

## **Local Planning Policy 15 – Outbuildings and Sea Containers (LPP15)**

Management Procedure

Relevant Delegation

### **Purpose**

#### 1. Statutory Requirements

This policy is prepared under and in accordance with Schedule 2 of the Planning Regulations (Local Planning Schemes) 2015 (The Regulations) and Part 7 of the Residential Design Codes (R Codes) State Planning Policy 3.1 (SPP3.1).

##### a) Relationship to Local Planning Scheme No.3

This policy is a local planning policy prepared, and adopted pursuant to Part 2 of Local Planning Scheme No.3. (The Scheme) The policy augments and is to be read in conjunction with the provisions of the Scheme relating to development.

If there is a conflict between this local planning policy and the Scheme, then the Scheme shall prevail.

##### b) Relationship to other state planning/ development control policies.

This policy has due regard to, and should be read in conjunction with state planning policies. Of particular relevance to this policy are:

- i. State Planning Policy 1 – State Planning Framework.
- ii. State Planning Policy 3.1 – Residential Design Codes
- iii. State Planning Policy 3.7 – Planning in Bushfire Prone Areas.
- iv. State Planning Policy – Liveable Neighbourhoods
- v. State Planning Policy 2.2 – Residential Subdivision

Applications that seek to development vary the requirements of Residential Design Codes or the Local Planning Scheme No.3 will require an application to commence development through council's Approval Services department (Planning).

## 2. Purpose

It is recognised that outbuildings are a necessary component to meet the domestic storage needs of residential and rural properties. However, there is a need to ensure that outbuildings are sensitively located, constructed to a high design quality, and appropriately scaled so as to protect the amenity of the locality. The policy also recognises the size of outbuildings in the various zoned land in the City can vary due to the prevailing lot sizes.

The purpose of this policy is to provide guidance on development of outbuildings and sea containers within the following zones:

- a) Residential;
- b) Residential Bushland; (R5, R2.5);
- c) Special Rural;
- d) Rural Agriculture;
- e) Rural Composite;
- f) Rural Landscape Interest; and
- g) Rural Conservation.

Properties zoned Residential R2.5, R5 and R10 are classified as Residential zones under the LPS No. 3 and State Planning Policy 3.1 – Residential Design Codes (R-Codes). However due to the larger lot sizes within these zones, larger maximum floor area, wall height and roof height criteria compared to properties zoned Residential R12.5 and above can be considered.

Notwithstanding the above, applications for variations to maximum floor space and height in other zones may also be considered subject to Clause 3.8 Variations to the Policy.

## 3. Objectives

The primary objectives of this policy are to:

- a) Ensure the amenity of the locality and streetscape is preserved through orderly planning of any development of outbuildings, detached garages including sheds, rainwater tanks and sea containers within the City of Kalamunda.
- b) To ensure that outbuildings are of an appropriate scale and form in the context of the size of the lot, location of the outbuilding, environmental characteristics of the area, and existing buildings on the site.
- c) Facilitate the intended use of the outbuilding while not creating an adverse impact to the surrounding landowners.
- d) To give due consideration for proposals incorporating outbuildings, detached garages and sea containers where there are legitimate constraints on the subject lot; and
- e) To establish clear guidelines for the placement, streetscape consideration and aesthetics of sea containers.

## Policy Statement

### 1. Policy Provisions

Applications for development approval will be assessed against the prescribed setback, floor area, height requirements, design outcomes, and recommended materials set out in Tables 1 and 2 of this policy.

