

<b>Policy Name:</b>	<b>5.2</b>	Outbuildings, Shipping Containers and Lean-Tos
<b>Department:</b>		Health, Building and Planning
<b>Date Adopted:</b>		23 June 2022
<b>Last Reviewed:</b>		20 June 2024

**1.0 Statutory Authority**

This local planning policy has been prepared and adopted under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations). This policy may be cited as the Local Planning Policy No. 5.2 Outbuildings, Shipping Containers and Lean-Tos (the Policy). If there are any inconsistencies between the provisions of the Policy and other Shire of Bruce Rock (the Shire) local planning policies, the provisions of the Policy prevail.

**2.0 Purpose**

The Shire seeks to reduce the administrative burden and cost associated with the assessment and determination of minor development, and specific rural development that presently requires development approval under the *Shire of Bruce Rock Local Planning Scheme No.3* (the Scheme).

Apart from the development types that already do not require development approval (are exempted development) under the Scheme, the Policy details additional exempted development, and the Shire requirements in respect of authorising temporary development, as provided for under Schedule 2 clause 61 of the Regulations.

**3.0 Objectives**

- To permit outbuildings, shipping containers and lean-tos (as defined by the Policy) that meet the needs and lifestyles of residents, and broadacre farming activities whilst being appropriate for the land’s zoning and the use of the land.
- To ensure development outcomes will provide for a high standard of built form and visual appearance.

**4.0 Definitions of Terms**

The terms used in this policy have the following meanings.

Term	Definition
Lean-to	an open frame single slope roofed structure attached to an outbuilding, shipping container or a building that is used for a permitted or approved land use.
Outbuilding	an enclosed, or partly enclosed non-habitable structure that is detached from any dwelling, or is a structure/building that is used for a permitted or approved land use and includes sheds, farm sheds, and similar enclosed, or partly enclosed buildings/structures but does not include a shipping container.
Partly enclosed Outbuilding	an Outbuilding bounded by no less than two permanently fully walled sides.
Shipping container (also known as a sea or cargo container)	a re-sealable, re-usable, modular enclosed box constructed of steel panels, with flat roof, which can be transported and adopted for storage use and other non-habitable uses.

## 5.0 Exempted development

The following development types do not require development approval provided the requirements are satisfied.

	Exempted Development type	Requirements
1.	The erection of, additions or alterations to an enclosed, or partly enclosed Outbuilding on a lot	<ol style="list-style-type: none"> <li>1. The lot is zoned either Residential or Townsite, and less than 4,000m<sup>2</sup> in area.</li> <li>2. There is a dwelling on the lot and conditions of Schedule 2 clause 61(1) Item 7 of the Regulations are met, as varied by a) and b) below in respect of the large and multiple outbuildings deemed-to-comply provisions of the R-Codes:               <ol style="list-style-type: none"> <li>a) individually or collectively does not exceed 180m<sup>2</sup> in area or 18% in aggregate of the (lot) site area, whichever is the lesser area; and</li> <li>b) wall and/or ridge height (measured from finished ground level) does not exceed 4.5m.</li> </ol> </li> <li>3. Where there is no dwelling on the lot, the outbuilding complies with all of the following: -               <ol style="list-style-type: none"> <li>a) Is used for purposes that are permitted or approved under the Scheme.</li> <li>b) Is not used for habitable purposes.</li> <li>c) Is constructed of materials and of appearance to complement and be sympathetic with any structure/building on the lot or the locality.</li> <li>d) Individually or collectively does not exceed 180m<sup>2</sup> in area or 18% in aggregate of the (lot) site area, whichever is the lesser area.</li> <li>e) Wall and/or ridge height (measured from finished ground level) does not exceed 4.5m.</li> <li>f) Complies with all other relevant development standards and requirements set out in the Scheme.</li> <li>g) Not located in a heritage-protected place.</li> </ol> </li> </ol>
2.	The erection of, additions or alterations to an enclosed, or partly enclosed Outbuilding on a lot	<ol style="list-style-type: none"> <li>1. The lot is zoned either Residential or Townsite, and is equal to or greater than 4,000m<sup>2</sup> in area and located within the gazetted towns boundary.</li> <li>2. Where associated with a dwelling and conditions of Schedule 2 clause 61(1) Item 7 of the Regulations are met, as varied by a) and b) below in respect of the large and multiple outbuildings deemed-to-comply provisions of the R-Codes:               <ol style="list-style-type: none"> <li>a) individually or collectively does not exceed 500m<sup>2</sup> in area or 12.5% in aggregate of the (lot) site area, whichever is the lesser area; and</li> <li>b) wall and/or ridge height (measured from finished ground level) does not exceed 6m.</li> </ol> </li> <li>3. Where there is no dwelling on the lot, the outbuilding complies with all of the following: -</li> </ol>

