless screened from nearby roads, other public places and adjoining properties, or suitably justified by the applicant, the local government may require the sea container/s to be reclad or treated in such a way to make them visually more compatible with the surrounding environment, and the dwelling/habitable building to incorporate measures such as verandahs to improve the visible appearance of the structure.
- b) Set back from boundaries as required by LPS3, within an approved building envelope, or located outside of building exclusion areas.
- c) Comply with requirements of the *Building Code of Australia*, *Public Health Act 2016*, and *Health (Miscellaneous Provisions) Act 1911* requirements.

6. Setbacks/Location

For zones subject to the R Codes, permanent sea containers are to be setback in accordance with the R Codes. For other zones, setbacks are outlined in LPS3 or sea containers are to be located within the approved building envelope for the site or outside of building exclusion areas.

The local government may approve sea containers 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 *Building Code of Australia* and consultation with adjoining landowners.

7. Sea containers on Vacant Lots

The local government will consider sea containers on vacant lots in most zones.

In general, the local government does not support sea containers on a vacant lot in the Residential zone, Special Residential zone and in Special Use zones (where it is subject to the R Codes) except where the construction of a dwelling is imminent on the lot. The local government may consider approving a sea container on a vacant lot in these zones subject to the applicant gaining necessary approvals for the dwelling, or the applicant providing appropriate written assurances that a dwelling will be shortly applied for and substantially completed within two years of the sea container receiving conditional development approval.

8. Land Uses

Sea containers are not to be used for commercial, industrial, habitable or other non-domestic purposes other than as approved by the local government. Sea containers are to be used for low-key 'domestic' uses, to the satisfaction of the local government, that do not create undesirable impacts on adjoining or nearby properties.

ADMINISTRATION

Matters to be Addressed Prior to Formally Lodging the Application

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 the formal lodgement of any Development Application.

Application Requests

The following details are to be submitted with the Development Application:

- a) A completed Application for Development Approval and payment of the required fee.
- b) A neatly drawn and scaled site plan showing the proposed location of the sea container and detailing setbacks to boundaries. The site plan should also include other buildings, access ways, vegetation and other key features on the property.
- c) Photographs of the container(s) prior to uplift if available.
- d) The proposed size and use of the sea container and if approval is being sought for a temporary period (state time period) or on a permanent basis.
- e) Evidence by photos that the sea container will be adequately screened from view and is not easily seen from nearby roads, other public places, or adjoining properties.
- f) If a sea container can be easily seen from nearby roads, other public places, or adjoining properties, then details of any upgrading and/or colour to be painted are to be provided.

Consultation with Landowners and Stakeholders

The local government may consult with adjoining/nearby landowners where an application for a sea container is made that does not comply with the requirements of this Policy.

Assessing the Development Application

The local government may refuse a Development Application where it is inconsistent with this Policy, LPS3, the R Codes, based on the information provided by the applicant, or based on information set out in any submission.

Each application is considered on its merits based on matters such as the context and location. When considering applications for development approval, the local government will have regard to various matters including:

- the zoning of the lot;
- lot size, shape and features, including the extent of existing screening;
- the existing level of development, including sea containers, on the site;
- setbacks and location of the proposed sea container/s;
- the effect on the streetscape and visibility from nearby public places;
- the intended use and demonstrated need for the sea container/s;
- provisions and requirements set out in LPS3, the R Codes and the *Building Code of Australia*;
- relevant State Planning Policies and Local Planning Policies;
- other planning considerations including Structure Plans and Local Development Plans;
- written comments from affected landowners and stakeholders; and
- any other circumstance and factor affecting the application in the opinion of the local government.

The 'onus of proof' rests with the applicant to justify their application based on the requirements of this Policy.

Approval Conditions

Conditions of approval shall be applicable, as deemed necessary by the local government. The conditions may include:

- a) The exterior of the sea container shall be upgraded to blend with the surrounding development or landscape in terms of colour and finish within three (3) months of being placed on site to the satisfaction of the local government.
- b) The sea container is permitted to be used for (insert use) only and shall not be used for habitable purposes, unless approved by the local government.
- c) This approval shall expire (insert date or insert "if the development hereby permitted is not completed within 3 months"). The sea container shall be removed from the subject site at the expiry of the approval or after the expiry of any extension of that time which may be provided by the local government.
- d) If the sea container falls into disrepair, or becomes unsightly, the local government will require its removal, with the cost to be met or reimbursed by the landowner.

Additional Approvals Required

A Building Permit is required, prior to the placement of the sea container on site, where proposed to be permanent or located long term (refer to sections 4 and 5 of this Policy). The Building Permit may, at the discretion of the Building Surveyor, need to include certification from a professional engineer, as to the method of providing structural tie down.

No Building Permit is required for a temporary sea container as set out in sections 2 and 3 of this Policy. Proponents should however adopt a risk-based approach regarding securing tie down. A Building Permit is required for the associated dwelling, commercial building, or other building.

Related Policies:	<i>LPP 1 Cut & Fill and Retaining Wall LPP 2 Private Stormwater Drainage Connections to Council's Stormwater Drains LPP 11 Development in Flood Prone Areas LPP22 Outbuildings</i>
Related Procedures/Documents:	<i>Planning and Development (Local Planning Schemes) Regulations 2015 Building Code of Australia</i>
Delegation Level:	Chief Executive Officer
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