



# LPP-5.7 Local Planning Policy for Sea Containers and Transportable or Relocatable Storage Containers and Structures

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*Note:* This local planning policy is to be read in conjunction with Local Planning Policy 1.1: Administrative Framework and Procedures.

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## DISCLAIMER

Whilst all care has been taken to accurately portray the current Scheme and/or policy provisions, no responsibility shall be taken for any omission or errors in this documentation. Consultation with the City of Bunbury should be made to view a legal version of this document.

# 1 Preliminary

## 1.1 Citation

This local planning policy is made pursuant to the provisions of 'Division 2- Local planning policies' under 'Part 2- Local planning framework' of 'Schedule 2- Deemed provisions for local planning schemes' of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and may be cited as Local Planning Policy 5.7: Sea Containers and Transportable or Relocatable Storage Containers and Structures (herein referred to as the 'local planning policy').

## 1.2 Policy Area

This local planning policy applies to all zoned and reserved land within the local government district of the City of Bunbury, and as such, the local planning policy area is the Scheme area.

## 1.3 Policy Application

- (a) With the exception of those aspects of development to which the Residential Design Codes (the 'R-Codes') apply, the provisions of this local planning policy apply to the development and/or use of premises for the purposes of locating sea containers and other similar transportable / relocatable storage containers or structures within the Scheme area; including works associated with an application for subdivision approval or development approval (building and site works).
- (b) The provisions of this local planning policy apply to all development and/or use of premises in the Scheme area for the purposes of placement of sea containers and other similar transportable / relocatable storage containers or structures as incidental development to a predominant land use where permitted under the Scheme; including works associated with an application for subdivision or development approval (building and site works).
- (c) The provisions of this local planning policy do not apply to the repurposing or adaptive reuse of sea containers and transportable or relocatable storage containers and structures developed as a class of building in accordance with the Building Code of Australia (BCA).
- (d) Subject to section 4 of this local planning policy, the development and/or use of premises involving sea containers and other similar transportable / relocatable storage containers or structures is development requiring the prior development approval of the local government in accordance with the provisions of the Scheme, irrespective of the permissibility of the predominant development and/or land use.
- (e) Subject to the local government exercising its discretion by granting temporary development approval in accordance with clause 72 'Temporary development approval' of 'Part 9 – Procedure for dealing with applications for development approval' of 'Schedule 2 – Deemed provisions for local planning schemes' under the *Planning and Development (Local Planning Schemes) Regulations 2015*, the placement of a sea container or other similar transportable / relocatable storage container or structure may be permitted on a lot, strata or survey strata lot by the local government as a temporary development for up to a maximum of six (6) months, or such longer period as may be agreed in writing by the local government.
- (f) In exercising its discretion by granting development approval for the placement and/or development of a sea container or other similar transportable / relocatable storage container or structure within the Scheme area, the local government may consult with affected parties by following one or more of the provisions for advertising uses under clause 64 'Advertising applications' of 'Part 8 – Applications for development approval' of 'Schedule 2 – Deemed provisions for local planning schemes' under the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Note: 1. Section 1.3 of this local planning policy does not address the placement of transportable dwellings, relocated dwellings, railway carriages, transportable offices or accommodation commonly referred to as a 'donga'.

2. *A sea container is not considered an outbuilding or minor structure exempted from development approval under the Scheme.*
3. *Sea containers when used for the purposes of storage or as outbuildings are to be assessed as either a Class 7b or Class 10a building under the Building Code of Australia (BCA), and as such, require a building permit prior to the development of any sea container for the purposes of an outbuilding on a premises.*
4. *An application for a sea container or other similar transportable / relocatable storage container or structure to be developed for the purposes of an outbuilding must be accompanied by footing and tie-down details and specifications (including statement and/or drawings). The proposed method of structural tie down is to be certified by a suitably qualified structural engineer and details of this certification are to be included with the application for a building permit.*
5. *Under clause 61 'Development for which development approval is not required' of 'Part 7 – Requirement for development approval' of 'Schedule 2 – Deemed provisions for local planning schemes' under the Planning and Development (Local Planning Schemes) Regulations 2015, any works or development which are temporary and in existence for less than 48 hours or such longer time as the local government agrees, is permitted development that does not require the development approval of local government.*
6. *Applications for development approval will need to be supported by the following information lodged together with the relevant application forms:*
  - *site plan drawn to scale (including location of existing dwelling / structures). The drawing is to show all dimensions, setbacks to property boundaries and infrastructure;*
  - *floor plan showing floor area of proposed container;*
  - *specification details and/or elevation drawings showing height and dimensions of proposed container;*
  - *statement of the proposed roofing and external wall cladding materials or finishes including proposed colour scheme of the structure; and*
  - *landscape plan including the location and nature of any screening materials or plantings.*

