

**2.3: CONSIDERATION OF ADVERTISING AMENDMENTS TO LOCAL PLANNING SCHEME 1A AND 3 POLICY MANUAL FOR POLICY 2A – OUTBUILDINGS AND POLICY 2C – SEA CONTAINERS**

<b>Land Description</b>	: City of Albany
<b>Proponent</b>	: City of Albany
<b>Owner</b>	: City of Albany
<b>Business Entity Name</b>	: N/A
<b>Attachments</b>	: Amended Outbuilding Policy Current Outbuilding Policy Sea Container Policy
<b>Appendices</b>	: Nil
<b>Councillor Workstation</b>	: Nil
<b>Responsible Officer(s)</b>	: Executive Director Planning & Development Services (Dale Putland)

**IN BRIEF**

- Advertising the intention of amending the City's Outbuilding Policy and rescinding the City's Sea Container Policy.
- The City's Outbuilding Policy has on recent occasions been challenged by developers.
- There are no provisions to guide the development of outbuildings on vacant lots.
- Some of the provisions within the Outbuilding Policy are being implemented without due consent of the Western Australian Planning Commission.
- The Residential Design Codes of Western Australia defines an outbuilding as being a 'non habitable structure'. In accordance with this definition, the opportunity exists to change the outbuilding policy name to the 'Non-Habitable Structures Policy' and to include provisions governing sea containers within this new non-habitable structures policy.
- Councillors have been briefed on issues and proposed changes pertaining to the existing outbuilding policy.

**RECOMMENDATION**

**ITEM 2.3 RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council resolves to advertise in accordance with Clause 6.9 of Town Planning Scheme No. 3 and Clause 7.21 of Town Planning Scheme No. 1A proposed amendments to the Town Planning Scheme 1A and 3 Policy Manual:**

- 1. Amendments to the Outbuildings Policy – Policy 2A; and**
- 2. Rescinding the Sea Containers Policy – Policy 2C.**

**BACKGROUND**

1. In 2011, the City adopted its Local Planning Scheme 1A & 3 Policy Manual. The Policy Manual consists of a consolidation of policies with provisions and objectives to be taken into account in respect to decision making.

2. Since the adoption of the Policy Manual, the City's Outbuilding Policy has on recent occasions been challenged by developers and Council has made decisions contrary to their adopted policy. Reasons for contentious issues arising include:
  - There are no provisions to address the size of outbuildings on the smaller lots (<450m<sup>2</sup>), on lots between 2000m<sup>2</sup> and 4000m<sup>2</sup> and on lots zoned 'Rural Village';
  - The permitted size of outbuildings increases as the size of the lot increases. It is argued that the increases are too small; the increases are not relative to lot sizes;
  - The relationship between outbuildings and gazebos, garden structures, shade houses and sea containers needs to be clarified;
  - There are no provisions to govern the development of outbuildings on vacant lots; the community is concerned that the amenity of lots used predominantly for residential living may be impacted as a result of outbuildings being approved on vacant lots; and
  - The Policy is being used contrary to Part 5 of the Residential Design Codes.
3. As a means to address the various issues and to avoid having to repeatedly request that Council make decisions contrary to their adopted policy, City staff and Councillors decided to work in partnership to draft a new 'Non-Habitable Structures Policy'. The City proposes that this new policy acts as an amendment to the existing 'Outbuilding Policy' and a replacement to the existing 'Sea-Containers Policy'.
4. The new proposed 'Non-Habitable Structures Policy' introduces clarification and more flexibility without losing sight of the key objective, which is to:

*'achieve a balance between providing for various legitimate storage needs of residents whilst minimising any adverse impacts non-habitable structures may have on the locality.'*

## **DISCUSSION**

### Size of structure

5. The current outbuilding policy restricts the size of outbuildings relative to the size and zoning of a lot. For example, as the lot size increases, the permitted size of outbuilding increases. In saying this, the policy fails to indicate a suitable size outbuilding for small lots <450m<sup>2</sup>, for medium size lots between 2000m<sup>2</sup> and 4000m<sup>2</sup> and for lots zoned 'Rural Village'. The policy also fails to adequately increase the permitted size of an outbuilding for the larger lots (i.e. lots greater than 2ha). To address these inadequacies, the new policy proposes to increase the permitted outbuilding floor area for the larger lots and to include new provisions for lots <450m<sup>2</sup>, for lots between 2000m<sup>2</sup> and 4000m<sup>2</sup> and for lots in the 'Rural Village' zone.

