

Local Planning Policies

- Outbuildings in Residential Areas
- Second-hand & Moveable Buildings
- Sea Containers & Similar Storage Containers

Members of the public are invited to make a submission on the policies. Submissions must be in writing, be addressed to the Chief Executive Officer and be received by no later than 12.00pm on Tuesday 29 September 2020.

Submissions can be sent to:

Email:	dowshire@dowerin.wa.gov.au
Post:	PO Box 111, Dowerin WA 6461
Hand-delivered:	Shire Administration Office, 13 Cottrell Street, Dowerin during office hours
Deadline:	12.00pm Tuesday 29 September 2020



POLICY NUMBER	-
POLICY SUBJECT	- Outbuildings in Residential Areas
DATE ADOPTED	-
RESPONSIBLE OFFICER	- Executive & Governance Officer
REVIEWED	-

Objective

The objectives of this Policy are to:

1. control the size and height of outbuildings in residential areas;
 2. ensure that outbuildings are not visually intrusive to neighbouring properties or adjoining public spaces; and
 3. ensure that the construction of an outbuilding does not detract from the general aesthetics and amenity of the residential area.
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Policy

Definitions

'*Outbuilding*' is an enclosed non-habitable structure that is detached from any dwelling, but is NOT a:

1. '*Garage*' is any roofed structure, other than a carport, designed to accommodate one or more vehicles and attached to the dwelling;
2. '*Verandah*' is a roofed open platform attached to a dwelling;
3. '*Patio*' is an unenclosed structure covered in a water impermeable material which may or may not be attached to a dwelling;
4. '*Gazebo*' is an unenclosed open-framed structure covered in a water permeable material or unroofed, which may or may not be attached to a dwelling.

'*Setback*' is the horizontal distance between a wall at any point and an adjacent Lot boundary, measured at right angles (90 degrees) to the building.

'*R Codes*' is a State Planning Policy made under Section 26 of the *Planning and Development Act 2005*. This policy is cited as State Planning Policy 7.3 - Residential Design Codes Volume 1 (R-Codes). The purpose of the R-Codes is to provide a comprehensive basis for the control of residential development throughout Western Australia.

Application

This Policy applies to new residential outbuildings on land in the district of Dowerin where the R-Codes apply.

Outbuildings

Applications not meeting this development criteria and/or are of a contentious nature is to be referred to Council in the form of a written development application for determination. Where an application is to be referred to Council for consideration, comments from adjoining and/or affected owners are to be obtained and confirmed in writing.

Outbuildings that satisfy the following development criteria may be approved by the Building Surveyor without referral to the Council of the Shire of Dowerin:

1. Outbuildings that comply with the Residential Design Codes Deemed-to-comply Requirements; OR
2. Comply with the Building Code of Australia;
 1. Are constructed of new materials. Where second-hand materials are proposed, the Building Surveyor may require a certification from a practising Structural Engineer as to the structural adequacy of the design and/or materials. The Building Surveyor may also require the cladding of the proposed second-hand outbuilding to be painted in an approved colour or renewed to ensure they do not detract from the visual amenity of the area;
 2. Are not attached to a dwelling;
 3. Are not habitable;
 4. Are not within the primary street setback area;
 5. Do not reduce the amount of open space required by the Residential Design Codes to less than the prescribed amount;
 6. Are setback in accordance with the requirements of the Residential Design Codes; and
 7. Are of size or comprise an aggregate size of outbuildings on one lot, that does not exceed the specifications contained in the table below. Should the lot area exceed the table below then the proposed outbuilding will need to be referred to Council for planning consent:

LOT AREA (m ²)	MAXIMUM SINGLE OUTBUILDING (m ²)	TOTAL OUTBUILDINGS (m ²)	MAXIMUM WALL HEIGHT (m)	MAXIMUM RIDGE HEIGHT (m)
500 - 749	46	62	2.4	3.6
750 - 999	73	97	3.0	3.6
1000 - 1249	94	125	3.0	3.6
1250 - 1699	117	156	3.0	3.9
1700 - 2049	130	202	3.0	3.9
2050 - 2999	143	262	3.3	4.2
3000 - 5000	157	375	3.6	4.5

Roles and Responsibilities

Chief Executive Officer

The Chief Executive Officer is responsible for implementing this policy

Staff

Staff have the responsibility of being aware of the policy and adhering to it in respect of all procurement activities.

