

Council

REVIEW OF LOCAL PLANNING POLICY NO. 3 - OUTBUILDINGS AND TOWN PLANNING POLICY NO. 17.1 – SHIPPING CONTAINERS

Attachment A - Existing Adopted Local Planning
Policy No. 3 – Outbuildings

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No. 3 - Outbuildings and Shipping Containers (for
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Meeting Date: 27 May 2025

Number of Pages: 16

LOCAL PLANNING POLICY No. 3 – Outbuildings

1. CITATION

This Local Planning Policy prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

This Policy may be cited as LPP No. 3- Outbuildings.

2. CRITERIA

- a. To protect the amenity of the locality in which the outbuilding is proposed.
- b. To set standards in respect to size (wall height, ridge height, floor area, location), boundary setbacks and use of the outbuildings.
- c. To create consistent and uniform guidelines for the development of outbuildings across the Shire.

3. INTRODUCTION

A consistent set of guidelines for the development of Outbuildings in the Shire is required, which is consistent with *Local Planning Scheme No.5 (LPS5)* and considers local needs, and to provide consistent development of Outbuildings across the Shire.

4. DEFINITIONS

Words and expression used in this policy have the same meaning as they have in the Local Planning Scheme and other relevant legislation.

- Outbuilding: has the same meaning as in *State Planning Policy 7.3: Residential Design Codes (R-Codes)*.
- Cumulative Floor Area: Cumulative floor area means the total area of all outbuildings & 'lean to-s' on a lot.
- Garage: has the same meaning as in *State Planning Policy 7.3: Residential Design Codes (R-Codes)*.
- Lean-to: A lean-to is defined as a roofed structure attached to an outbuilding that is completely unenclosed on all sides, except to the extent that it abuts the side or sides of the outbuilding.

5. DEVELOPMENT REQUIREMENTS

- a. The development of Small Outbuildings (as defined under the R-Codes) in the Residential Zone shall be as per *State Planning Policy 7.3: Residential Design Codes (R-Codes)*, Large and Multiple Outbuildings (as defined under the R-Codes) are varied as follows in Table 1:

Table 1

Density Coding	Maximum floor area of all outbuildings and lean-to's combined (m ²)	Maximum wall height of outbuildings and lean-to's (m)	Maximum ridge height of outbuildings and lean-to's (m)	Setbacks
R2-R17.5	150	4.5	6	As per Table 2a of the R-Codes
R20-R25	100	3	4.5	As per Table 2a of the R-Codes
R30 and above	As per the R-Codes	As per the R-Codes	As per the R-Codes	As per the R-Codes

- All other Deemed-To-Comply provisions under *State Planning Policy 7.3: Residential Design Codes (R-Codes)*, that are not varied above, still apply such as Location, Open Space and Outdoor Living Area requirements.
- If a dual density code applies to the lot, the base code applies unless the higher density can be achieved.

b. Development of Outbuildings in other zones shall be as per Table 2 below:

Table 2

Zone	Maximum floor area of all outbuildings and lean-to's combined (m ²)	Maximum wall height of outbuildings and lean-to's (m)	Maximum ridge height of outbuildings and lean-to's (m)
Rural Residential	200	4.5	6
Rural Village	200	4.5	6
Tourism	200	4.5	6
Special Use	200	4.5	6
Rural Smallholdings	200	4.5	6
Rural (lots <10ha)	200	4.5	6
Rural (lots >10ha) *	500	5	7

*Compliant Outbuildings proposed in the Rural Zone that are on lots >10ha and approved for *Agriculture- Intensive* or *Agriculture- Extensive* land uses, are generally exempt from these requirements and therefore, do not require Development Approval.

Supplementary Requirements

- Outbuildings and lean-to's are to be sited within a building envelope prescribed for any lot.
- Outbuildings and lean-to's are generally to be sited wholly behind the primary residence in all zones.

- c. Outbuildings are to be constructed of colours and materials that match or complement the character of the dwelling and/or is in harmony with the surrounding environment and that does not detract from the visual amenity of the area.
- d. The floor area of any approved sea containers will contribute towards the combined maximum floor area of outbuildings contained in this Policy.
- e. Greenhouses used in conjunction with a Residential land use are exempt from requiring a Development Application. Though, greenhouses used for commercial purposes will likely require a Development Application as a Change of Use application.
- f. Development applications for Outbuildings and lean-to's will not be supported in the absence of a Single House on site, except where a Statutory Declaration is provided. The Statutory Declaration is to outline that the proposed Dwelling on site will reach plate height within a 2-year time frame from the date in which the Shire receives the BA7- Notice of Completion for the Outbuilding construction.