### Vacant Lots

6. Further, the outbuilding policy does not adequately address the potential amenity impact of outbuildings on vacant lots. If not sensitively located (i.e. behind dwelling), outbuildings can impact on the amenity of nearby residents, the streetscape, character and environmental attributes of the area. As a means to deal with this issue, it is proposed that prior to supporting a proposal to develop an outbuilding on a vacant lot, a building permit for a residential dwelling needs to be approved, thus demonstrating that a dwelling can be built and there is a genuine intention to do so.

Name Change

7. The Residential Design Codes of Western Australia defines an outbuilding as being a 'non habitable structure'. Based on this definition and to clearly indicate the fact that outbuildings are not to be used for human habitation, the City proposes that the name 'Outbuilding Policy' is changed to 'Non Habitable Structures Policy'.

Sea Containers

8. The City has another policy dealing with sea containers. Sea containers are also non habitable structures and as such the City proposes to include provisions dealing with sea-containers within the 'Non-Habitable Structures Policy'. In doing so, the City proposes that the sea container policy is rescinded.

Other Structures

9. Uncertainty exists as to whether or not a detached gazebo, shade house or carport should be assessed in accordance with the existing outbuilding policy. The new proposed 'Non-Habitable Structures Policy' clarifies that detached gazebos, shade houses and carports are non-habitable structures and therefore are to be assessed in accordance with the 'Non-Habitable Structures Policy'.

Western Australian Planning Commission Endorsement

10. Part 5 of the Residential Design Codes (RDC) implies that, any Local Government Planning Policy varying the RDC requirements (other than stated exceptions) needs to be endorsed by the Western Australian Planning Commission. Although the City's current outbuilding policy pertains to vary the RDC to permit larger outbuildings on Residential zoned land, the policy has not been approved by the WAPC. The new proposed 'Non Habitable Structures Policy' also seeks to vary the RDC outbuilding provisions. In order to get endorsement, it needs to be demonstrated to the satisfaction of the WAPC that there is a need specific to a particular region that warrants such a variation. The reason for the variations (i.e. larger permitted floor areas) has come about over a long period of time and is a result of community needs/requests. Landholders have consistently challenged the outbuilding provisions and have pushed for larger size outbuildings mainly to accommodate caravans, home businesses and their regional lifestyle that Albany is characteristic of. This justification will be put to the WAPC for consideration of endorsement following Council's final adoption after advertising.

**GOVERNMENT CONSULTATION**

11. It is considered appropriate that should Council resolve to advertise the amendments, that the WAPC should be invited to make comment.

**PUBLIC CONSULTATION / ENGAGEMENT**

12. Should Council resolve to advertise amendments to the City's Policy Manual, an advertisement is to be placed once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the amendments may be inspected and where, in what form, and during what period (being not less than 21 days) representations may be made to the Council.

13. The Council shall then review the amended provisions in the light of any representations made and decide to:
  - finally adopt the new Non Habitable Structures Policy;
  - rescind the Sea Containers Policy; and
  - refer the new Non Habitable Structures Policy to the WAPC for endorsement.
14. Following final endorsement, details thereof shall be advertised publicly and a copy kept with the scheme documents (Policy Manual) for inspection during normal office hours.

**STATUTORY IMPLICATIONS**

15. Clauses 6.9 of the City of Albany Town Planning Scheme 3 and 7.21 of Town Planning Scheme 1A set out the processes to adopt and modify town planning scheme policies and also provides direction on what function the policies have in the decision-making process.
16. The Policy may only be altered or rescinded by:
  - (a) Preparation and final adoption of a new policy, specifically worded to supersede an existing policy; and
  - (b) Publication of a formal notice of rescission by the Council twice in a newspaper circulating in the area.

