

Shire of Boddington
Local Planning Policy No. 1 - Sea Containers

1. Objectives

It is Council's objective to:

- a) Regulate the use of sea containers within the Shire of Boddington so as to ensure that they do not detract from the amenity of the area.
- b) Allow for temporary controlled use of sea containers for storage and during building construction.

2. Purpose

The purpose of this Policy is to outline Council's development standards in regard to the location and use of sea containers within the Shire.

The Policy does not address the placement of transportable dwellings, relocated dwellings, railway carriages, or transportable offices, or the type of building commonly referred to as "Dongas".

3. Interpretation

For the purpose of this Policy, a sea container is a metal transportable structure designed for the storage and transport of goods from one location to another by road and sea, but can be used generally in four (4) different ways:

- a) Road and sea transport: Used by transport and shipping companies to transport and store goods or are temporary used for storage on private or public property.
- b) Temporary storage of materials on a building site.
- c) Conversion to a building for personal or commercial storage on a property.
- d) Conversion to a habitable building complying with the *Shire of Boddington Local Planning Scheme No. 2 (LPS2)*, *Building Code of Australia*, *Public Health Act 2016* and *Health (Miscellaneous Provisions) Act 1911* requirements.

A sea container is not deemed to be an outbuilding or minor structure exempted from Development Approval of the local government under the *Planning and Development (Local Planning Schemes) Regulations 2015* or LPS2.

All other terms within this Policy shall have the same meaning given under the provisions of LPS2 or the "deemed provisions" in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

4. Application

Other than proposals set out in sections 5.1 and 5.2 of this Policy, a Development Application is required to be submitted to the local government with associated development approval and a Building Permit gained prior to siting a sea container on a property.

The following details are to be submitted with the Development Application:

- a) A completed Application for Development Approval and payment of the required fee.
- b) A neatly drawn and scaled site plan showing the proposed location of the sea container and detailing setbacks to boundaries. The site plan should also include other buildings, access ways, vegetation and other key features on the property.
- c) The proposed size and use of the sea container and if approval is being sought for a temporary period (state time period) or on a permanent basis.
- d) Evidence by photos that the sea container will be adequately screened from view and is not easily seen from nearby roads, other public places, or adjoining properties.
- e) If a sea container can be easily seen from nearby roads, other public places, or adjoining properties, then details of any upgrading and/or colour to be painted are to be provided.

5. Assessment of Proposals

5.1 Road and sea transport - temporary storage

No development approval or Building Permit is required for temporary storage of one (1) sea container on a lot in all zones, other than in the Industrial or Rural zones, for up to three (3) months. This is subject to the sea container not being located within the front boundary setback area or in areas designated for car parking or landscaping.

Multiple sea containers can be located on lots zoned Industrial and Rural for up to 3 months, without a requirement for development approval or a Building Permit, provided the sea containers are not located within the front boundary setback area, or in areas designated for car parking or landscaping. Subject to the intended use, such as a transport depot, the overall development may however require development approval.

Sea containers must be stored in neat rows (not stacked) and shall be screened by landscaping, fencing or other means acceptable to the local government, to ensure that storage areas are not exposed to view from nearby roads or other public places.

5.2 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 an approved dwelling, approved commercial building, or other approved building is being carried out on the property, without requiring development approval or a Building Permit. A sea container must not, however, be placed on the property prior to the issue of a Building Permit for the dwelling, approved commercial building or other approved building and the sea container must be removed immediately upon completion of construction or the expiry of the Building Permit.

5.3 Conversion to a building for personal or commercial storage

Proposals to permanently place a sea container on a property zoned Residential, Special Residential or Special Use (where the Structure Plan designates Residential and Special Residential) are generally discouraged as they can impact local amenity. Where a Development Application is received, to permanently place a sea container on a property zoned Residential, Special Residential or Special Use (where the Structure Plan designates Residential and Special Residential), the local government will invite comments from neighbours, prior to determining the Development Application.

The local government will consider Development Applications on their merits in other zones, including where the land is zoned Special Use where the Structure Plan designates Rural Residential or Rural Smallholding.

A Development Application proposing conversion to a building for personal or commercial storage on a property is required to address the following:

- a) The sea container not being used for habitable purposes.
- b) The sea container is screened from public view and is not easily seen from nearby roads, other public places, or adjoining properties; and/or
- c) If the sea container will be easily seen from nearby roads, other public places, or adjoining properties, then the exterior of the sea container shall be in a state of good repair or shall be upgraded (i.e. painted to blend in with the surrounding development or landscape) within three (3) months of being placed on site.
- d) The sea container is not located within the front setback. The sea container is to be appropriately sited to address side and rear boundary setbacks as per LPS2, be within an approved building envelope, or located outside of building exclusion areas.
- e) The number of sea container/s per property is at the direction of the local government.

5.4 Conversion to a building for habitation

Sea containers shall not be used for habitable purposes, unless they gain local government approval and comply with LPS2, the *Building Code of Australia*, *Public Health Act 2016* and *Health (Miscellaneous Provisions) Act 1911* as a habitable unit. The local government will have regard to other Local Planning Policies as relevant.

An application to permanently or temporarily place a sea container on a property for habitation purposes shall not be supported, unless the following criteria are met:

- a) The exterior of the sea container shall be in a state of good repair. Unless screened from nearby roads, other public places and adjoining properties, or suitably justified by the applicant, the local government will require the sea containers to be re-clad and the dwelling to incorporate measures such as verandahs to improve the visible appearance of the structure.
- b) Set back from the boundary as required by LPS2, within an approved building envelope, or located outside of building exclusion areas.
- c) Comply with requirements of the *Building Code of Australia*, *Public Health Act 2016*, and *Health (Miscellaneous Provisions) Act 1911* requirements.

6. Approval Conditions

Conditions of approval shall be applicable, as deemed necessary by the local government. The conditions may include:

- a) The exterior of the sea container shall be upgraded to blend with the surrounding development or landscape in terms of colour and finish within three (3) months of being placed on site to the satisfaction of the local government.
- b) The sea container is permitted to be used for (insert use) only and shall not be used for habitable purposes, unless approved by the local government.
- c) This approval shall expire (insert date or insert "if the development hereby permitted is not completed within 3 months"). The sea container shall be removed from the

subject site at the expiry of the approval or after the expiry of any extension of that time which may be provided by the local government.

- d) If the sea container falls into disrepair, or becomes unsightly, the local government will require its removal, with the cost to be met or reimbursed by the landowner.

7. Building Permit

A Building Permit is required, prior to the placement of the sea container on site, where proposed to be permanent or located long term (refer to sections 5.3 and 5.4 of this Policy). The Building Permit shall include certification from a professional engineer, as to the method of providing structural tie down.

No Building Permit is required for a temporary sea container as set out in sections 5.1 and 5.2 of this Policy. Proponents should however adopt a risk-based approach regarding securing tie down. As outlined in section 5.2 of this Policy, a Building Permit is required for the associated dwelling, commercial building, or other building.

Related Policies	<i>LPP 6 Development in Flood Affected Areas LPP 7 Outbuildings LPP 15 Buildings and Structures in and near Drainage Easements LPP 16 Residential Development and Design</i>
Related Procedures and Documents	<i>Planning and Development (Local Planning Schemes) Regulations 2015, Building Code of Australia</i>
Delegation Level	Chief Executive Officer, Principal Environmental Health Officer/Building Surveyor
Adopted	Originally adopted 8 August 2007 Revised policy granted final adoption on 14 March 2017.