

Policy Number:	P9
Relevant Delegation:	Not Applicable
Adoption Details:	17 December 2012
Last Review Details:	17 December 2012

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## Shire of York Town Planning Scheme No. 2

### 1. POLICY STATEMENT:

It is Council's objective to regulate the use of sea containers within the Shire of York so as to ensure that they do not detract from the amenity of the area.

### 2. PURPOSE

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

### 3. BACKGROUND

In recent years there has been increased use of sea containers within the Shire of York as sheds on properties throughout the area. Sea containers can serve a useful purpose, however they have the potential to have a significant adverse effect on visual character of streets and neighbourhoods, particularly in areas of cultural and heritage significance.

The York Town Planning Scheme No. 2 makes no direct reference to sea containers and Council regulates them under the provisions of a local planning policy that is adopted to address local issues in accordance with the provisions of Clause 8.8 of the York Town Planning Scheme No. 2.

On 18 August 2008, the Shire of York adopted a Local Planning Policy to regulate the location of sea containers. The Policy had not been reviewed since its introduction and a Compliance Program initiated in 2011 landowners, residents and Councillors identified a number of issues with the Policy. It was therefore considered timely to undertake a review.

This Policy clearly outlines the Policy requirements, exemptions and conditions for approval to provide the community, landowners and Shire staff a clear and precise position on the use of sea containers within the Shire of York.

### 4. STATUTORY POWERS

#### 4.1. AUTHORITY TO PREPARE AND ADOPT A LOCAL PLANNING POLICY

Clause 8.8 of the Shire of York Town Planning Scheme No. 2 (the Scheme) allows Council to prepare a Local Planning Policy in respect of any matter related to the planning and development of the Shire of York.

#### 4.2. RELATIONSHIP OF THIS POLICY TO THE SCHEME

If a provision of this Policy is inconsistent with the Scheme, the Scheme prevails.

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This Policy is not part of the Scheme and does not bind Council in respect of any application for planning Consent. However, Council shall have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

In addition to the provisions of this policy, Council will have due regard to Clause 5.8 of the Scheme relating to transportable dwellings. Under this Clause, Council will not grant planning consent for transportable dwelling if the land is within a Heritage Precinct.

## **5. APPLICATION**

This Policy applies to all land within the Shire of York and will supersede the previously adopted Policy (18 August 2008). 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 a “Donga”.

This Policy does not apply retrospectively to sea containers in place prior to the introduction of this Policy.

## **6. POLICY**

### **6.1. GENERAL CONDITIONS AND REQUIREMENTS**

The following general conditions and requirements apply to all land within the Shire of York, unless otherwise specified in the Policy:

- 6.1.1 A planning application will be required to be submitted for assessment and approval is to be obtained prior to locating a sea container on-site with the exception of sea containers located on General Agricultural or Industrial zones (refer to Part 4 of the Policy).
  - 6.1.2 This policy is based on sea containers up to 6 metres (20 feet) in length for Residential, Rural Residential, Rural Smallholding and Rural Townsite zones and up to 12 metres (40 feet) in length for General Agriculture and Industrial zones. Container(s) larger than this may need to satisfy additional requirements.
  - 6.1.3 In all zones, a sea container may be placed on a property to store building materials in conjunction with approved building works, without prior Shire approval. A sea container must not be placed on the property prior to the issue of a building license for the construction and must be removed immediately upon completion of construction or expiry of the building license.
  - 6.1.4 Sea containers will not be permitted in the town centre or on heritage listed properties or properties located within a designated heritage precinct unless the container is being temporarily used in conjunction with approved building works.
  - 6.1.5 Sea containers will not be permitted for habitable use or conversion for habitable use 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.
  - 6.1.6 Temporary development is permitted development under the York Town Planning Scheme No. 2 and is defined as 48 hours or a period agreed by the local government. Applications for temporary use of a sea container may be considered for periods up to 3 months, where a request is received in writing prior to the siting of the sea container providing valid reasons for the request. No application fees or advertising will be applicable to temporary applications.
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## 6.2. RESIDENTIAL ZONE CONDITIONS AND REQUIREMENTS

Sea containers may be approved in a residential zone, subject to the following requirements:

- 6.2.1 Container(s) to be painted and in good condition prior to location upon any property.
- 6.2.2 Container(s) shall be suitably screened and/or fenced from the road frontage and be situated at the rear of the property unless otherwise determined by Council.
- 6.2.3 A container will not be permitted within the front setback area.
- 6.2.4 Container(s) must satisfy the setback requirements according to the Residential Design Codes.
- 6.2.5 Container(s) are not to be located over septic tanks and/or leach drains or utilities.
- 6.2.6 A maximum of one (1) sea container will be considered per property.
- 6.2.7 Sea containers are to be used for purpose of storage only.
- 6.2.8 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.