	Exempted Development type	Requirements
		<ul style="list-style-type: none"> <li>a) Is used for purposes that are permitted or approved under the Scheme.</li> <li>b) Is not used for habitable purposes</li> <li>c) Is constructed of materials and of appearance to complement and be sympathetic with any structure/building on the lot or the locality.</li> <li>d) Individually or collectively does not exceed 500m<sup>2</sup> in area or 12.5% in aggregate of the (lot) site area, whichever is the lesser area.</li> <li>e) The wall and/or ridge height (measured from finished ground level) does not exceed 6m.</li> <li>f) Complies with all other relevant development standards and requirements set out in the Scheme.</li> <li>g) Not located in a heritage-protected place.</li> </ul>
3.	The erection of, additions or alterations to an enclosed, or partly enclosed Outbuilding on a lot	<ul style="list-style-type: none"> <li>1. The lot is zoned Rural and is <i>outside</i> of the gazetted towns boundary.</li> <li>2. Is associated with a dwelling on the lot, or is used for purposes that are permitted or approved under the Scheme.</li> <li>3. Is not used for habitable purposes.</li> <li>4. Is constructed of materials and of appearance to complement and be sympathetic with the dwelling, or locality.</li> <li>5. Complies with setback requirements not less than 30m from a primary road, and 20m from a secondary road, rear road, or other road.</li> <li>6. Complies with all other relevant development standards and requirements set out in the Scheme.</li> <li>7. Not located in a heritage-protected place.</li> </ul>
4.	The erection of, additions or alterations to an enclosed, or partly enclosed Outbuilding on a lot	<ul style="list-style-type: none"> <li>1. The lot is zoned Rural and is <i>within</i> the gazetted towns boundary.</li> <li>2. Individually or collectively do not exceed 350m<sup>2</sup> in area or 10% in aggregate of the (lot) site area, whichever is the lesser area.</li> <li>3. Is associated with a dwelling on the lot, or is used for purposes that are permitted or approved under the Scheme.</li> <li>4. Is not used for habitable purposes.</li> <li>5. Is constructed of materials and of appearance to complement and be sympathetic with the dwelling or in locality.</li> <li>6. The wall and/or ridge height (measured from finished ground level) does not exceed 6m.</li> <li>7. Complies with setback requirements not less than 20m from a primary road, and 10m from a secondary road, rear road, or other road.</li> <li>8. Complies with all other relevant development standards and requirements set out in the Scheme.</li> <li>9. Not located in a heritage-protected place.</li> </ul>