A condition that the Outbuilding is not permitted for habitable uses will be placed on the approval.

- g. Outbuildings must be consistent with the requirements of Asset Protection Zones/Bushfire Protection Zones and the Shire's *Bushfire Mitigation Notice*.

6. PERMISSIBILITY

Where a development is considered to satisfy the requirements of this Policy and relevant provisions of *Local Planning Scheme No.5*, Development Approval will not be required, unless stated otherwise.

Proposals that do not satisfy the criteria will be assessed on their merits and determined by the Shire through a Development Application.

Compliance with this policy does not negate the requirement of a Building Permit.

This Local Planning Policy No. 3 supersedes *Town Planning Scheme Policy No. 16.3-Outbuildings*.

Adopted on 27 June 2023 in accordance with clauses 3, 4 and 5 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Town Planning Scheme No. 3

Town Planning Scheme Policy No. 17.1

SEA CONTAINERS

Objective

To regulate the use of sea containers to ensure they do not detract from the visual amenity of the locality.

In considering any application for approval to place a sea container(s) on a lot, the criteria below will be considered.

Policy Criteria:

- 1) This policy applies to the whole district of the Shire of Plantagenet excluding Crown Reserves. It applies to all zoned land.
- 2) Applications for planning consent and a building licence are required to be lodged prior to siting a sea container on a property. That application will include:
 - a. A completed application for planning consent and a building licence and the appropriate fees;
 - b. 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, accessways, watercourses and vegetation on the property;
 - c. The proposed size and use of the sea container;
 - d. Evidence 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; and
 - e. 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.
- 3) Sea containers may be approved in the Commercial, Service Industrial, Industrial, Special Industrial and Rural (outside Townsites) Zones, subject to them 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 the Council.

- 4) In all zones, a sea container may be temporarily placed on a property to store building materials while construction of a house, commercial or industrial 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 for the proposed permanent building and must be removed upon completion of construction or expiry of the building licence.
- 5) A sea container shall be deemed to be an outbuilding and is subject to Town Planning Scheme Policy 16 – Outbuildings.
- 6) Sea containers are not permitted on any land zoned Residential, Enterprise, Rural Residential, Rural Smallholding and Landscape Protection other than as detailed at (4) above in a temporary situation during construction of an approved building.
- 7) Sea containers are not to be used for habitable purposes.
- 8) Sea containers cannot be located within front boundary setbacks as required by Town Planning Scheme No. 3.
- 9) Sea containers 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 where considered necessary.
- 10) The Council may require the exterior of the sea container to be upgraded to blend with the surrounding development or landscape in terms of colour, finish and appearance.
- 11) Where a sea container is to be place on site permanently in accordance with (3) above, the application required by (2) above shall include certification from a professional engineer as to the method of providing structural tie down.

This Town Planning Scheme Policy No. 17.1 supersedes Town Planning Scheme Policy No. 17.

Adopted on 18 January 2011 in accordance with clause 7.6 of Town Planning Scheme No. 3.

DRAFT FOR PUBLIC CONSULTATION

LOCAL PLANNING POLICY No. 3 – Outbuildings and Shipping Containers

1. CITATION

This Local Planning Policy has been prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

This Policy may be cited as LPP No. 3 – Outbuildings and Shipping Containers.

2. INTRODUCTION

The purpose of this Policy is to detail development standards and assessment criteria for outbuildings proposed on land within the Residential, Urban Development, Rural Residential, Rural Smallholdings, Rural Village, Rural, Special Use and Tourism zones as identified within *Local Planning Scheme No. 5* (the Scheme). This Policy does not apply to the development of outbuildings in any other zone.

3. DEFINITIONS

Terms used in this Policy are consistent with the Regulations, the Scheme and *State Planning Policy 7.3: Residential Design Codes* (R-Codes) where relevant, including:

Outbuilding – An enclosed non-habitable structure that is detached from any dwelling and may include a detached garage.

(Note: A garage that is attached (shares a common wall and under same roof line) with a residential dwelling is not considered an Outbuilding.)

Enclosed – An area bound on three or more sides by a permanent wall and covered in a water impermeable material.

Other buildings or structures that are not enclosed (including carports, pergolas, shade houses and patios) are not directed by this Policy unless attached to an outbuilding.

