

POLICY NUMBER	-	8.21
POLICY SUBJECT	-	8.21 Placement of Sea Containers on land within the Shire of Merredin
ADOPTED	-	20 December 2005 (CMRef 28248)
REVIEWED	-	16 December 2014 (CMRef 81483)

Objectives:

To control the use and placement of sea containers, or other similar structures in the townsites of the Shire of Merredin 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 townsites of the Shire of Merredin require the planning consent and the issue of a building permit from Council prior to their placement on land.
2. 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 planning approval and/or building permit;
 - c. Construction works are actively being undertaken on the site and do not lapse for any period greater than 30 days and a building permit is still valid over the development;
 - 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 at the completion of the building works.
3. In determining applications for the placement of sea containers, Council shall have regard to the following designation of use symbols and prohibitions for certain zones and Reserve land in townsites of the Shire of Merredin, made in accordance with Shire of Merredin Local Planning Scheme No. 6 –

<i>Residential</i>	<i>Prohibited</i>
<i>Highway Service</i>	<i>"PS"</i>
<i>Commercial</i>	<i>Prohibited</i>
<i>Light Industry zone</i>	<i>"P"</i>
<i>General Industry zone</i>	<i>"P"</i>
<i>Civic and Cultural zone</i>	<i>"PS"</i>
<i>Town Centre</i>	<i>Prohibited</i>

<i>Reserve Land</i>	<i>“PS”</i>
<i>Special Residential</i>	<i>“PS”</i>
<i>Special Use</i>	<i>“PS”</i>

“P” – Permitted

“PS” – not permitted unless special approval given by Council subject to conditions being complied with

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 planning consent and building permit application forms;
 - b. A site plan 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. Any elevation drawings considered appropriate;
 - e. An Engineers statement of Structural Sufficiency for the proposed structure including the attachment of a skillion second roof; and
 - f. 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 Residential, Shop or Office 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 should be located so it has low visibility from any road and/or adjoining property, observing all setback requirements contained in Council’s Town Planning Scheme No. 1.
 - b. The structure should be located behind the existing building lines and/or screening vegetation and not be located in front of the established or proposed building line.
 - c. 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.
 - d. The 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.
 - e. No more than one sea container or similar storage structure will be permitted on a property.
 - f. Sea containers or similar structures shall not be used for habitation purposes, unless Council has granted Health Consent to convert an outbuilding to a class 1(a) and the required improvement works have been completed

- g. Sea containers or similar structures may not be made permanent fixtures on the land except on properties zoned ‘General Industry’ or ‘Light Industry’
 - 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.
- 7. The 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. The 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. 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.



SHIRE OF MERREDIN LOCAL PLANNING SCHEME No. 6

The Shire of Merredin under and by virtue of the provisions and powers conferred upon it in that behalf by Local Planning Scheme No. 6, hereby adopts the following Policy.

LOCAL PLANNING SCHEME POLICY No. 1 MOVEABLE BUILDINGS

DATE ADVERTISED:

DATE FINALLY ADOPTED: 21 / 03 / 2017

Applicable Date of Implementation 13 / 04 / 2017

1. DISCUSSION

The Council is keen to restrict these types of dwellings amongst the existing residential areas as they are considered inappropriate to, the standard of existing housing stock, and the expectations of residents or owners already established in the area. The Council considers it reasonable to protect existing owners' investments in the town from development that may detract from the amenity of the residential character.

2 DEFINITIONS

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

- a) **'Site Built'** structures are built on location as new permanent structures. They are of traditional appearance with pitched roofs and typical house layout, designed to accommodate families.
- b) **'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 three basic types as follows;

- a) **'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.
- b) **'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 or Durabuilt units) with skid mountings, metal sandwich panel

and flat roof design. These portable modular structures are also used for other purposes.

- c) **'Containers'**. These structures, although considered 'buildings' by definition under the Building Code of Australia, are solely constructed to transport other goods. They are not in themselves designed, nor suitable, for storage of goods in an urban environment. A container includes 'seatainers' and other large vessels designed to carry, and be carried on specially designed vehicles or transporters.

3 BACKGROUND

The use and reuse of moveable buildings is common. The downside of this trend is that the building stock may be second-hand, may contain undesirable materials like asbestos, and may be visually out of harmony with existing buildings in the locality. Many other Councils are not permitting buildings within their districts which contain asbestos. Without the appropriate controls Merredin could become a 'dumping ground' for such structures.

To ensure that the Council has the opportunity to consider such proposals, all applications for moveable buildings, as defined above, shall require the Council's Planning Consent prior to the issue of a Building Permit.

The Council has delegated authority to its Executive Manager Development Services to determine Applications for Planning Consent for all applications for **transportable** and **relocated** dwellings in zones of the Scheme where dwellings are permitted. The Executive Manager Development Services may impose appropriate conditions including the requirement for a bond or bank guarantee.

Donga type and **Containers** are subject to Council consideration.

4 POLICY

4.1 Council Policy on Moveable Buildings

a) All applications for moveable buildings, as defined above, shall require the Council's Planning Consent prior to the issue of a Building Permit. Generally the Council is not in favour of the use of moveable buildings, especially in the townsite areas, however the Council will consider each application on its merits.

b) The Council shall not permit the establishment, occupation or erection of **donga type** structures for residential purposes within a Townsite Boundary in the 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.

c) 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.

d) 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.

e) The Council will not permit the storing or use of a **'container'**, as defined above,

within a townsite area, other than in the areas zoned 'Industrial'. The Council considers the appearance, scale, and materials of these structures to be inappropriate for use in an urban environment, and are therefore in conflict with the objectives of the Scheme.

f) The Council may give special consideration for the use of '**containers**' outside the townsite areas of the Shire. In these circumstances the Council will need to be satisfied that there is no viable alternative to the use of these structures, and that the location of the '**containers**' will not detract from the amenity of the locality.

4.2 Measures to ensure Compliance with Planning Consent

When an application for Planning Consent for a Moveable Building is considered by the Council, or the Executive Manager Development Services, that Consent may be granted subject to conditions requiring the applicant, or owner, to:

- a) lodge a bond or bank guarantee with the Council. The bond or bank guarantee will provide the surety for the completion of the moveable building to a standard acceptable to the Council;
- b) specify matters which require attention and the manner in which work is required to be completed in order to satisfy standards acceptable to the Council.
- c) obtain a special Building Permit of a specified duration.

5 OBJECTIVES OF POLICY

- a) To maintain high amenity standards of buildings, especially within the residential areas in the Townsites of the Shire.
- b) To 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.
- c) To ensure that the moveable buildings, established within the Shire, do not use materials considered by the Council to be unacceptable (eg. asbestos).
- d) To avoid the erection and use of extensive areas of moveable structures for accommodating temporary workforces, or other business or company activities, in inappropriate areas.
- e) To 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.
- f) To protect the visual amenity of the urban environment by not permitting the establishment, storage or use of '**containers**' within the non-industrial areas of the townsite.

Greg Powell
CHIEF EXECUTIVE OFFICER