	Exempted Development type	Requirements										
5.	Shipping container	<p>Shipping containers are a portable, durable and secure type of outbuildings which can be purposed for specialised storage functions. Due to a history of development concerns shipping containers require development control to ameliorate their effect on the local amenity. Therefore, a shipping container development shall require development approval except where the following are met:</p> <ol style="list-style-type: none"> <li>1. It is wholly located within an existing enclosed building; or</li> <li>2. It is authorised by the Shire Delegate as temporary development; or</li> <li>3. All of the following criteria are satisfied: -               <ol style="list-style-type: none"> <li>a) It is on a lot in the following zones and does not exceed the number and size below:                   <table border="1" data-bbox="539 734 1444 1037"> <tbody> <tr> <td>Residential zone</td> <td>one 20-foot container</td> </tr> <tr> <td>Townsite zone</td> <td>one 20-foot container</td> </tr> <tr> <td>Rural zone <i>within</i> the gazetted towns boundaries</td> <td>two 20-foot containers or one 40-foot container</td> </tr> <tr> <td>Rural zone <i>outside</i> the gazetted towns boundaries</td> <td>No limit, and in full accordance with this clause sub clauses being b), d), e), and f).</td> </tr> <tr> <td>Commercial zone</td> <td>two 20-foot container or one 40-foot container</td> </tr> </tbody> </table> </li> <li>b) It is not stacked on top of each other where more than one is permitted.</li> <li>c) It is in new or good condition and of muted colours(s).</li> <li>d) It is setback from the street and lot boundaries in accordance with Scheme requirements.</li> <li>e) It is used for purposes that are permitted or approved under the Scheme.</li> <li>f) It is not located in a heritage-protected place.</li> </ol> </li> </ol>	Residential zone	one 20-foot container	Townsite zone	one 20-foot container	Rural zone <i>within</i> the gazetted towns boundaries	two 20-foot containers or one 40-foot container	Rural zone <i>outside</i> the gazetted towns boundaries	No limit, and in full accordance with this clause sub clauses being b), d), e), and f).	Commercial zone	two 20-foot container or one 40-foot container
Residential zone	one 20-foot container											
Townsite zone	one 20-foot container											
Rural zone <i>within</i> the gazetted towns boundaries	two 20-foot containers or one 40-foot container											
Rural zone <i>outside</i> the gazetted towns boundaries	No limit, and in full accordance with this clause sub clauses being b), d), e), and f).											
Commercial zone	two 20-foot container or one 40-foot container											
6.	Lean-to structure	<ol style="list-style-type: none"> <li>1. Is associated with an outbuilding or shipping container and is used for purposes that are permitted or approved under the Scheme.</li> <li>2. Is unenclosed, other than the one side attached to an outbuilding or shipping container.</li> <li>3. Has an area no more than 30 percent of the area of the outbuilding that it is attached to or has an area no more than 100 percent of the area of the shipping container to which it is attached.</li> <li>4. Is constructed of materials and of appearance to complement and be sympathetic with the outbuilding or shipping container or within the locality.</li> <li>5. Is setback from the street and lot boundaries in accordance with Scheme requirements.</li> <li>6. Not located in a heritage-protected place.</li> </ol>										

## 6.0 Temporary development

The Shire may authorise for a period longer than 48 hours in any 12-month period the temporary erection, extension or placement and use of an outbuilding(s), shipping container(s) and lean-to(s) provided the following requirements are satisfied as applicable.

1. Is erected or placed for the purpose of providing a service, works or use due to a disruption of an essential service, a public health emergency, a state of emergency, or any combination of the aforementioned disruption and/or emergency as determined by the exercise of reasonable and practicable deliberation by the Shire Delegate.
2. Is for the temporary storage of building materials, equipment, plant and/or machinery to be used for the construction of a dwelling or additions to a dwelling that has a current development approval and/or for which a building permit has been issued pursuant to the *Building Act 2011* and is (to be) located on the same land (lot) as the dwelling.
3. The construction works are actively being undertaken on the site (lot) and do not lapse for any period greater than 30 days.
4. Otherwise for a use that is permitted or approved under the Scheme.
5. There is no obstruction to pedestrian or vehicle movements or obstruction to vehicle sight lines.
6. Is suitably located on, and of a reasonable size for the site.
7. Is in new or good condition and of muted colour(s), unless otherwise approved by the Shire Delegate.
8. The structure/building is removed, and the site made good upon the completion of the construction works for the dwelling, being lock-up stage or as determined by the Shire Delegate or at the expiry of the authorised period unless a further period is authorised.
9. The structure/building is removed, and the site made good upon the formal cessation of the essential service or use caused by a disruption of an essential service, a public health emergency, a state of emergency or any combination of the aforementioned disruption and/or emergency as determined by the Shire Delegate or at the expiry of the authorised period unless a further period is authorised.

