



Council Policy Manual – Part 10

Building and Development (Draft Status)

Contains transferred policies from Council Manual 2017 – Division 3 - Building Control and Division 5 - Planning



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10.1 Moveable Buildings

SHIRE OF VICTORIA PLAINS LOCAL PLANNING SCHEME No 5 (DISTRICT SCHEME)

The Shire of Victoria Plains under and by virtue of the provisions and powers conferred upon it in that behalf by Local Planning Scheme No 5, more particularly Clause 8.6, hereby adopts the following Policy.

LOCAL PLANNING SCHEME POLICY No 1 - MOVEABLE BUILDINGS

DEFINITIONS

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

- a) **“Site Built”** structures built on location as new permanent structures. They are of traditional appearance with pitched roofs and typical house layout, designed to accommodate families.
- b) **“Relocated”** dwellings are structures that have previously been constructed as new permanent structures elsewhere. The structures that are relocated are not necessarily designed to be relocated.

A MOVEABLE building is generally any structure designed for ease of transporting from one location to another. There are three basic types as follows:

- a) **“Transportable”** structures are those designed and constructed at a location other than where they are intended to be established. For example dwellings fabricated in Perth, transported in sections to the building site, and assembled on location.
- b) **“Donga Type”** structures are those usually designed to provide for workforce accommodation in small individual units. The structures are generally those (such as ATCO, Western Portables or Durabuilt units) with skid mountings, metal sandwich panel and flat roof design. These portable modular structures are also used for other purposes.
- c) **“Containers”** These structures, although considered ‘buildings’ by definition under the Building Code of Australia, are solely constructed to transport other goods. They are not in themselves designed, nor suitable, for storage of goods in an urban environment. A container includes ‘seainers’ and other large vessels designed to carry, and be carried on specifically designed vehicles or transporters.

1 BACKGROUND

The use and reuse of moveable buildings is common. The downside of this trend is that the building stock may be second-hand, may contain undesirable materials like asbestos, and may be visually out of harmony with existing buildings in the locality.

Many other Councils are not permitting buildings within their districts which contain asbestos. Without the appropriate controls the Shire of Victoria Plains could become a ‘dumping ground’ for such structures.

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



The Council has delegated authority to its Building Surveyor to determine Applications for Planning Consent for all applications for **transportable** and **relocated** dwellings in zones of the Scheme where dwellings are permitted.

2 POLICY

3.1 Council Policy on Moveable Buildings

- a) All applications for moveable buildings, as defined above, shall require the Council's Planning Consent prior to the issue of a Building Licence. Generally the Council is not in favour of the use of moveable buildings, especially in the townsite areas, however the Council will consider each application on its merits.
- b) The Council shall not permit the establishment, occupation or erection of **donga type** structures for residential purposes within a Townsite Boundary in a Scheme Zoned Area.
- c) The Council will only permit **donga type** structures for uses other than residential use where it considers the use or establishment of the structure will not be in conflict with the objectives of this policy.
- d) The Council will only permit **site built** and **relocated** structures where it is satisfied that the standard and quality of building can satisfactorily be integrated into a residential area, and that the buildings do not contain unacceptable materials.
- e) The Council will not permit the storing or use of a **'container'**, as defined above, within a townsite area, other than in the areas zoned 'Industrial'. The Council considers the appearance, scale, and materials of these structures to be inappropriate for use in an urban environment, and are therefore in conflict with the objectives of the Scheme.
- f) The Council may give special consideration for the use of **'containers'** outside the townsite areas of the Shire. In these circumstances the Council will need to be satisfied that there is no viable alternative to the use of these structures, and that the location of the **'containers'** will not detract from the amenity of the locality.

3.2 Measures to ensure Compliance with Planning Consent

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

- a) Have the building inspected by the building surveyor at the applicant's cost to determine the suitability of the building for relocation.
- b) Have all materials containing asbestos removed from the building prior to removal from the site.
- c) Lodge a bond or bank guarantee with the Council. The bond or bank guarantee will provide the security for the completion of the moveable building to a standard acceptable to the Council.
- d) Specify matters which require attention and the manner in which work is required to be completed in order to satisfy standards acceptable to the Council.
- e) Obtain a special building licence of a specified duration.



3 OBJECTIVES OF POLICY

- a) To maintain high amenity standards of buildings, especially within the residential areas in the Townsites of the Shire.
- b) To ensure that the visual aesthetics of residential areas are not compromised by the introduction of relocated or moveable buildings that are generally out of character with the predominant housing style in the locality.
- c) To ensure that the relocated or moveable buildings, established within the Shire, do not use materials considered by the Council to be unacceptable (e.g. asbestos).
- d) To prevent the introduction of housing, or other use structures, that are designed to be used on a temporary or short stay basis and that may detract from the standards already established in the residential areas of the Townsites.
- e) To protect the visual amenity of the urban environment by not permitting the establishment, storage or use of **'containers'** within the non-industrial areas of the townsites.

Adopted 16/12/03

*Amended & Adopted
16/07/14*



10.2 Outbuildings

SHIRE OF VICTORIA PLAINS LOCAL PLANNING SCHEME No 5 (DISTRICT SCHEME)

This policy provides direction and guidance on the area and height of outbuildings that the Council will permit within the Residential areas of the Shire of Victoria Plains. The policy provides the basis for determining applications for outbuildings that do not meet the Acceptable Development Criteria of the Residential Design Codes (2002).