## 6.3. RURAL RESIDENTIAL, RURAL SMALLHOLDING AND RURAL TOWNSITE ZONE CONDITIONS AND REQUIREMENTS

Sea containers may be approved in Rural Residential, Rural Smallholding and Rural Townsite zones, subject to the following requirements:

- 6.3.1 Container(s) may only be used for the purpose of storage of approved materials in Rural Residential, Rural Smallholding and Rural Townsite areas.
- 6.3.2 Container(s) shall be suitably screened and/or fenced from the road frontage and be situated at the rear of the property unless otherwise determined by Council.
- 6.3.3 The use of container(s) shall relate directly to, and be ancillary to, the predominant use of the property as approved by Council.
- 6.3.4 Container(s) are not to be located over septic tanks and/or leach drains or utilities.
- 6.3.5 In Rural Residential, Rural Smallholding and Rural Townsite areas a maximum of two (2) containers will be permitted per property.
- 6.3.6 Council may request additional works or measures other than those already mentioned to properly address any amenity issues arising from the location of a sea container.

## 6.4. GENERAL AGRICULTURAL AND INDUSTRIAL ZONED LAND AND REQUIREMENTS

The use of up to two (2) sea containers on land zoned 'General Agriculture' or 'Industrial' is permitted and does NOT require prior Council approval, subject to the following conditions:

- 6.4.1 Containers are located to the rear of buildings and that they are not prominently visible from the street.
  - 6.4.2 Containers shall be located within building setbacks in the York Town Planning Scheme No. 2.
  - 6.4.3 Container(s) shall not be stacked vertically.
  - 6.4.4 Containers shall not be located over septic tanks, leach drains or utilities.
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6.4.5 A planning application may be considered in General Agriculture or Industrial zones for the use of more than two (2) sea containers, or for sea containers that do not comply with the setback requirements or are visible from the street, subject to the requirements of 6.1.3 and 6.1.6.

## **7. APPLICATION REQUIREMENTS**

The following details shall be submitted:

1. A completed Application for Planning Consent and payment of the application and advertising fees.
2. A legible, and if possible scaled, site plan showing the proposed location of the sea container and detailing setbacks to boundaries. The site plan should also include other buildings, septic systems, access ways, watercourses and vegetation on the property.
3. 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.

Note: Any retrospective applications will attract an application fee in accordance with the *Town Planning Regulations 1967* (as amended).

## **8. APPLICATION PROCESS**

1. Once an application is received, the application will be checked to ensure all required information has been submitted. A site inspection may also be carried out to confirm the proposed location and to make an assessment of any potential impacts.
  2. All planning applications for sea containers will be advertised for a minimum of 14 days in accordance with the provisions of Clause 7.3 of the York Town Planning Scheme No. 2 in one or more of the following ways:
    - Written notice to adjoining and/or affected landowners;
    - Notice in a local newspaper circulating the scheme area;
    - Notice on Council's website;
    - Application displayed at Council's Offices; and/or
    - Sign displayed on site.
  3. Any person may inspect the application and make a submission within the advertising period. The contents of any submissions may be discussed with the applicant to resolve the issues of concern.
  4. The application will be assessed in accordance with the York Town Planning Scheme No. 2, the provisions of this Policy, and taking into consideration the matters listed in Clause 7.5 of the Scheme.
  5. The application may be determined under delegated authority or may require Council resolution.
  6. Generally planning applications take 4 to 6 weeks to process. However, this process may be longer if a Council resolution is required.
  7. Once determined, the applicant will be advised of the outcome in writing and be required to comply with any conditions of approval.
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8. Council's Compliance Officer carries out follow up inspections on all planning approvals to monitor development and ensure compliance with the conditions.

**9. PENALTIES:**

Not applicable.

**10. KEY TERMS/DEFINITIONS:**

Not applicable.

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Responsible Officer: Executive Manager Infrastructure & Development Services

Contact Officer: Senior Planner

Relevant Legislation: Not applicable

Review History:

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Reviewed – 17 December 2012	031212
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