

## **1. INTRODUCTION**

The use of sea containers, railway carriages or other decommissioned transport conveyances, primarily for storage purposes, may be an acceptable development option in association with rural and industrial uses in certain parts of the City, however their use is discouraged.

The use of decommissioned railway carriages, trams, aeroplanes and other decommissioned transport conveyances may be appropriate in commercial areas for certain commercial restaurant or entertainment type uses, as the structures may provide a novelty attraction and variety in commercial areas. Modified railway carriages may be appropriate on larger lots in rural areas for accommodation as they provide a pre-fabricated alternative to more conventional structures.

Despite the possible advantages of using sea containers, railway carriages or other decommissioned transport conveyances, their 'industrial' appearance and relatively large size raises concern about the impact they may have on the visual amenity of an area.

## **2. APPLICATION OF POLICY**

This policy applies throughout the City and aims to control the location for sea containers, railway carriages and other decommissioned transport conveyances. When considering such applications the City will determine if the proposal is consistent with the Town Planning Scheme and this policy.

Sea containers, railway carriages and other decommissioned transport conveyances require approval under the City's Town Planning Scheme. Applications for such structures will only be considered when the use they are associated with is "permitted" ("P" uses) or is already approved under the City's Town Planning Scheme and all other provisions of this policy are met. In all other instances they will not be allowed.

## **3. POLICY OBJECTIVES**

- a) To ensure sea containers, railway carriages and other decommissioned transport conveyances do not detract from the amenity, character and established or intended streetscape of an area.
- b) To provide additional guidance and requirements in addition to those contained in the Town Planning Scheme and other Council policies.

## 4. POLICY STATEMENT

### 4.1 The permissibility of sea containers, railway carriages and other decommissioned transport conveyances within different zones:

(a) **Residential, Special Residential, Mixed Business/Residential, Special Rural, Rural Living & Urban Development Zones.**

Sea containers, railway carriages and other decommissioned transport conveyances are **not acceptable** in the Residential, Special Residential, Mixed Business/Residential, Special Rural, Rural Living & Urban Development zones.

(b) **General Rural Zones**

Sea containers, railway carriages and other decommissioned transport conveyances **may be acceptable** in the General Rural zones if they are used in conjunction with an approved agricultural or tourism activity, do not adversely impact the vista from the street or nearby land, are in a condition considered acceptable by the City and the policy objectives are met to the City's satisfaction. The City will not support an application if an applicant/landowner cannot achieve these requirements.

(c) **General Industry & Industrial Business Zones**

Sea containers, railway goods carriages and other decommissioned transport conveyances **may be acceptable** in the General Industry and Industrial Business zones providing they are not clearly visible from the street or nearby land that is zoned for a different purpose, are used in conjunction with an approved use, are in a condition considered acceptable by the City and the policy objectives are met to the City's satisfaction. The City will not support an application if an applicant/landowner cannot achieve these requirements.

(d) **Local Centre, Strategic Regional Centre & District Centre Zones**

Sea containers are **not acceptable** in Local Centre, Strategic Regional Centre and District Centre zones.

Railway passenger/dining carriages, trams, aeroplanes and other decommissioned transport conveyances **may be acceptable** in the Local Centre, Strategic Regional Centre and District Centre zones where they are used in conjunction with an approved commercial restaurant or entertainment type use, are appropriately integrated with surrounding development, are in a condition considered acceptable by the City and the policy objectives are met to the City's satisfaction. The City will not support an application if an applicant/landowner cannot achieve these requirements.

## **4.2 Exemptions**

### **4.2.1 Building and Subdivisional Works**

The City may exempt a sea container from requiring a planning approval where the sea container is used for temporary purposes associated with approved building or subdivisional works.

### **4.2.2 Delivery and Collection of Goods**

The City may exempt a sea container from requiring a planning approval where the sea container is used for temporary purposes associated with the delivery and collection of goods directly related to the approved use of a property.

### **4.2.2 Revocation of Exemptions**

The City may revoke its exemption for a landowner using a sea container to require planning approval, or determine that the sea container is illegal development, where it considers such action would be appropriate. A development application or immediate removal of the sea container by the landowner may therefore be required if, in the opinion of the City, the temporary use extends beyond a reasonable period of time, the sea container is adversely impacting the amenity of an area and/or any other reasons considered relevant by the City. If a development application is required the City may approve, approve with conditions or refuse the application.

### **4.2.4 Reasonable Time Frames**

The City considers a reasonable period of time for the delivery and collection of goods associated with the temporary use of a sea container as 7 days.

With regard to building or subdivisional works approved by the City, the temporary use of a sea container shall only commence once the works it's associated with have commenced and shall cease once the works are complete or the sea container is no longer being used in conjunction with the works.

The above time frames do not preclude the City from requiring the removal of a sea container earlier if it is considered necessary.

### 4.3 Assessment Criteria

All applications for sea containers, railway carriages and other decommissioned transport conveyances will be assessed to ensure they meet the objectives of this policy. Matters which will be considered as part of the assessment include but are not limited to:

- (a) The set back of the proposal from property boundaries.
- (b) The requirements of the Town Planning Scheme and other applicable Council policies. For example but not limited to, *PLN 3.4 - Outbuildings, and/or PLN 4.1 - The design of Industrial Estates.*
- (c) The degree to which the colour, use, positioning, structural quality, general condition and/or any proposed alterations to the proposal positively complements existing development, the streetscape and the amenity of an area.
- (d) The visibility of the proposal from public vantage points and adjoining and nearby properties.
- (e) The length of time that the proposal is required.
- (f) The proposed purpose or use of the sea containers, railway carriages or other decommissioned transport conveyances

Applicants should ensure all the above points are considered and addressed when preparing an application. Examples of ways to address the above may include, but are not limited to:

- i) Modifying the structure so it integrates with existing development on the lot and within the streetscape to the City's Satisfaction.
- ii) Ensuring the proposal is not visible from public vantage points and adjoining and nearby properties by using screening considered satisfactory by the City.

<b>D11/1/02</b>	<b>Development Services Committee 14 January 2002 - Adopted by Council 21 January 2002</b>
<b>D124/7/02</b>	<b>Development Services Committee 8 July 2002 - Adopted by Council 15 July 2002</b>
<b>D106/6/03</b>	<b>Development Services Committee 9 June 2003 - Adopted by Council 16 June 2003</b>
<b>D160/9/04</b>	<b>Development Services Committee 13 Sept 2004 - Adopted by Council 20 Sept 2004</b>
<b>D27/4/12</b>	<b>Development Services Committee 16 April 2012 - Adopted by Council 23 April 2012</b>
<b>D32/5/20</b>	<b>Development Services Committee 19 May 2020 – Adopted by Council 25 May 2020</b>