**STRATEGIC IMPLICATIONS**

17. The amendments are consistent with the City's Strategic Plan as follows:  
*Governance: The City of Albany will be an industry leader in good governance and service delivery.*

**POLICY IMPLICATIONS**

18. Should the Council resolve to advertise the amendments to the Policy Manual, after the advertising period has been completed and the amended Policy Manual is re-presented to Council for final consideration, Council will need to formally rescind the existing sea container policy.

**RISK IDENTIFICATION & MITIGATION**

The risk identification and categorisation relies on the City's Risk Management Framework.

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<i><u>Organisational Operations</u> Poor decision making as a result of peculiarities, inconsistencies and lack of provisions in the City's Policy Manual.</i>	<i>Likely</i>	<i>Medium</i>	<i>Medium</i>	<i>Adopt amendments to the Policy Manual to solve peculiarities, inconsistencies and lack of provisions.</i>

**FINANCIAL IMPLICATIONS**

19. There are no financial implications related to this item.

**LEGAL IMPLICATIONS**

20. There are no legal implications related to this item.

**ALTERNATE OPTIONS**

21. Council has the options of:
- a. Resolving to advertise the amendments to the Policy Manual;
  - b. Resolving to advertise the amendments to the Policy Manual with or without modifications;
  - c. Resolving not to advertise the amendments to the Policy Manual.

**SUMMARY CONCLUSION**

22. It is recommended that Council releases the amended Policy Manual for government and public exhibition.

<b>Consulted References</b>	:	Local Planning Scheme 1A and 3 Policy Manual
<b>File Number (Name of Ward)</b>	:	City of Albany
<b>Previous Reference</b>	:	OCM 19/04/11 - Item 1.1 (Adoption of Final version of Policy Manual). OCM 28/08/12 – Item 2.11 (Consideration of amendments to Local Planning Scheme 1A And 3 Policy Manual For Policy 2a – Outbuildings – It was resolved to 'lay the item on the table').



# City of Albany

## Planning Policy

# NON-HABITABLE STRUCTURES

(i.e. Outbuildings, Sheds, Gazeboes, Carports, Sea-containers, Shade Houses)

Version: December 2012  
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File Ref: ? | Synergy Ref: <Insert >

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**Version Control**

<b>Version</b>	<b>Date</b>	<b>Status</b>	<b>Distribution</b>	<b>Comment</b>
1	December 2012	Draft - Advertising	Internal/External	
			Internal/External	

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## City of Albany - NON-HABITABLE STRUCTURES POLICY

*(i.e. Outbuildings, Sheds, Gazeboes, Carports, Sea-containers, Shade houses)*

### 1. Objective

1. To achieve a balance between providing for various legitimate storage needs of residents whilst minimising any adverse impacts non-habitable structures may have on the locality.

### 2. Scope

1. Non-habitable structures include structures that are not attached to a dwelling and commonly known as outbuildings, sheds, gazeboes, carports, sea containers and shade houses.
2. Garden structures (i.e. structures without a solid roof - pergolas with shade cloth and arbours) are considered exempt from the provisions of the policy.
3. This policy applies to non-habitable structures on lots designated for 'Residential', 'Tourist Residential', 'Future Urban', 'Special Residential', 'Special Rural', 'Rural Village', Yakamia Creek, 'Rural' (<4ha) and 'Conservation' purposes. This Policy does not apply to non-habitable structures on lots designated 'Rural' (>4ha), 'Industrial' or 'Commercial'.
4. Setbacks for non-habitable structures in the 'Residential', 'Tourist Residential', 'Future Urban' and 'Residential Development' zones are to conform with the Table 1, 2a or 2b of the Residential Design Codes WA. Setbacks for non-habitable structures in the 'Rural', 'Conservation', 'Special Rural', 'Special Residential' and 'Rural Village' zones are to comply with the provisions listed in the scheme applicable to each area. Where requirements are not clearly defined, compliance shall be in accordance with the objective of this policy.
5. A non-habitable structure with a floor area of 10m<sup>2</sup> or less and under 2.4m in height is considered exempt from the provisions of the policy (i.e. small garden shed). A second non-habitable structure with a floor area of 10m<sup>2</sup> or less and under 2.4m in height is to be assessed in accordance with the Non-habitable structure Policy.