LOCAL PLANNING SCHEME POLICY No 2 - OUTBUILDINGS OBJECTIVES

- To provide some flexibility in the requirements for outbuildings in residential areas.
- To ensure that the provisions of the Residential Design Codes (2002) are appropriately addressed.
- To improve customer service standards through the timely processing of planning and building applications for outbuildings.

1. DEFINITIONS

- Outbuilding** is an enclosed non-habitable structure that is required to meet the standards of the Building Code of Australia and is detached from any dwelling.
- Carport** is a roofed structure designed to accommodate one or more motor vehicles unenclosed except to the extent that it abuts a dwelling or a property boundary on one side and being without a door unless that door is visually permeable.
- Garage** is any roofed structure, other than a carport, designed to accommodate one or more motor vehicles.

Note: All definitions extracted from the Residential Design Codes (2002).

2. STATUTORY POWERS

This policy is made pursuant to Clause 2.6.2 of the Residential Design Codes.

In accordance with the provisions of the Residential Design Codes (Clause 3.10.1 – Outbuildings), where an outbuilding exceeds an area of 60m² (or 10% of the site area, whichever is the lesser) or has a wall height greater than 2.4m or a ridge height greater than 4.2m, Council approval should be sought under the performance criteria.

The performance criteria relative to outbuildings (Clause 3.10.1) states:

“Outbuildings that do not detract from the streetscape or the visual amenity of the residents or neighbouring properties.”

Clause 3.2.7 of the Residential Design Codes states that buildings are to comply with any local planning policy made under the Scheme in respect of the design of carports and garages, including the colour, scale, materials and roof pitch of buildings. This policy is made subject to this clause and provides design requirements for carports and garages, however it does not interfere with any other requirement of the Residential Design Codes relating to carports and garages.



This policy does not alter or change in any way the acceptable development criteria of the Residential Design Codes (2002).

3. POLICY STATEMENT

CARPORTS AND GARAGES

1. All garages and carports shall not exceed a floor area of 40m², a wall height of 3.0m or aridge height of 4.5m.
2. Council may consider applications for carports and garages that exceed the size limitations defined in Part 1, where the following criteria may be achieved:
 - a) The garage or carport is attached to and forms part of the adjoining dwelling.
 - b) The garage or carport is situated under the roof line of the adjoining dwelling.
 - c) The garage or carport is located to the rear of an existing dwelling and can not be viewed from the street.
 - d) The garage or carport will not have an impact on the streetscape or amenity of the area.
 - e) The garage or carport complies with any design guidelines adopted by Council.
3. All carports and garages shall be constructed of materials that match or complement the dwelling on the site.
4. The use of zincalume wall cladding in garages and carports will not be supported.

OUTBUILDINGS

1. An outbuilding within a Residential area shall be deemed as meeting the performance criteria of Clause 3.10.1 of the Residential Design Codes where the following area and height requirements can be achieved:

Residential Density Code of Property	Permitted Area of Outbuilding	Permitted Wall Height	Permitted Ridge Height
R10	80m ²	3.0m	4.5m
R12.5	80m ²	3.0m	4.5m

2. Any proposed outbuilding that does not meet the requirements specified in Part 5 shall be referred to Council for determination, following consultation with all landowners adjoining the subject property.
3. The adjoining landowners shall be provided a copy of the proposed plans for the
4. outbuilding, including the elevations of the structure. The adjoining owners will be provided 21 days to lodge a written submission to the Council and if no submission is received, it shall be assumed that they have no objection to the oversized outbuilding.



5. This policy does not exempt compliance with all other requirements of the Residential Design Codes (2002) and any other policy of Council.
6. The construction of an outbuilding on a Residential property that does not have an existing dwelling will not be supported.
7. All outbuildings must be located behind the existing dwelling on a property.
8. Unless necessary to meet heritage guidelines, the use of zincalume wall cladding will not be permitted in the Residential zones for outbuildings exceeding 40m² in area and with a wall height greater than 2.4m.
9. The wall and roofing materials used in the outbuilding should match or complement the existing dwelling on the property.

Amended & Adopted 16/07/14



10.3 Home Occupation

- a) Council requires written application in the standard form to operate industrial or commercial ventures from a residential property.
- b) Each application shall be treated on its merits with special consideration to:
 - i. inconvenience and disturbance to neighbours
 - ii. reasons for non use of appropriately zoned areas
 - iii. the general desirability of the proposed occupation
 - iv. retailing aspects
 - v. transport aspects (deliveries, additional traffic etc)
 - vi. construction/manufacture or repairs from home
 - vii. customer and commercial vehicle parking
 - viii. visibility of activity
 - ix. noise and air pollution
- c) Council shall require the provisions of the Local Planning Scheme in respect to “Home Occupations” to be fully complied with, together with any conditions Council may resolve.
- d) Each approval shall be for a period of twelve (12) months ending 30 June and may be cancelled at the completion of twelve (12) or renewed at Councils absolute discretion. There shall be an application fee for new licenses plus an annual charge to be determined in Councils fees at budget time.
- e) The Building Surveyor shall conduct regular inspections at least annually of any approved premises to ensure the conditions of the permission have not altered or been breached.
- f) Any advertising of approved licenses must include the licence number.