

DRAFT Proposed Local law amendments – Shipping containers

Proposed amendments to *Local Law No. 1 (Administration) 2011* to create a new prescribed activity

1. In schedule 2, part 1 (Prescribed activities), insert the following new prescribed activity:

‘temporary placement of a shipping container’

2. In schedule 2, part 2 (Definitions of prescribed activities), insert the following definition:

temporary placement of a shipping container means the placement of a shipping container—

- (a) in a place that is not a local government controlled area or road; and
- (b) for a purpose other than temporary use as a place of residence; and
- (c) where the placement of the shipping container does not constitute building work under the *Building Act 1975*.

3. In schedule 1 (Dictionary), insert the following definition:

shipping container includes an enclosed metal storage device with a capacity exceeding 9m³, but does not include containers designed for temporary storage of waste.

Schedule 19 Temporary placement of a shipping container

section 9

1 Prescribed activity

Temporary placement of a shipping container

2 Activities that do not require approval under the authorising local law

(1) An approval is not required under the authorising local law for the placement of a shipping container in each of the following circumstances—

- (a) the shipping container is—
 - (i) in place for less than—
 - (A) for a property in an urban area—30 days; or
 - (B) for a property in another area—90 days; and
 - (ii) not likely to cause—
 - (A) a detrimental impact on the amenity of the area; or
 - (B) harm to human health or safety; or
 - (C) environmental harm; or
 - (D) obstruction of a view or vista from any premises; or
- (b) the shipping container is—
 - (i) placed on a construction site; and
 - (ii) used for the purposes of construction works; and
 - (iii) in place only for the period necessary to complete the construction works; and
 - (iv) not likely to cause—
 - (A) a detrimental impact on the amenity of the area; or
 - (B) harm to human health or safety; or
 - (C) environmental harm; or
 - (D) obstruction of a view or vista from any premises; or
- (c) the placement of the container is permitted under the terms or conditions of an approval issued by the local government for another prescribed activity.

Example for paragraph (c)—

The temporary placement of a shipping container could be permitted under the terms or conditions of an approval for operation of a temporary entertainment event (see schedule 11).

(2) In this schedule—

construction site means a site where there are active construction works or where works have temporarily ceased for no more than 30 days.

urban area means the area contained within the urban growth management boundary as identified on the relevant zone map in the *Sunshine Coast Planning Scheme 2014*.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by full details of the proposal, including—

- (a) the name, address and telephone number of the person responsible for siting and maintaining the shipping container; and
- (b) the purpose for which the placement of the container is required; and
- (c) dimensioned site plan providing proposed siting location, boundary setbacks, existing building locations, vegetation and other features (e.g. fencing); and
- (d) details demonstrating that the siting has considered locations that will minimise impact on neighbouring residents and surrounding streetscape; and
- (e) details demonstrating that the siting will not cause an obstruction of pedestrian or vehicular traffic; and
- (f) photographic images of all sides of the shipping container and details of any proposed changes to its appearance; and
- (g) details demonstrating no impacts on view lines, either public or private.

4 Additional criteria for the granting of approval

For an application for approval for placement of a shipping container, the additional criteria are that the placement will not be likely to cause—

- (a) a detrimental impact on the amenity of the area; or

Example of detrimental impacts on amenity for paragraph (a)—

- rusted and/or broken metal on the structure;
- graffiti;
- overgrown vegetation surrounding the structure.

- (b) harm to human health or safety; or
- (c) environmental harm; or
- (d) obstruction to pedestrian or vehicular traffic; or
- (e) obstruction of a view or vista from any premises.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

Conditions that will ordinarily be imposed are that the approval holder must—

- (a) keep the shipping container wholly within the boundaries of the property for which approval has been granted; and
- (b) if a specific location for the container is indicated in the approval—keep the shipping container sited at that location; and
- (c) ensure the external surfaces are rust free and kept in a consistent and maintained painted finish; and
- (d) ensure grass or other vegetation is maintained (for example, grass is mown and weeds are not present) in proximity to the shipping container; and
- (e) ensure that the siting does not cause an obstruction to pedestrians or vehicular traffic.

7 Term of approval

- (1) The term of an approval commences on the date the approval is granted and expires on the date specified in the approval.
- (2) An approval expires at the end of the day for expiry specified in subsection (1).
- (3) The term of an approval specified under subsection (1) must ensure that the shipping container is not in place in excess of —
 - (a) for an urban area—90 days; or
 - (b) for another area—180 days.

Example for subsection (3)—

If a shipping container has already been in place at a property in an urban area for 30 days prior to an approval being granted, the term of the approval shall not exceed 60 days, so that the shipping container is not in place for longer than 90 days.

8 Term of renewal of approval

No further term is permitted by way of renewal or extension of an approval for placement of a shipping container.