4. OBJECTIVES

The objectives of this policy are to:

- Identify standards for the development of outbuildings that balance the needs of landowners with the protection of visual amenity, environment and streetscape character.

- Enable the development of outbuildings that are consistent with adopted development standards and provide direction for the assessment of proposed variations from these standards.

5. DEVELOPMENT APPROVAL REQUIREMENTS

Deemed to Comply Proposals

Outbuildings that meet the acceptable development standards outlined in Part 6 of this policy are considered 'deemed to comply' and do not require planning approval unless works are located in a heritage protected place.

Variations

Planning approval is required for any proposals that do not meet the development standards of this Policy or for the relevant zone. The Shire will assess proposed variations to the standards of this Policy on their merits and against the following criteria:

- Objectives of the zone;
- Consistency with the approved land use/s;
- Extent of variation proposed and ability to meet other applicable development standards;

(Note: For example, a variation seeking increased height should endeavour to meet all other development standards, where possible.)

- Potential impact on the visual amenity of adjoining landowners, including the building bulk, scale and cumulative development on the site;
- Potential impact on the streetscape including minimising visibility, retaining passive surveillance and providing a high standard of design/ aesthetics;
- Disturbance of any existing remnant vegetation and provision for additional screening vegetation, where appropriate;
- Reasonableness of the proposal given the size and slope of the site, including potential alternative locations for development;
- Retention of a sufficient amount of open space on site, including in accordance with the deemed to comply criteria of the R-Codes where applicable; and,
- Any other planning matters relevant to the site, as appropriate.

6. POLICY PROVISIONS

6.1 Residential & Urban Development Zones

- (a) The maximum permitted size of outbuildings on a site is:

Site Area	Maximum Floor Area	Maximum Wall Height	Maximum Ridge Height
<500m ²	60m ²	3.2m	4.2m
500m ² to 1000m ²	90m ²	3.2m	4.2m
1000m ² to 2000m ²	120m ²	3.7m	4.7m
>2000m ²	150m ²	4.2m	5.2m

Note: The maximum floor area includes all outbuildings on the site (collectively) as well as verandas, carports and lean-to structures that have a connected roof.

- (b) Outbuildings are not located within the primary or secondary street setback area.
- (c) Development standards and requirements of the zone and R-Codes (including lot boundary setbacks), and general provisions of this policy.

6.2 Rural Residential, Rural Smallholdings, Rural Village, Special Use & Tourism Zones

- (a) The maximum permitted size of outbuildings on a site is:

Site Area	Maximum Floor Area	Maximum Wall Height	Maximum Ridge Height
All lot sizes	200m ²	4.5m	6.0m

Note: The maximum floor area includes all outbuildings on the site (collectively) as well as verandas, carports and lean-to structures that have a connected roof.

- (b) Outbuildings are not located within the primary or secondary street setback area.
- (c) Outbuildings are located within an existing building envelope (where applicable).
- (d) Outbuildings are built with external materials that are non-reflective and recede visually within the surrounding landscape. To be considered non-reflective, materials must meet the following:
- Minimum solar absorptance of 0.5
 - Maximum solar reflectance index of 50

Note: The lightest Colorbond™ colour permitted is 'Bluegum'.

- (e) Development standards and requirements of the zone (including lot boundary setbacks) and general provisions of this policy.

6.3 Rural Zone

(a) The maximum permitted size of outbuildings on a site is:

Site Area	Maximum Floor Area	Maximum Wall Height	Maximum Ridge Height
<10ha	200m ²	4.5m	6.0m
>10ha	500m ²	5.0m	7.0m

Note: The maximum floor area includes all outbuildings on the site (collectively) as well as verandas, carports and lean-to structures that have a connected roof.

(b) Development standards and requirements of the zone (including lot boundary setbacks) and general provisions of this policy.

6.4 Vacant Sites

Outbuildings may not be constructed on vacant sites in the Residential, Urban Development, Rural Residential, Rural Smallholdings, Rural Village, Special Use and Tourism Zones unless:

- Planning Approval and a Building Permit has been obtained for a residential dwelling; and
- A Statutory Declaration is provided which outlines that the proposed residential dwelling will be completed within a 2-year time frame from the date in which the Shire receives the Notice of Completion (BA7) for the outbuilding construction.

Note: Approvals for a residential dwelling and outbuilding can be obtained concurrently.

6.5 Commercial Use

The use of outbuildings for commercial or business purposes is not permitted unless planning approval has been obtained for that use.