### 3. Definitions

**“Reflective Materials”** includes factory applied finishes such as zincalume, galvabond and light colorbond colours such as white, off-white and surfmist.

**“Height”** is the height of the non-habitable structure as measured vertically from the natural ground level to the highest point of the building above that point, as stipulated in the Residential Design Codes of Western Australia, and not the measurement taken above the proposed finished floor level of the non-habitable structure.

**“Maximum Floor Area”** the combined total floor area of all existing and proposed non-habitable structures on a lot.

### 4. Policy Provisions

1. Subject to provision 2 (below), non-habitable structures do not require planning approval.
2. Except as otherwise provided, the following development requires planning approval:
  - a) Development of a sea container;
    - i. A sea container shall not be considered unless:
      - Plans indicate re-development measures to make more visually appealing. This can be done by painting and/or re-cladding to a colour and design similar to surrounding development; and
      - neighbours comments have been considered.

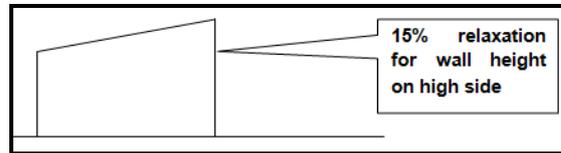
Screening by planting trees or shrubs or by any other methods shall be considered to reduce the visual impact of the sea container.

- b) Development of a non habitable structure on a vacant lot that is zoned Residential, Tourist Residential, Future Urban, Residential Development, Special Residential or Special Rural shall not be considered unless:
  - A Building Permit for a dwelling has been issued by the City; and
  - neighbours comments have been considered.

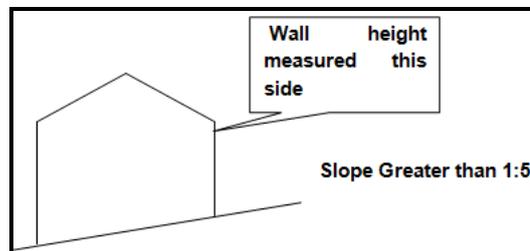
Screening by planting trees or shrubs or by any other methods may be required to reduce the visual impact of the non-habitable structure on the vacant lot.

- c) Where development varies from the following policy requirements.
  - i. Except as provided below, the size of a non-habitable structure shall comply with the provisions in Table 1.

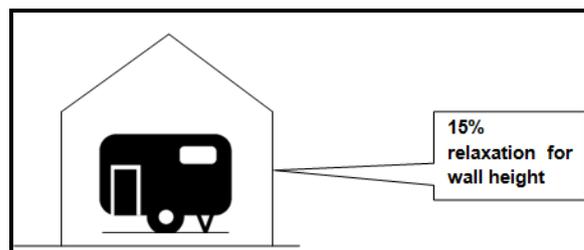
- For mono-pitched (skillion) roofed non-habitable structures (not ridged roofs), a relaxation of the height of the wall (on high side - up to 15%) may be supported; or



- where the land upon which the non-habitable structure is to be erected has a slope greater than 1 in 5, the height of the wall shall be measured on the wall that is located at the higher point of the site where the land has not been subject to cut and/or fill; or



- where in order to accommodate larger boats, caravans or motor-homes, the applicant is to demonstrate proof of ownership of such vehicle/vessel and a relaxation of the height of the wall (up to 15%) may be supported on Residential / Tourist Residential / Future Urban / Residential Development Zone lots that are less than 4000m<sup>2</sup>; or



- A discretionary allowance of an extra 5m<sup>2</sup> over the maximum permitted floor area may be considered in cases where the stated maximum floor area allowed is unworkable due to the dimensions of a standard design.
- ii. Non-habitable structures shall be located away from the primary or secondary street areas (i.e. to the rear of the lot).
  - iii. Non-habitable structures that exceed 60m<sup>2</sup> in floor area shall be constructed out of non-reflective materials.