## 2 Purpose

- 2.1 The purpose of this local planning policy is to enable the regulation of sea (shipping) containers and other similar transportable / relocatable storage containers or structures within the Scheme area in order to:
- (a) allow for the unhindered use and storage of sea containers for port related activities and shipping in suitable locations where environmental and public health standards can be met;
  - (b) make reasonable provision for the placement of sea containers for the purposes of storage and as outbuildings in appropriate locations provided they do not create a potential risk to health and public safety, detract from the streetscape, character, amenity or environmental attributes of the local area;
  - (c) allow the repurposing or adaptive reuse of sea containers to enable affordable, alternative and/ or port-themed building materials to be used in new developments that provide diversity and add interest to the architecture and urban design of the city.
  - (d) ensure that the siting of sea containers does not adversely or unreasonably impact upon public health in residential areas and other noise sensitive receiving environments;
  - (e) provide guidance on the siting, development and use of sea containers in accordance with the objectives and development requirements of the relevant zone under the Scheme; and
  - (f) ensure that sea containers are located, developed and used in accordance with any relevant local planning policy and local laws.

- 2.2 In particular, this local planning policy is to guide the exercising of discretion in the determination of applications for development approval with respect to sea containers and transportable or relocatable storage containers and structures.

## 3 Objectives

- 3.1 In accordance with the Aims of the Scheme, land use and development is to achieve the following outcomes for the development and use of sea containers and transportable or relocatable storage containers and structures in the Scheme area-
- (a) to ensure that the locating, development and use of all sea containers protects the visual amenity and city image of Bunbury and supports the objectives of the particular zone in which it is located;
  - (b) to ensure that sea containers that are located, developed and used as outbuildings protect the character and amenity of the local area;
  - (c) to ensure the structural integrity and stability of sea containers developed and used as Class 7b<sup>1</sup> or Class 10a<sup>2</sup> buildings under the Building Code of Australia; and
  - (d) to ensure that sea containers converted to and used as outbuildings in residential, mixed use and commercial areas are located and developed in a manner that is sympathetic with surrounding dwellings and character of the local area.

## 4 Exemptions From Development Approval

- 4.1 Without limiting clause 1.3 of this local planning policy, sea containers and other similar transportable / relocatable storage containers or structures may be temporarily located on a lot, strata or survey strata lot without the prior development approval of the local government where-
- (a) fully enclosed within a building and entirely screened from view from any residential premise, public street or public open space; or
  - (b) the loading or unloading of a sea container is for the purposes of freight transportation / shipping, provided that the container does not remain on site for longer than 14 days and is not located within the road reserve; or
  - (c) the storage of sea containers (empty or full) is in conjunction with the operation of an approved transport depot, port facility or port related activity; or
  - (d) a current building permit has been issued and the sea container is solely used for the storage of building materials, plant, machinery, tools or equipment in conjunction with the approved building works; in which such circumstances:
    - (i) a sea container must not be placed on the premises prior to the issue of a building permit and must be removed immediately upon the completion of construction or the expiry of the building permit; and
    - (ii) construction works must be actively undertaken on the lot / development site and are not to lapse for any period greater than 60 days; and
    - (iii) a sea container must be contained wholly within the property boundary of the subject lot and must not impact on pedestrian or vehicle movements in any way or obstruct pedestrian or bicycle pathways or vehicle sight lines.

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<sup>1</sup> Class 7b is a building used for the storage or display of goods or produce for sale by wholesale.

<sup>2</sup> Class 10a building is a private garage, carport, shed or the like.

- 4.2 Except where provided for within the provisions of the R-Codes and subject to compliance with the relevant development requirements and standards of the Scheme, there are no other exemptions or exclusions permitted under the Scheme with respect to sea containers and transportable or relocatable storage containers and structures.