6.6 Habitation & Services

Outbuildings must be designed to reflect their use as a non-habitable building, including:

- A deemed-to-comply outbuilding is not to contain any facilities/services other than a small water closet with handwashing basin only.
- The provision of a bathroom or other non-habitable room (as defined in the Building Code of Australia) that is normally associated with a residential dwelling will only be supported by the Shire in exceptional circumstances, where the applicant has demonstrated a need that the Shire considers appropriate relative to the intended land use.

- The Shire may not support designs that contain lined ceilings and walls, extensive windows, glass sliding doors and other similar features.

Note: The Shire cannot support the development of habitable rooms (including a kitchen, study, etc.) within an outbuilding. The development of habitable rooms may only take place within a building of a different class under the Building Code of Australia and will therefore only be approved as part of a residential dwelling, ancillary dwelling or detached habitable room. Any additional services and facilities that are proposed in association with approved Temporary Accommodation must be removed in full after permit expiry and confirmed upon inspection by the Shire.

6.7 Environment and Landscape Protection

Outbuildings must be designed and located to minimise potential impact on the natural environment and visual landscape values.

The Shire may impose conditions of approval that are appropriate for preserving these values.

A deemed-to-comply outbuilding does not require the clearing of remnant vegetation and is not located within 30 metres of a natural waterway or wetland.

6.8 On-Site Effluent Systems

For properties with an on-site effluent disposal system, outbuildings are required to have the following minimum setbacks to the effluent disposal system:

- 1.2 metres to the tank/s
- 1.8 metres to the leach drain/s

6.9 Bushfire Prone Areas

Within designated 'bushfire prone areas' (defined by the Department of Fire & Emergency Services) outbuildings must be located to minimise bushfire risk, avoid impacts on remnant vegetation and be developed consistent with relevant planning and building requirements for bushfire protection.

Note: Outbuildings should be located in locations of lower risk where possible. In order that an outbuilding does not increase the bushfire risk to an established residential dwelling, structural and/or physical fire separation may be required.

The management of fire fuels surrounding an outbuilding is required in accordance with the Shire's Bushfire Mitigation Notice and/or an adopted Bushfire Management Plan.

6.10 Shipping Containers and other moveable structures

Shipping containers and other similar types of moveable structures are classified as outbuildings and are subject to the development standards established by this policy in addition to the following:

- (a) Shipping containers and other moveable structures may be temporarily placed on a site for less than 7 days without Shire approval.
- (b) Shipping containers and other moveable structures may be temporarily placed on a site and used to store building materials while construction of a house, commercial or industrial building is being carried out on that site. An approved building permit for construction must be in place prior to the shipping container or other structure being placed on site, and the container or other structure must be removed upon completion of construction or expiry of the building licence.
- (c) One (1) shipping container or other moveable structure to a maximum size of 20 feet (6.1m) in length may be used as an outbuilding on land in any zone in accordance with the deemed-to-comply standards of the R-Codes and the acceptable development standards established by this policy.

Planning approval is required for the use of more than one (1) moveable structure and/or for a moveable structure larger than 20 feet (6.1m) in length.

- (d) When considering any application for planning approval for the use of a shipping container or other moveable structure the Shire may impose conditions to address the appearance if the structure, including:
 - General maintenance and repair;
 - Presentation including colour, finish and appearance;
 - Screening from neighbouring residences, the street and other public places.

Note: A building permit is required for the ongoing use of a shipping container or other moveable structure as an outbuilding in all cases. Certification from a qualified and accredited engineer as to the method of providing structural tie down and footings may be required prior to the granting of a building permit.

This Policy supersedes *Local Planning Policy No. 3 – Outbuildings* adopted 27 June 2023 and *Town Planning Scheme Policy No. 17.1 – Sea Containers* adopted 18 January 2011.

Adopted on2025 in accordance with part 2 clauses 3 and 4, and Part 12 clause 87 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

DID YOU KNOW?

Not all buildings are constructed to the same structural standards.

Before investing your money into converting a shed to a house, speak with a registered builder, building surveyor or qualified structural engineer to understand the energy, fire and other additional Building Code requirements that will apply.



MORE INFORMATION:



www.plantagenet.wa.gov.au

Find policies, application forms, and other planning & building information. You can also make an online enquiry.

CONTACT US:



(08) 9892 1111



info@sop.wa.gov.au



PO Box 48
MOUNT BARKER WA 6324

This information is provided as a general guide only - please contact us before starting your project.