### 2. Matters to be Considered

The following matters will be given consideration in the assessment of applications for outbuildings, detached garages and sea containers:

- a) Any relevant matters set out in Clause 67 of the Planning Regulations (Local Planning Schemes) 2015 (the Regulations) and the objectives of the zone;
- b) The impact of the proposed outbuilding(s), and sea containers on the amenity and character of residential and rural areas, as viewed from a street, public space or neighbouring property;
- c) Whether any significant trees or other vegetation should be preserved;
- d) The preservation of areas of useable on-site open space;
- e) Any special limitation on the development of the land by virtue of its size, shape or environmental/geographical feature;
- f) Whether the property is located within a Bushfire Prone Area;
- g) Whether the proposed use of the outbuilding and use class of the lot warrants a size that exceeds the recommended total floor area and height that is prescribed under Table 1;
- h) Whether support for the development application will set an undesirable precedent for similar sized surrounding lots;
- i) Comments received from affected adjacent property owners/occupiers, where advertising is required in accordance with Council's Local Planning Policy 11 – Public Notification of Planning Proposals (LPP11);
- j) Access to the outbuilding for normal use, including the need for access ways (driveways) and the drainage of the surrounding area and access way;
- k) Services, electricity, effluent disposal, gas and water supply; and
- l) Justification from the applicant in respect to proposed variations to this policy.

## Development Requirements

### 1. Location of Outbuildings

An outbuilding in the Residential or Residential Bushland zones, will not be permitted within the designated primary or secondary street setback areas.

## 2. Setback Requirements

Where the lot is not subject to a specific building envelope, all development shall be subject to the prescribed building setback requirements of the R-Codes for residential zones and the scheme for all other zones

## 3. Operation

Outbuildings that comply with the criteria specified in Tables 1 and 2 corresponding to the applicable zone are considered to meet the design principles of the R-Codes and/or development requirements and objectives of the scheme and will be, be supported without advertising to neighbours for comment.

## 4. Floor Area and Height Requirements

All outbuildings shall comply with the recommended maximum outbuilding floor area, aggregate floor area, building height and design outcomes stipulated under Table 1 of this policy unless otherwise stipulated in the R Codes (where applicable) or the Scheme.

## 5. Access

Suitable access is to be provided for the operation of the outbuilding. Access ways for vehicles, if required, are to be constructed and drained to a minimum standard as specified in the by the City's Asset Services Department,

*[Note some outbuildings won't have or need vehicle access for normal operation]*

## 6. Outbuilding and Sea Containers located in Bushfire Prone Area

Where an outbuilding or sea container is located on a property located in a Bushfire Prone Area, the provisions of State Planning Policy 3.7 shall apply.

Where an outbuilding or sea container is located within 6 metres of an existing dwelling or habitable building and/or cost of development exceeds \$20,000, the applicant must provide a Bushfire Attack Level Assessment (BAL) and comply with the requirements of that assessment.

Planning Bulletin 111/2016 published by the Western Australian Planning Commission (WAPC) is referenced. Reference is to be made to the latest version of the Planning Bulletin.

## 7. Variations to the Policy

Any variation to development requirements of Tables 1 and 2 will require the applicant to provide additional justification including the following detail:

- a) Demonstrate how the proposal will not adversely affect adjoining property owners. Applicants should provide further information such as written non-objections from neighbours as well as photographs as viewed from neighbouring properties (where applicable)
- b) Demonstrate that the streetscape or the amenity of the locality will not be negatively impacted, having consideration for and reference to Clause 2.2 – 'Matters to be Considered' of this policy.

- c) Demonstrate how potential negative visual impacts can be ameliorated. This may include:
- i. Provision of vegetative screening which will be planted and maintained to the satisfaction of the City.
  - ii. Colour and Materials matching the existing buildings or dwellings on-site

Please note that the City may undertake consultation with adjoining affected property owners/occupiers during assessment where it is deemed applicable in accordance with Council's Policy P-Dev. 45, Public notification of planning proposals.

Where applicants are seeking to provide vegetative screening to ameliorate visual impact, the applicant shall provide the appropriate screening species and submit such details with the application to commence development.

Where an application seeks to vary policy provisions and a neighbour objection is received, a proposal may require referral to Council for determination.