## 5 Land Use and Development Requirements

- 5.1 The development and/or use of premises for the placement of sea containers and other similar transportable / relocatable storage containers or structures is to be to the specifications and satisfaction of the local government, in accordance with the development standards and requirements of-
- (a) this Local Planning Policy 5.7: Sea Containers and Transportable or Relocatable Storage Containers and Structures;
  - (b) the R-Codes for residential and mixed use developments, subject to variations;
  - (c) the applicable zone provisions under the Scheme;
  - (d) relevant Special Control Area(s);
  - (e) relevant local planning policies or local laws;
  - (f) the Building Code of Australia (BCA); and
  - (g) other applicable Australian Standards.

- Note:*
1. *Section 5 Land Use and Development Requirements of this local planning policy sets out the prescriptive provisions by which sea containers and transportable or relocatable storage containers and structures are to be developed and used within the Scheme area.*
  2. *Local Planning Policy 5.5: Minor Structures (including Outbuildings) is the most relevant of the other local planning policies regarding the adaptive reuse of sea containers as outbuildings. Local Planning Policy 5.5: Minor Structures (including Outbuildings) provides guidance on the permitted location, setbacks, height and size of sea containers adapted into outbuildings.*

- 5.2 The local government will employ a general presumption against approving sea containers and other similar transportable / relocatable storage containers or structures, on any lot, strata or survey strata lot-
- (a) less than 450m<sup>2</sup> in total area; and/or
  - (b) where a building or dwelling does not already exist.
- 5.3 Notwithstanding section 4 of this local planning policy, sea containers (where not developed and used as Class 7b or Class 10a buildings in accordance with the Building Code of Australia) will not be permitted as permanent fixtures and used for the purposes of storage in any zone, except for the Service Commercial Zone, Light Industry Zone and General Industry Zone, or on heritage listed premises or premises located within a heritage area unless the sea container:
- (a) is being temporarily used in conjunction with approved building works for the term of the building permit in accordance with clause 4.1 of this local planning policy; or
  - (b) has temporary development approval granted in accordance with clause 72 'Temporary development approval' of 'Part 9 – Procedure for dealing with applications for development approval' of 'Schedule 2 – Deemed provisions for local planning schemes' under the *Planning and Development (Local Planning Schemes) Regulations 2015*.

- 5.4 Unless exempt from development approval as specified in section 4 of this local planning policy, sea

containers and other similar transportable / relocatable storage containers or structures, where permitted and used as outbuildings for storage purposes only and developed as Class 7b or Class 10a buildings in accordance with the Building Code of Australia, shall:

- (a) be placed and developed in accordance with the development standards and requirements for an outbuilding under the R-Codes and relevant zone of the Scheme;
- (b) be limited to a maximum number of:

|       |   |   |
|-------|---|---|
| (i)   | one (1) container on a lot, strata or survey strata lot up to a maximum size of six (6) metres in length within:      | Residential Zone<br>Mixed Use - Residential Zone<br>Mixed Use - Commercial Zone<br>Tourism Zone   |
| (ii)  | one (1) container on a lot, strata or survey strata lot up to a maximum size of twelve (12) metres in length within:  | Regional Centre Zone<br>District Centre Zone<br>Neighbourhood Centre Zone<br>Local Centre Zone<br>Urban Development Zone<br>Private Community Purpose Zone<br>Public Purposes Reserve<br>Civic and Community Reserve<br>Public Open Space Reserve |
| (iii) | two (2) containers on a lot, strata or survey strata lot up to a maximum size of twelve (12) metres in length within: | Rural Zone  |

*Note: The number and size of sea containers and other similar transportable / relocatable storage containers or structures permitted on land in the Service Commercial Zone, Light Industry Zone, General Industry Zone or Industrial Development Zone is not limited by this local planning policy.*

- (c) not impact upon any remnant vegetation and areas of environmental significance or sensitivity;
- (d) not be located in flood prone or flood affected areas (floodway or flood fringe area);
- (e) not be located in tidal or storm surge affected areas;
- (f) be entirely located within the property boundaries of the premises;
- (g) situated to the rear of the premises and located behind the primary building, or where no building exists, is located behind the building front setback line of adjoining premises or is setback a minimum distance of not less than 12 metres from the property boundary to a primary or secondary street, whichever is the greater;
- (h) comply with the side and rear setback distances from property boundaries and other buildings / dwellings in accordance with the development standards and requirements of the:
  - (i) relevant zone under the Scheme;
  - (ii) R-Codes where developed as part of a residential or mixed use development; and
  - (iii) Local Planning Policy 5.5: Minor Structures (including Outbuildings).
- (i) be screened entirely from view from any public street, public open space or dwelling;
- (j) be used for purposes that solely relate directly to, and be ancillary to, the approved predominant use of the premises;
- (k) only be used for the purposes of storing materials, goods, plant, machinery or equipment associated with the predominant use permitted on the lot / development site;