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Mount Barker • Kendenup • Narrikup
Porongurup • Rocky Gully

V1.0 29 April 2025



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SHEDS

Planning & Building
Guidelines



DID YOU KNOW?

Adapting a shipping container by adding extra windows and doors can affect its structural integrity.

We recommend talking to a registered builder, building surveyor or qualified structural engineer for advice before starting your project.



MORE INFORMATION:



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SHIPPING CONTAINERS

Planning & Building
Guidelines



Can I use a shipping container for storage when I am building?



A shipping container may be placed on a private property temporarily to store building materials while construction of a building is in progress.

A shipping container must not be placed on the property before a Building Permit has been granted by the Shire, and the container must be removed when construction is complete (or the permit expires).

Can I use a container when I am moving house?

A shipping container may be placed on a private property for less than 7 days without Shire approval.

If you would like to place a shipping container on the road verge please contact the Shire for approval.

Can I use a shipping container for storage on my property long-term?

The Shire's Planning Policy No. 3 allows for the use of shipping containers as 'outbuildings' (ie. the same as sheds).

All shipping containers used ongoing are required to meet the acceptable development standards for outbuildings (**see Policy #3 or our 'Sheds' brochure for more details**).

Before bringing a shipping container to your property:

- Apply for a building permit, (which includes providing details of footings and fixings/ tie downs)
- Apply for planning approval if you propose to have more than one (1) container on the property

If you are thinking about a shipping container, please make sure that it:

- Is in a good condition of maintenance and repair
- Will be located at the rear of the property/ behind other buildings
- Will be screened from the street and neighbouring houses

Can I use a container as a habitable room or as part of a house?

A shipping container is classified as an 'outbuilding' (ie. a shed) and must not be used for living in or any similar habitable purpose.

A shipping container can potentially be adapted or used as a component of building a house provided that it:

- Is adapted to meet the Building Code of Australia standards for a habitable building (including fire resistance and energy efficiency)
- Is provided with and adequately attached to the building's footings or foundations
- All footings, fixings and adaptations to the container are signed off by an engineer to ensure structural integrity



Do I need approval to build a shed on my property?



You do not need any Shire approvals to build a shed that has a floor area less than 10m² and a maximum height less than 2.4m.

If you want to build a shed bigger than this, you will always need to apply for a **building permit** before constructing your shed.

If your shed meets all of the 'acceptable development standards' of the Shire's **Local Planning Policy No. 3 - Outbuildings** then you do not need to apply for planning approval.

If your shed does not meet these standards, you will need to apply for **planning approval**.

You can find the full Policy at:
www.plantagenet.wa.gov.au

What are the acceptable development standards for sheds?

The Shire's **Planning Policy No. 3 - Outbuildings** includes the following standards for the size of sheds:

Maximum floor area (all sheds on the property) in the Residential Zone:

Site Area	Floor Area
<500m ²	60m ²
500m ² to 1000m ²	90m ²
1000m ² to 2000m ²	120m ²
>2000m ²	150m ²

Maximum heights in Residential Zone:

Site Area	Wall / Roof
<500m ²	3.2m / 4.2m
500m ² to 1000m ²	3.2m / 4.2m
1000m ² to 2000m ²	3.7m / 4.7m
>2000m ²	4.2m / 5.2m

Maximum floor area (all sheds on the property) in other zones:

Zone	Floor Area
Rural Residential, Rural Smallholdings, Rural Village, Special Use and Tourism zones	200m ²
Rural Zone – lots under 10ha	200m ²
Rural Zone – lots over 10ha	500m ²

Maximum heights in other zones:

Zone	Wall/ Roof
Rural Residential, Rural Smallholdings, Rural Village, Special Use and Tourism zones	4.5m / 6.0m
Rural Zone – lots under 10ha	4.5m / 6.0m
Rural Zone – lots over 10ha	5.0m / 7.0m

External wall and roof materials must be non-reflective (ie. lightest Colorbond colour is 'Bluegum') in the Rural Residential, Rural Smallholdings, Rural Village, Special Use and Tourism zones.

Other requirements apply for:

- Properties without a house
- Using a shed for a business
- Bathrooms and septic systems
- Clearing of native vegetation

If any of these apply please contact us to discuss your project.

What can I use my shed for?

A shed may be used for garaging, storage or other similar uses. A shed is not designed or approved as a 'habitable' building and cannot be lived in. Please contact us to discuss other options for games rooms, studies and art studios.