Related Documentation

Related Legislation/Local Law/Policy/Procedure
Local Government Act 1995

Related Delegation

DL

POLICY NUMBER	-
POLICY SUBJECT	- Secondhand & Moveable Buildings
DATE ADOPTED	-
RESPONSIBLE OFFICER	- Executive & Governance Officer
REVIEWED	-

Objective

The objectives of this Policy are to:

1. maintain high amenity standards of buildings, especially within the residential areas in the townsites of the Shire;
2. ensure that the visual aesthetics of residential areas are not compromised by the introduction of moveable buildings that are generally out of character with the predominant housing style in the locality;
3. ensure that the moveable buildings established within the Shire do not use materials considered by Council to be unacceptable (eg. asbestos);
4. avoid the erection and use of extensive areas of moveable structures for accommodating temporary workforces, or other business or company activities, in inappropriate areas; and
5. prevent the introduction of housing, or other use structures, that are designed to be used on a temporary or short stay basis and that may detract from the standards already established in the residential areas of the townsites.

Definitions

A *PERMANENT* building is generally not designed to be moved and includes the following:

1. *'Site Built'* structures are built on location as new permanent structures. They are of traditional appearance with pitched or skillion roofs and a typical house layout, designed to accommodate families.
2. *'Relocated'* dwellings are structures that have previously been constructed on a site elsewhere. The structures that are relocated are not necessarily designed to be relocated.

A *MOVEABLE* building is generally any structure capable of being transported from one location to another. There are two basic types as follows:

1. *'Transportable'* structures are those designed and constructed at a location other than where they are intended to be established. For example dwellings prefabricated in Perth, transported in sections to their building site, and assembled on location.
2. *'Donga Type'* structures are those usually designed to provide for workforce accommodation in small individual units. The structures are generally those (such as ATCO, Western Portables units) with skid mountings, metal sandwich panel and flat roof design. These portable modular structures are also used for other purposes.

Policy

This policy does not refer to new transportable dwellings and will only apply to second-hand buildings. Generally Council is not in favour of the use of secondhand buildings,

especially in the townsite areas, however Council will consider each application on its merits.

The Council shall not permit the establishment, occupation or erection of *donga type* structures for residential purposes within a Townsite boundary in Scheme Area, unless the site is set aside for Group Housing Accommodation and used as a camp site for accommodating a workforce. In these circumstances it may be argued that the development is not a permanent improvement, and may justify the use of such structures. In this case the Council must be satisfied that the development will not detract from the amenity of the surrounding area.

The Council will only permit *donga type* structures for uses *other than* residential uses where it considers the use or establishment of the structure will not be in conflict with the objectives of this policy.

The Council will only permit *site built* and *relocated* structures where it is satisfied that the standard and quality of building can satisfactorily be integrated into a residential area, and that the buildings do not contain unacceptable materials.

Application Requirements

An application for building approval for a secondhand dwelling shall only be considered by Council if it is to be erected on a "residential", "rural residential" or "rural" zoned lot considered acceptable by Council.

The building must first be inspected at its existing (original) location by the Shire. If the building is located in an isolated locality or different Local Authority a charge based on time and distance will be made at the proponents expense.

All applications to develop a transportable or relocated dwelling within the Shire of Dowerin shall include the following information:

1. An Application for Development Approval and the payment of the required planning fees;
2. Details of where the transported or relocated dwelling is to be removed from;
3. Detailed plans of the subject building and a comprehensive site plan indicating the proposed location of the building;
4. Recent photographs not less than 3 months old of every external elevation of the proposed dwelling which shall clearly indicate the building's current design and condition;
5. Certification from a practicing Structural Engineer stating that the structure is safe and suitable for relocation, appropriate for the condition of the Shire of Dowerin and is structurally sound;
6. Detailed specifications on the works to be undertaken to the building to render it compliant with the Building Code of Australia;
7. Specification on the works to be undertaken to the building including any modifications and additions to the dwelling and the materials and colours to be used;
8. Details of how it is proposed to transport and re-erect the building; and
9. A detailed timeframe for the relocation of the proposed dwelling and any proposed works.