TABLE 1: NON-HABITABLE STRUCTURE SPECIFICATIONS

Zoning	Max. Wall Height	Max. Ridge Height	Max. Floor Area (combined floor area of all non-habitable structures on lot)
Residential / Tourist Residential / Future Urban / Residential Development Zone (Lots < 450m <sup>2</sup> )	2.4 metres	3 metres	<60m <sup>2</sup> in area or 10% in aggregate of the site area, whichever is the lesser
Residential / Tourist Residential / Future Urban / Residential Development Zone (Lots 450m <sup>2</sup> - 600m <sup>2</sup> )	3 metres	4.2 metres	<60m <sup>2</sup> in area or 10% in aggregate of the site area, whichever is the lesser
Residential / Tourist Residential / Future Urban / Residential Development Zone (Lots 600m <sup>2</sup> - 1000m <sup>2</sup> )	3 metres	4.2 metres	100m <sup>2</sup>
Residential / Tourist Residential / Future Urban / Residential Development Zone (Lots 1000m <sup>2</sup> – 2000m <sup>2</sup> )	3 metres	4.2 metres	120m <sup>2</sup>
Residential / Tourist Residential / Future Urban / Residential Development Zone (Lots 2000m <sup>2</sup> – 4000m <sup>2</sup> )	3 metres	4.5 metres	150m <sup>2</sup>
Residential / Tourist Residential / Future Urban / Residential Development Zone (Lots > 4000m <sup>2</sup> )	3.5 metres	4.5 metres	170m <sup>2</sup>
Yakamia Creek Zone (Lots < 3000m <sup>2</sup> ).	3.5 metres	4.5 metres	120m <sup>2</sup>
Yakamia Creek Zone (Lots > 3000m <sup>2</sup> ).	3.5 metres	4.5 metres	150m <sup>2</sup>
Special Residential Zone (Lots < 4000m <sup>2</sup> )	4.2 metres	4.8 metres	150m <sup>2</sup>
Special Residential (Lots > 4000m <sup>2</sup> )	4.2 metres	4.8 metres	170m <sup>2</sup>
Special Rural Zone (Lots < 2ha)	4.2 metres	4.8 metres	200m <sup>2</sup>
Special Rural Zone (Lots 2ha to 4ha)	4.2 metres	4.8 metres	220m <sup>2</sup>
Special Rural Zone (Lots > 4ha)	4.2 metres	4.8 metres	240m <sup>2</sup>
Rural Village Zone (Lots < 4000m <sup>2</sup> )	3 metres	4.5 metres	150m <sup>2</sup>
Rural Village Zone (Lots > 4000m <sup>2</sup> )	4.2 metres	4.8 metres	170m <sup>2</sup>
Rural Zone (Lots < 2ha)	4.2 metres	4.8 metres	200m <sup>2</sup>
Rural Zone (Lots 2ha to 3.99ha)	4.2 metres	4.8 metres	220m <sup>2</sup>
Conservation Zone (Lots < 2ha)	3.5 metres	4.8 metres	170m <sup>2</sup>
Conservation Zone (Lots > 2ha)	4.2 metres	4.8 metres	220m <sup>2</sup>

**Note:** Prior to considering an application for a non-habitable structure that proposes a variation to this policy, it is recommended that the Council first consider varying the policy. In order to do so, the Council will need to seek comment from the public and the Western Australian Planning Commission. Alternatively, it is recommended that such an application be refused.

Objective:

***To achieve a balance between providing for various legitimate storage needs of residents whilst minimising any adverse impacts outbuildings may have on neighbouring properties, the street, the neighbourhood or locality, or the City.***

## A1 Definitions

**“Outbuilding”** means any Class 10a building under the Building Code of Australia (1996) Volume 2, which is not substantially connected to a dwelling.

**“Reflective Materials”** includes factory applied finishes such as zincalume, galvabond and light colorbond colours such as white, off-white and smooth/classic cream.

**“Height”** is the height of the outbuilding as measured vertically from the natural ground level to the highest point of the building above that point, as stipulated in the R-Codes, and not the measurement taken above the proposed finished floor level of the outbuilding.

## A2 Policy Statement

The specific policy requirements for outbuildings within the different zones are set out in Table 1 below. Planning Scheme Consent will only be required where the criteria in Table 1 cannot be complied with.