The Shire may Impose conditions for the temporary structure/building to be of acceptable materials, colour and construction standard and dealing with any visual amenity considerations.

## 7.0 Application requirements

The applicant is to provide to the Shire the following unless the Shire Delegate elects to waive or vary:

<p>1. At a minimum, a site plan or plans depicting:</p>	<ul style="list-style-type: none"> <li>• The location of the site (lot).</li> <li>• Existing and if relevant proposed natural ground levels.</li> <li>• Boundary setbacks.</li> <li>• Natural features, inclusive of trees and vegetation.</li> <li>• Existing structures/buildings.</li> <li>• Existing/proposed means of access.</li> <li>• Location, dimensions, and elevations of the proposed structure/building.</li> </ul>
<p>2. In addition, plans and or written information provided depicting or describing:</p>	<ul style="list-style-type: none"> <li>• The construction materials and finishes, intentions for screening and landscaping to address any visual amenity considerations.</li> <li>• Details of the proposed or intended use of the structure/building.</li> <li>• The period that the temporary development will be situated on the site (lot).</li> </ul>

1. Payment of the relevant application fee.	<ul style="list-style-type: none"> <li>As per the Shire of Bruce Rock annual Fees and Charges (as amended)</li> </ul>
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### **8.0 Confirmation of exempted development, authorisation of temporary development and requirement for a building permit.**

The Shire will upon application/review issue written confirmation that the proposed development is exempted development or issue written authorisation for the temporary development for a specified period inclusive of any conditions.

Unless otherwise stated in the written confirmation:

- Within the gazetted towns boundary of the Bruce Rock district, a building permit is required to be obtained from the Shire prior to construction of an Outbuilding, Shipping Container or Lean-to over 10m<sup>2</sup> in building footprint area and when determined to be a building classification of Class 10A.
- Outside the gazetted towns boundary of the Bruce Rock district, Building work of an Outbuilding, Lean-To, or Shipping container could be exempted building work therefore not requiring a building permit when determined to be a building classification of Class 10A.

For the avoidance of doubt, Council determines a Class 10A Outbuilding, Lean – To, or Shipping container as the applicable Class of building work when used for storage of broadacre farming operation items, and/or parking up of farming vehicles to meet the operational needs of broadacre farming activities. Furthermore, the Class 10A Outbuilding, Lean – To, or Shipping container is conditional for being used for purposes approved or permitted under the Scheme and meeting the objectives of this policy.

Furthermore, an Outbuilding or Lean-to, or Partly enclosed Outbuilding are, for the purpose of this Policy, not buildings used for the display of goods or produce for sale by wholesale, and are also not buildings for the production, assembling, altering, repairing, packing, finishing, or cleaning of goods or produce for sales to take place. Should this be the buildings purpose then Planning Approval is required as these 'uses' fall outside the exempted development considerations of this Policy.

### **9.0 Administrative delegation-**

The Chief Executive Officer or Manager of Regulatory Services is authorised on behalf of the Shire Council as the 'Shire Delegate' to:

- waiver or vary the application requirements other than the application fee; and
- under the policy provisions determine whether the proposal is exempted development or is temporary development;
- issue written confirmation of exempted development or written authorisation of temporary development for a specified period inclusive of any conditions; and

Notwithstanding compliance with the provisions of this Policy, if the Chief Executive Officer or Manager of Regulatory Services determines that a proposal to be contentious or of a contentious nature, then in that event the applicant is to provide evidence of consultation inclusive of comments of neighbouring landowners (and/or tenants) in respect of the proposal for the consideration of the Shire Council.

Furthermore, should the proposed Outbuilding on assessment be determined to not be a building class of Class 10A Outbuilding, after consultation with the applicant, the proposal may be referred to the Shire Council for determination for planning approval, fees apply.

### **10.0 Adoption**

Action	Date
Public consultation/advertising	25 May 2022 to 15 June 2022.
Adoption	23 June 2022
Public notification of adoption	21 July 2022 to 4 August 2022
Amended	20 June 2024 [Resolution OCM Jun 24 – 12.1.2]
Next review date	March 2026