- (l) not be used to store in bulk contaminated or hazardous materials or chemicals;
- (m) be level, located at natural ground level or below and set on footings;

*Note: Sea containers are recommended to be tied down or secured to the ground as required for buildings located in areas with a wind rating classification 'N3' of region 'A' under the Building Code of Australia.*

- (n) ensure collection and discharge of all stormwater on site and/or connection to a legal point of discharge so as to prevent rainwater ponding on top of the sea container or discharging inappropriately;
- (o) incorporate a roof structure where developed as an outbuilding as part of a residential or mixed use development;

*Note: Sea containers developed as outbuildings as part of residential, mixed use or commercial developments are recommended to incorporate a sloping roof structure, guttering, edge flashing and down pipes in order to enable effective stormwater management.*

- (p) be adequately ventilated to ensure the safety of users in the event of enclosure;

*Note: It is recommended that sea containers developed and used as outbuildings should be properly ventilated and able to be opened from the inside in order to ensure the safety of users, or alternatively, an internally opening window is installed to prevent enclosure.*

- (q) not be stacked vertically on top of or above one another;

*Note: The stacking of sea containers on land in the Light Industry Zone, General Industry Zone and Industrial Development Zone is not regulated by this local planning policy.*

- (r) be in good condition free of rust or corrosion and clad and/or painted with approved colours, materials and finishes within three (3) months of being placed on the lot / development site;
- (s) not be painted with or used for the mounting or display of any signage or advertising devices, subject to the approval of the local government in accordance with Local Planning Policy 5.3: Signage and Advertisements;
- (t) not be located over or obstruct natural or stormwater drainage lines, effluent treatment disposal areas / systems (septic tanks and leach drains), utilities, building fire services, bin storage areas, vehicle accessways, pedestrian or bicycle pathways or vehicle sight lines;
- (u) not impinge on any car parking bays required to satisfy the minimum car parking requirement for the associated approved development and/or land use;
- (v) not impinge on any landscaping areas required to satisfy the minimum landscaping requirements for the associated approved development and/or land use;
- (w) not obstruct sightlines or be located within a truncation, road reserve or verge; and
- (x) be maintained in good and orderly condition at all times, to the satisfaction of the local government.

5.5 Where permitted to be located on a lot / development site as temporary development for up to a maximum of six (6) months in accordance with clause 72 'Temporary development approval' of 'Part 9 – Procedure for dealing with applications for development approval' of 'Schedule 2 — Deemed provisions for local planning schemes' under the *Planning and Development (Local Planning Schemes) Regulations 2015*, any sea container must be:

- (a) of adequate structural integrity and stability that it complies with ISO 1496-1 when used as a container, or alternatively, as a Class 7b or Class 10a building under the Building Code of Australia when developed and used as an outbuilding; and
- (b) in good condition free of rust or corrosion, landscaped and painted in a uniform colour to match the

colour of the primary building and/or blend with surrounding landscaping within one (1) month of being placed on the lot / development site.

- 5.6 In considering any application for development approval to locate a sea container or other similar transportable / relocatable storage container or structure on a lot, strata or survey strata lot, the local government shall have due regard to the effect on the environment, character and amenity of the local area; particularly in regard to location, height and setback of any sea container. The local government may require additional works or measures other than those prescribed in clause 6.4 of this local planning policy to properly address any environmental or amenity issues arising from the location of a sea container or other similar transportable / relocatable storage container.
- 5.7 Sea containers and other similar transportable / relocatable storage containers or structures may not be used for the purposes of storing food products unless they are modified to comply with the Australia New Zealand Food Standards Code. Refrigerator motors and other cooling devices must be modified to ensure that the noise emitted from the unit complies with the *Environmental Protection (Noise) Regulations 1997*.
- 5.8 Sea containers and other similar transportable / relocatable storage containers or structures may not be permitted for habitable use as a dwelling or mixed use development, or conversion for habitable use as a dwelling or mixed use development, either permanently or for short-term accommodation, unless:
- (a) a dwelling is a permitted land use class in the zone;
  - (b) it can be demonstrated that the proposal complies with the development standards and requirements for a dwelling under the R-Codes;
  - (c) it can be demonstrated that the proposal meets the provisions of a Class 1, 2, 3 or 4 building under the Building Code of Australia;
  - (d) it will not detrimentally impact upon the amenity of the local area in which the development is to be situated;

to the specifications and satisfaction of the local government.