Minimum Design Requirements

The approval of transported or relocated dwellings will only be considered if the following design standards can be achieved:

1. The dwelling has a minimum floor area of not less than 100m²;
2. The roof shall have a minimum pitch of 15°;
3. The exterior cladding and roof materials shall be in good condition and the proposal includes improvement works to the exterior of the building, including repainting, re-cladding as necessary and architectural detailing, such that the proposed dwelling will be aesthetically pleasing; and
4. The external finishes, bulk, scale and design of the house are such that it will not have a detrimental impact upon the amenity of the area or landscape into which it is being

relocated.

Where any material containing asbestos fibres remains in or on the dwelling, including cement asbestos roofing or cladding, roof insulation or for any other purpose, such material shall be removed prior to the building being transported within or into the Shire.

A transported or relocated dwelling will only be approved if certification is received from a practicing Structural Engineer that states the dwelling is structurally sound, is suitable for transport and is appropriate for the conditions of the Shire. This inspection shall occur at the proponent's expense.

Approvals and Bonds

As part of the Development Approval of a transported or relocated dwelling, the Council may impose conditions that require any works considered necessary to improve the appearance of the structure, including the addition of verandahs, painting, landscaping and the cover of stump areas etc.

The approval of a transportable or relocated dwelling will require the lodgement of a cash bond to the value of \$15,000 prior to the issue of a building permit. This bond will be used to remove the dwelling in the event that the owner and/or builder default on the conditions of this policy, the Development Approval or any conditions of the Building Permit as well as providing the surety for the completion of the moveable building to a standard acceptable to the Council.

A signed statutory declaration outlining a bonding agreement is to be entered into by the owner/s prior to issue of a building permit. The agreement is to outline a staged repayment of the performance bond, as follows:

Stage One (Return of 25% of Bond)

1. Dwelling correctly positioned on site, as per approved site plan (setback correct etc) in accordance with the Development Approval;
2. Dwelling is correctly stumped and site filled, drained and graded satisfactorily, such as it is structurally adequate in accordance with the Engineer's certification; and
3. Dwelling is to lock-up stage (all external windows, doors and fittings/fixtures installed/repaired).

Stage Two (Return of second 25% of Bond)

1. All gutters, fascia and downpipe work completed;
2. All roof end/roofing work is completed (flashings on ridge and gable ends installed); and
3. All external surfaces to be painted to a tradesman like standard in accordance with the Development & Building Approvals (including wall, doors, window surrounds, sills etc).

Stage Three (Return of remaining 50% on Bond)

1. Compliance with all conditions of Development Approval;
2. Approved effluent disposal system installed. System has been inspected by the Shire's Environmental Health Officer and a permit to use has been issued;
3. Completion and certification of all electrical work;
4. Completion and certification of all plumbing work;
5. All wet area tiling completed in accordance with the Building Code of Australia;
6. Kitchen fit-out completed (cupboards/benches & stove/hotplate installed etc); and
7. Building has reached practical completion stage.

Note: The agreement is to clearly state that should Stage One and Two completion not be reached within 120 days of the building's placement on site or Stage Three completion not reached within 12 months of the issue of a building license, then the bond monies are to be forfeited to the Shire of Dowerin and the building removed from the site.

Amendment & Other Legislation

The provisions of this policy shall not excuse compliance with any other legislation, policy or requirement that may apply to the proposed development.

The Council may vary the requirements of this policy, where it is considered that full compliance with the policy is impractical or such variation is warranted in the circumstances of the case.

Roles and Responsibilities

Chief Executive Officer

The Chief Executive Officer is responsible for implementing this policy

Staff

Staff have the responsibility of being aware of the policy and adhering to it in respect of all procurement activities.

Related Documentation

Related Legislation/Local Law/Policy/Procedure

Local Government Act 1995

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Related Delegation

DL

POLICY NUMBER	-
POLICY SUBJECT	- Sea Containers and Similar Storage Containers
DATE ADOPTED	-
RESPONSIBLE OFFICER	- Executive & Governance Officer
REVIEWED	-

Objective

The objectives of this Policy are to control the use and placement of sea containers, or other similar structures in the townsites of the Shire such that an acceptable standard of development is achieved and that the structure does not adversely affect the amenity of the area.