Table 1 – Floor Area, Height and Design Outcomes - Outbuildings

Zoning	Column A		Column B		Column C	Column D
	Maximum Floor Area		Recommended Maximum Height (measured from the Natural Ground Level)		Setback Requirements	Acceptable Design Outcomes
	Individual Outbuilding	Maximum Aggregate Floor Area	Wall (metres)	Roof Ridge Height** (metres)		
Residential ≥R12.5					As per the R-Codes (as amended).	
Residential – R10						
Lot Size < 1000m <sup>2</sup>	60m <sup>2</sup>	75m <sup>2</sup>	3.0m	4.2m	As per the R-Codes (as amended).	<ul style="list-style-type: none"> <li>Compliant with R-Codes setback requirements.</li> <li>Meet the construction requirements of AS3959-2009 Construction of buildings. (Where located in a bushfire prone area)</li> <li>Will not reduce areas of open space below the deemed-to-comply requirements of the R-Codes.</li> <li>Outbuilding(s) located behind the main dwelling alignment and not directly visible from a street or public space.</li> <li>Are not located within an area where there is historical evidence of flood waters reaching high levels.</li> <li>Does not result in the excessive or unnecessary removal of vegetation. Where tree removal is required, the applicant will be required to plant established trees in replacement at the discretion of the City's Environmental Services Department.</li> <li>The proposed colours and materials are consistent with the criteria set out in in Table 2 of this policy.</li> <li>Will not unduly impact on the amenity of an adjoining property owner/occupier</li> <li>Street setbacks will not be varied unless an established pattern of setback non-compliance can be demonstrated.</li> <li>Where side and/or rear setback variations are sought the applicant shall demonstrate that there will not be a visual impact on adjoining properties, this may be mitigated via vegetative screening.</li> </ul>
Lot Size > 1000m <sup>2</sup>	90m <sup>2</sup>	90m <sup>2</sup>	3.0m	4.2m		
Residential R5	90m <sup>2</sup>	150m <sup>2</sup>	3.0m	4.2m	As per the R-Codes (as amended).	<ul style="list-style-type: none"> <li>Compliant with R-Codes setback requirements.</li> <li>Meet the construction requirements of AS3959-2009 Construction of buildings. (Where located in a bushfire prone area)</li> </ul>

						<ul style="list-style-type: none"> <li>• Will not reduce areas of open space below the deemed-to-comply requirements of the R-Codes.</li> <li>• Outbuilding(s) located behind the main dwelling alignment and not directly visible from a street or public space.</li> <li>• Are not located within an area where there is historical evidence of flood waters reaching high levels.</li> <li>• Does not result in the excessive or unnecessary removal of vegetation. Where tree removal is required, the applicant will be required to plant established trees in replacement at the discretion of the City's Environmental Services Department.</li> <li>• The proposed colours and materials are consistent with the criteria set out in in Table 2 of this policy.</li> <li>• Will not unduly impact on the amenity of an adjoining property owner/occupier</li> <li>• Street setbacks will not be varied unless an established pattern of setback non-compliance can be demonstrated.</li> <li>• Where side and/or rear setback variations are sought the applicant shall demonstrate that there will not be a visual impact on adjoining properties, this may be mitigated via vegetative screening.</li> </ul>
Residential Bushland R2.5	120m <sup>2</sup>	180m <sup>2</sup>	4.0m	4.8m	As per the R-Codes (as amended).	<ul style="list-style-type: none"> <li>• Compliant with R-Codes setback requirements.</li> <li>• Meet the construction requirements of AS3959-2009 Construction of buildings. (Where located in a bushfire prone area)</li> <li>• Will not reduce areas of open space below the deemed-to-comply requirements of the R-Codes.</li> <li>• Outbuilding(s) located behind the main dwelling alignment and not directly visible from a street or public space.</li> <li>• Are not located within an area where there is historical evidence of flood waters reaching high levels.</li> <li>• Does not result in the excessive or unnecessary removal of vegetation. Where tree removal is required, the applicant will be required to plant established trees in replacement at the discretion of the City's Environmental Services Department.</li> <li>• The proposed colours and materials are consistent with the criteria set out in in Table 2 of this policy.</li> </ul>