### A2.1 Acceptable Variations

Subject to the lodgement of an application for Planning Scheme Consent the following variations may be approved at the Planning Officers discretion without being presented to Council:

- 1) for roof forms other than a regular ridged roof, such as a mono-pitched (skillion) roof, a relaxation of the height of the wall (up to 15%) may be supported; or
- 2) where the land upon which the outbuilding is to be erected has a slope greater than 1 in 5 the height of the wall shall be measured on the wall that is located at the higher point of the site where the land has not been subject to cut and/or fill; or
- 3) where in order to accommodate larger boats and caravans requiring clearance up to 3.2 metres, the applicant to demonstrate proof of ownership of such vehicle/vessel and a relaxation of the height of the wall (up to 15%) may be supported on Residential / Future Urban / Residential Development Zone less than 4000m<sup>2</sup>.

For all other variations of the *Outbuilding Policy* the applicant shall demonstrate exceptional circumstances as to why the policy should be relaxed, with the proposal being presented to an ordinary meeting of Council.



TABLE 1: OUTBUILDING SPECIFICATIONS

Zoning	Max. Wall Height	Max. Ridge Height	Max. Floor Area (combined floor area of all outbuildings on lot)	Special Requirements
Residential / Future Urban / Residential Development Zone (Lots less than 1000m <sup>2</sup> )	3 metres	4.2 metres	100m <sup>2</sup>	If the floor area of an outbuilding is to exceed 60m <sup>2</sup> the use of non-reflective materials is required.
Residential / Future Urban / Residential Development Zone (Lots 1000m <sup>2</sup> – 3999m <sup>2</sup> )	3 metres	4.2 metres	120m <sup>2</sup>	If the floor area of an outbuilding is to exceed 60m <sup>2</sup> the use of non-reflective materials is required.
Residential / Future Urban / Residential Development Zone (Lots 4000m <sup>2</sup> or greater)	3.5 metres	4.2 metres	150m <sup>2</sup>	If the floor area of an outbuilding is to exceed 60m <sup>2</sup> the use of non-reflective materials is required.
Yakamia Creek Zone	3.5 metres	4.5 metres	120m <sup>2</sup>	If the floor area exceeds 100m <sup>2</sup> the use of non-reflective materials is required.
Conservation Zone	3.5 metres	4.5 metres	140m <sup>2</sup>	Refer relevant planning scheme requirements for siting and materials.
Special Residential Zone (Lots less than 3999m <sup>2</sup> )	4.2 metres	4.8 metres	120m <sup>2</sup>	Refer relevant planning scheme requirements for siting and materials.
Special Residential (Lots greater than 4000m <sup>2</sup> )	4.2 metres	4.8 metres	150m <sup>2</sup>	Refer relevant planning scheme requirements for siting and materials.
Special Rural Zone (Lots less than 2ha)	4.2 metres	4.8 metres	200m <sup>2</sup>	Refer relevant planning scheme requirements for siting and materials.
Special Rural Zone (Lots 2ha to 3.99ha)	4.2 metres	4.8 metres	220m <sup>2</sup>	Refer relevant planning scheme requirements for siting and materials.
Special Rural Zone (Lots 4ha or greater)	4.2 metres	4.8 metres	240m <sup>2</sup>	Refer relevant planning scheme requirements for siting and materials.
Rural Zone (Lots less than 2ha)	4.2 metres	4.8 metres	200m <sup>2</sup>	The siting of the outbuilding away from more obtrusive locations.
Rural Zone (Lots 2ha to 3.99ha)	4.2 metres	4.8 metres	220m <sup>2</sup>	The siting of the outbuilding away from more obtrusive locations.
Rural Zone (Lots 4ha or greater)				The siting of the outbuilding away from more obtrusive locations.

## AGENDA ITEM 2.3 REFERS

Policy Manual – LPP2 – General Development Policy (Outbuildings)  
**City of Albany Local Planning Scheme No. 1A and 3**

## 2C

## SEA CONTAINERS

Objective:

- 1) To ensure adequate amenity/streetscape provisions and protection when the installation and use of a sea container is approved.**
- 2) To apply development controls through guidelines for the installation of container(s).**
- 3) To provide guidelines for the approval of sea containers where applications comply with the provisions and/or intent of this policy.**

## C1Background

In recent years there has been increased use of sea containers/relocatable storage units within the City of Albany as sheds on properties throughout the City. 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 and scenic rural or coastal landscapes.