Once a sea container has been modified to a habitable standard in accordance with a Class 1, 2, 3 or 4 building under the Building Code of Australia, it is no longer considered to be a 'sea container' for the purposes of this local planning policy.

- 5.9 Sea containers and other similar transportable / relocatable storage containers or structures that have been modified to satisfy the Building Code of Australia as a class 1, 2, 3 or 4 building are no longer considered to be a 'sea container' for the purposes of the Scheme and can be considered for comprehensive development proposals. Any development proposing the adaptive reuse of sea containers will be required to-
- (a) be in accordance with the Scheme and any relevant local planning policy;
  - (b) demonstrate that the proposal meets the relevant provisions under the Building Code of Australia; and
  - (c) will not detrimentally impact upon the amenity of the local area in which the development is to be situated;

to the specifications and satisfaction of the local government.

Applicants are advised to liaise with the local government prior to any adaptive reuse in development and/or abundant use of sea containers. This may include but not limited to a container park, restaurant / café and small bar applications.



## 6 Variations to Development Requirements and Standards

- 6.1 Development in accordance with this local planning policy is considered to be deemed-to-comply. However, alternative design solutions may be considered subject to demonstration that the proposed land use and/ or development is in keeping with the intent and objectives of the local planning policy to the satisfaction of the local government.

The local government will also consider the following:

- (a) the character and amenity of the subject lot / development site, adjacent properties, primary and secondary streetscapes and the surrounding local area; and
  - (b) the structural integrity of the proposed sea container or other similar transportable /relocatable storage container or structure's design.
- 6.2 In exercising any discretion the local government must ensure that the variation will not contravene the following provisions of the Scheme:
- (a) intent and objectives of this local planning policy;
  - (b) clause 9 Aims of the Scheme;
  - (c) clause 16 Zone Objectives; and
  - (d) clause 67 'Matters to be considered by local government' of 'Part 9 – Procedure for dealing with applications for development approval' of 'Schedule 2 — Deemed provisions for local planning schemes' under the *Planning and Development (Local Planning Schemes) Regulations 2015*.

*Note: Refer to clause 43 of the Scheme and the relevant provisions of each zone with respect to the applicable matters for consideration and scope of variations permitted under the Scheme for the development or use of land for sea containers and transportable or relocatable storage containers and structures.*

## 7 Meaning of Terms

The meaning of other specific words and expressions relevant to this local planning policy are given below:

**'Building line'** means the closest point of a building to the primary street frontage, and to the secondary street frontage, if applicable.

**'Building works'** means:

- (a) building, repairing, altering, underpinning (whether by vertical or lateral support), moving or demolishing a building or other structure; or
- (b) work regulated under the Building Code of Australia; or
- (c) excavating or filling:
  - (i) for, or incidental to the activities mentioned in subclause (a); or
  - (ii) that may adversely affect the stability of a building or other structure, whether on the land on which the building or other structure is situated or on adjoining land; or

(d) supporting (whether vertically or laterally) land for activities mentioned in subclause (a).

*Note: Under the Scheme the term 'incidental use' means a use of premises which is consequent on, or naturally attaching, appertaining or relating to, the predominant use.*

**'Donga'** means a prefabricated transportable or relocatable building typically utilised as workers' accommodation throughout the mining industry and/or utilised as site offices and/or has the general appearance of mine site accommodation.

**'Sea container'** or **'shipping container'** means a large re-sealable or reusable intermodal freight or cargo container of standardised dimensions that is made of weathering steel and originally manufactured for unitized bulk freight handling with standardised equipment to carry goods on a maritime vessel.

**'Screen'** or **'screening'** means permanently fixed external partition formed by upright perforated panels or trellises composed of solid or obscured translucent panels and may include vegetation, which conceals (someone or something) or provides privacy from view to adjoining premises, street or public open space.