						<ul style="list-style-type: none"> <li>• Will not unduly impact on the amenity of an adjoining property owner/occupier</li> <li>• Street setbacks will not be varied unless an established pattern of setback non-compliance can be demonstrated.</li> <li>• Where side and/or rear setback variations are sought the applicant shall demonstrate that there will not be a visual impact on adjoining properties, this may be mitigated via vegetative screening.</li> </ul>
Special Rural	150m <sup>2</sup>	200m <sup>2</sup>	4.0m	4.8m	<ul style="list-style-type: none"> <li>• Minimum 15 metres from the Primary Street.</li> <li>• Minimum 15 metres from the Secondary Street</li> <li>• Minimum 10 metres from the side or rear boundary</li> </ul>	<ul style="list-style-type: none"> <li>• Compliant with LPS No. 3 setback requirements.</li> <li>• Meet the construction requirements of AS3959-2009 Construction of buildings. (Where located in a bushfire prone area)</li> <li>• Outbuilding(s) located behind the main dwelling alignment and/or will not be directly visible from a street or public space.</li> <li>• Are not located within an area where there is historical evidence of flood waters reaching high levels.</li> <li>• Does not result in the excessive or unnecessary removal of vegetation.</li> <li>• The proposed colours and materials are consistent with the criteria set out in in Table 2 of this policy. Where tree removal is required, the applicant will be required to plant established trees in replacement at the discretion of the City's Environmental Services Department.</li> <li>• Will not unduly impact on the amenity of an adjoining property owner/occupier.</li> </ul>
Rural Composite	150 m <sup>2</sup>	300 m <sup>2</sup>	5.0m	5.8m	<ul style="list-style-type: none"> <li>• Minimum 20 metres from the Primary Street</li> <li>• Minimum 15 metres from a secondary street</li> <li>• Minimum 10 metres from a side or rear boundary</li> </ul>	
Rural Landscape Interest, Rural Agriculture,	180m <sup>2</sup>	300m <sup>2</sup>	5.0m	5.8m	<ul style="list-style-type: none"> <li>• Minimum 20 metres from the primary street boundary.</li> <li>• Minimum 15 metres from a secondary street.</li> <li>• Minimum of 15 metres from a side or rear lot boundary.</li> </ul>	
Rural Conservation	150m <sup>2</sup>	300m <sup>2</sup>	5.0m	5.8m	<ul style="list-style-type: none"> <li>• Minimum 25 metres from the primary street boundary.</li> <li>• Minimum of 20 metres from a secondary street boundary.</li> <li>• Minimum 20 metres from a side or rear lot boundary.</li> </ul>	

\* Consideration may be given to a variation to the outbuilding area and height provided the applicant can demonstrate to the satisfaction of the City that the use of the outbuilding and use class of the lot (i.e. a non-domestic land use) warrants a size beyond the recommended total floor area and height that is prescribed under this policy.

\*\* Consideration may be given to a proposed roof ridge height above what is prescribed in Table 1 if PVP (Solar) Panels are proposed.

Table 2 – Materials and Finishes, Outbuildings			
	Preferred	Discretions Required	Unacceptable
Materials	<ul style="list-style-type: none"> <li>• Powder Coated Steel/ Colorbond.</li> <li>• Straw bale.</li> <li>• Masonry (brick, rendered brick, stone, and rendered or painted concrete)</li> <li>• Timber.</li> <li>• Weatherboard.</li> <li>• Rammed Earth.</li> <li>• Lightweight materials with a rendered or painted finish.</li> </ul>		<ul style="list-style-type: none"> <li>• Second hand materials.</li> </ul>
Colours	<ul style="list-style-type: none"> <li>• Earth tones and/or complimentary colours to the main building and surrounding vegetation.</li> </ul>	<ul style="list-style-type: none"> <li>• A colour which is similar to the main dwelling but not complimentary to the subject lots locality.</li> </ul>	<ul style="list-style-type: none"> <li>• Uncharacteristic or bright colours.</li> <li>• Contrasting colours to the main dwelling and surrounding landscape.</li> </ul>