Town Planning Scheme 1A and 3 make no direct reference to sea containers and Council at present regulates them under general development control powers covering amenity and protection of the natural environment.

This policy applies to all land zoned within the City of Albany and should be read in conjunction with the Outbuildings Local Planning Policy. The Policy does not address the placement of transportable dwellings, relocated dwellings, railway carriages, or transportable offices.

## C2PolicyStatement

## C2.1ApplicationRequirements

An application is required for Planning Scheme Consent prior to siting a sea container on a property, and the following details shall be submitted:

- 1 A completed Application for Planning Consent and payment of the appropriate fee.
- 2 A scaled site plan showing the proposed location of the sea container and detailing setbacks to boundaries. The site plan shall also include other buildings, access ways, watercourses and vegetation on the property.
- 3 The proposed size and use of the sea container.
- 4 Evidence by photos that the sea container will be adequately screened from view, and shall not be easily seen from nearby roads, other public places, or adjoining properties.
- 5 If a sea container can be seen from nearby roads, other public places, or adjoining properties, then details of any upgrading and/or colour to be painted shall be provided.

## C2.2 Assessment of Proposal

### Road and Sea Transport

Council may approve the storage of sea containers in the Other Commercial and Industrial zones, subject to sea containers not being located within the front boundary setback area or in areas designated for car parking or landscaping. Sea containers must be stored in neat rows (not stacked) and shall be screened by landscaping, fencing or other means acceptable to Council, to ensure that storage areas are not exposed to view from nearby roads or other public places.

### Temporary storage of materials on a building site

In all zones, a sea container may be placed on a property to store building materials while construction of a house or commercial building is being carried out on the property, without requiring town planning approval or a building licence. A sea container must not be placed on the property prior to the issue of a building licence and must be removed immediately upon completion of construction or expiry of the building licence.

### Conversion to a building for personal or commercial storage on a property

A sea container shall be deemed to be an outbuilding and is also subject to the City of Albany Outbuilding Policy. Applications to permanently place a sea container on a property shall not be supported unless the following criteria are met:

1. Sea containers are not permitted on any land zoned Residential, Residential Development, Tourist Residential, Future Urban, Yakamia Creek, Conservation, Landscape Protection, Special Rural or Special Residential.
2. The property is zoned either:
  - a. Industrial, Mixed Business or Commercial, or
  - b. 'Rural' zone (excluding the 'Special Rural' zone) and is not located within a townsite boundary or abutting 'Urban' zones, or a Heritage Precinct or Place of Cultural Significance, and
  - c. not compromise any associated approved development or use by:
    - i. impinging on any car parking bays required to satisfy the minimum car parking requirement for the associated approved development or use;
    - ii. being located within an existing service yard or bin storage area; and
    - iii. obstructing any existing access or visual truncation provided to an access way, pedestrian or traffic. The sea container not being used for habitable purposes. The sea container must be screened from view and shall not be seen from nearby roads, other public places, or adjoining properties; and/or;
    - iv.
3. The sea container is not located within the front setback.
4. The sea container must be in good repair with no visible rust marks, a uniform colour to compliment the building to which it is ancillary and be appropriately screened (vegetation or otherwise), where considered necessary by Council.
5. The Council reserves the right to instruct a landowner to remove a sea container from land in the district if any or all of the above conditions are not carried out to the satisfaction of the City of Albany.

### C2.3 Approval Conditions

Conditions of approval shall be applicable as deemed necessary by the Council. Without limiting the generality of the foregoing, approvals are to contain the following conditions:

1. The development hereby approved shall occur in accordance with the plans and specifications submitted with the application and these shall not be altered or modified without the prior written approval of Council.
2. The exterior of the sea container shall be upgraded to blend with the surrounding development or landscape in terms of colour and finish to the satisfaction of the City of Albany.
3. The sea container is permitted to be used for (insert use) only and shall not be used for habitable purposes.

### C2.4 Advice to Applicant

A Building Licence is required prior to the placement of the sea container on site and shall include certification from a professional engineer as to the method of providing structural tie down.

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