Policy

1. All sea containers and other similar structures proposed to be located within the Shire require a Development Application to be submitted for assessment and approval by Council prior to locating a sea container on-site with the exception of sea containers located on General Industry and Rural zones.
2. This policy is based on sea containers up to 6 metres (20 feet) in length for Residential, Townsite, Commercial, Light Industry and Rural Residential zones and up to 12 metres (40 feet) in length for General Industry and Rural zones. Container(s) larger than this may need to satisfy additional requirements.
3. Sea containers and other similar structures used for temporary storage during the conduct of building works will be exempt from these requirements, provided that the following criteria are achieved:
 - a) The structure is only being used for the secure storage of materials, plant, machinery or building equipment on a building site;
 - b) The building site has a current Development Approval and/or Building Permit;
 - c) Construction works are actively being undertaken on the site and do not lapse for any period greater than 60 days;
 - d) The structure does not impact on pedestrian or vehicle movements in any way or obstruct vehicle sight lines;
 - e) The structure may not be permitted on the building site for a period longer than 6 months, unless the special approval of Council is obtained; and
 - f) The structure is removed from the building site immediately following the completion of the building works.
4. In determining applications for the placement of sea containers, Council will require the following information be provided by the applicant:
 - a) The necessary application for Development Approval and Building Permit application forms;
 - b) A scaled site plan and elevation showing the proposed location of the structure in relation to boundary setbacks, natural features and existing buildings;
 - c) A written submission detailing the proposed works to be undertaken to improve the visual amenity of the structure; and
 - d) Payment of the relevant application fees.
5. As sea containers and other similar structures may have an adverse effect on the visual amenity of an area, their location in Commercial zones will not be supported unless the structure is for temporary building site works, as described in clause 2.

6. All sea containers and other similar structures shall comply with the following design and location criteria:
 - a) The structure is to in good condition prior to location upon any property.
 - b) structure shall be suitably screen and located so it has low visibility from any road and/or adjoining property, observing all setback requirements contained in Council's Local Planning Scheme No. 2.
 - c) The structure should be located behind existing buildings and/or screening vegetation and not be located in front of the established or proposed building line.
 - d) The structure must be painted in a colour to blend with adjacent buildings or in an earth tone to blend with the natural landscape and vegetation.
 - e) Council may consider the location of the structure in a position where it may be visible from any road or adjoining residence, or isolated from the existing buildings on a property, when the external appearance of the structure is substantially modified (which may include roofing, cladding and/or painting) so as to conceal its appearance as a sea container.
 - f) No more than one sea container or similar storage structure will be permitted on a property in a Residential or Rural Residential zones.
 - g) Sea containers or similar structures are to be used for storage purposes only and shall not be used for habitation purposes, unless it can be demonstrated that the proposal meets the provisions of the Building Code of Australia and will not detrimentally impact the amenity of the locality where the development is to be situated.
 - h) The structure shall not compromise or obstruct vehicle access ways, vehicle truncations, access to parking areas or the parking bays provided on a site.
 - i) The structure shall not compromise or obstruct vehicle or pedestrian sight lines, thereby creating a public safety concern.
 - j) The structure is not to be located over septic tanks and/or leach drains or utilities.
 - k) Council may require additional works or measures other than those already mentioned to properly address any amenity issues arising from the location of a sea container, particularly as a result of a complaint made against the sea container.
 7. Council reserves the right to approve the siting of a sea container or other similar structure on a property for a fixed period of time. Following the expiry of this approval period, the property owner is responsible for seeking the renewal of the temporary approval.
 8. Council reserves the right to revoke any approval for the siting of a sea container or other similar structure on a property where it is compromising the amenity of an area or impacts on public safety.
 9. Council may vary the requirements of this policy, where it is considered that full compliance with the policy is impractical or such variation is warranted in the circumstances of the case.
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Roles and Responsibilities

Chief Executive Officer

The Chief Executive Officer is responsible for implementing this policy.

Staff

Staff have the responsibility of being aware of the policy and adhering to it in respect of all procurement activities.

Related Documentation

Related Legislation/Local Law/Policy/Procedure

Local Government Act 1995

Planning and Development Act 2005

Planning and Development (local planning schemes) Regulations 2015

Related Delegation
DL