## Sea Containers

- 4.1 The placement of a sea container does not require planning approval if the sea container is situated on private property for no longer than 48 hours. Planning approval is to be obtained from the City if it is to remain on the property for a longer period of time.
- 4.2 A maximum of one (1) sea container is permitted if it is used during the construction of an approved building for a maximum period of 6 months. The sea container must be removed within 48 hours of the building's completion
- 4.3 On Residential zoned lots, a maximum of one (1) sea container is permitted only if being used by removalists and/or those residing on the property where it is to be located, for the purpose of moving domestic items to/from the property.
- 4.4 On Rural and non-residential zoned lots, the placement of no greater than one (1) sea container to be used for non-habitable purposes only and which meets the setback requirements stipulated within Table 2 of the City's LPS No. 3 shall not require planning approval providing the sea container is modified in accordance with Clause 4.6(b) & (c). (A Building licence may be required depending on the extent of works proposed)
- 4.5 Where a sea container is placed on a site for the purposes outlined in Clauses 4.1, 4.2, 4.3 and 4.4 of this policy, the sea container shall be located behind the front setback line or building line whichever is greater.
- 4.6 Where a sea container is proposed to be placed permanently on a site, the following modifications will be required:
- a) The exterior façade of the sea container shall be upgraded in accordance with provisions of Clause 4.7 of this policy.
  - b) Permanent ventilation being provided by either openable windows or a roof vent.
  - c) Where visible from the street, public spaces or a neighbouring property the applicant shall provide a vegetated screen between the lot boundary and the proposed location of the sea container. Where required, the number and species of plants will form part of a condition of planning approval.
- 4.7 The placement and use of sea containers, except as provided for by Clause 4.1, 4.2 and 4.3 of this policy will not be permitted unless it can be demonstrated that the location of the sea container is screened from the road and neighbouring property and the exterior appearance of the sea container will be upgraded to be complementary with the surrounding development or landscape and incorporate modifications detailed in Clause 4.6. Upgrading will include:
- Façade of sea container to be externally clad with timber, weatherboard or steel sheeting (Colorbond) or a material approved by the City and shall be of a colour which blends and matches the existing dwelling / buildings or surrounding landscape of the lot.
- 4.8 Notwithstanding, clause 4.4 of this Policy, on Rural zoned lots, the number of sea containers proposed will be assessed on the individual merits of the proposal, having regard to Tables 1 and 2 of this Policy, and matters outlined in Clause 67 of the Regulations.

## Definitions

**“ Dwelling Alignment ”** – for the purpose of this policy means the closest point of the dwelling to the primary or secondary street boundary.

**“ Floor Area ”** - For the purpose of this policy means the area of an outbuilding floor including the area of any internal and external walls.

**“ Maximum Aggregate Floor Area ”**- for the purpose of this policy means the gross total floor area of all floors of all outbuildings, including the area of any internal and external walls.

**“ Outbuilding ”** – has the same meaning as the R-Codes (as amended): an enclosed non-habitable structure that is detached from any dwelling.

**“ Primary Street ”** – has the same meaning as the R-Codes (as amended): Unless otherwise designated by the local government, the sole or principal public road that provides access to the major entry (front door), to the dwelling.

**“ Residential Design Codes ”** - means State Planning Policy 3.1 – Residential Design Codes (as amended), published by the Department of Planning on behalf of the Western Australian Planning Commission.

**“ Roof Ridge Height ”** – for the purpose of this policy means the highest point of a pitched roof measured above the finished ground level immediately below.

**“ Sea Container ”** – means a 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 and permanent use on land, where the structural integrity remains intact.

**“ Secondary Street ”** – has the same meaning as the R-Codes (as amended): In the case of a site that has access from more than one public road, a road that is not the primary street but which intersects with or adjoins that road.

**“ Setback ”** - has the same meaning as the R-Codes (as amended): The horizontal distance between a wall at any point and an adjacent lot boundary, measured at right angles (90 degrees), to the boundary.

**“ Wall ”** - has the same meaning as the R-Codes (as amended): The vertical external face of a constructed building comprising solid building material and includes enclosure to verandahs and balconies.

Adopted	23 October 2018 OCM 181/2018
Reviewed	
Next Review Date	