



Redland
CITY COUNCIL

Redland City Council

**Subordinate Local Law No. 1.19
(Placement of Shipping Containers,
Railway Carriages and other Objects
on Land) 2018**

It is hereby certified that this a true and correct copy of *Subordinate Local Law No. 1.19 (Placement of Shipping Containers, Railway Carriages and other Objects) 2018* made, in accordance with the *Local Government Act 2009*, by the Council of the City of Redland, by resolution dated 24 October 2018

A. Chesterman
Chief Executive Officer



Redland City Council

Subordinate Local Law No. 1.19 (Placement of Shipping Containers, Railway Carriages and other Objects on Land) 2018

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Part 1

Preliminary

1. Commencement

The subordinate local law commences on 4 February, 2019.

Schedule 1 Placement of Shipping Containers, Railway Carriages and Other Objects on Land

2. Prescribed activity

Placement of Shipping Containers, Railway Carriages and other Objects on Land

3. Activities that do not require an approval under the authorising local law

- (1) An approval is not required under the authorising local law for the prescribed activity if the activity is the erection, installation, positioning or placement of a permitted shipping container, railway carriage or other object.
- (2) A permitted shipping container, railway carriage or other object is one that is erected, installed, positioned or placed in accordance with the zone categorisation criteria listed in Schedule 3 and the prescribed criteria in Schedule 4.
- (3) An approval is not required under the authorising local law for the prescribed activity if the activity is the erection, installation, positioning or placement of a shipping container that does not exceed 10m² in area

3. Documents and materials that must accompany an application for an approval

- (1) A drawing showing the design and dimensions of the proposed shipping container, railway carriage or other object.
- (2) A plan showing the proposed location of the shipping container, railway carriage or other object on the property.
- (3) If the applicant is not the owner of the land on which the shipping container, railway carriage or other object is (or is to be) located—the written consent of the owner.
- (4) Information on the proposed period of time the shipping container, railway carriage or other object will be placed on the land.
- (5) Details on what the shipping container, railway carriage or other object will be utilised for.

4. Additional criteria for the granting of an approval

- (1) A lawful dwelling house exists on the property or is under construction.
- (2) The design, siting and materials of the shipping container, railway carriage or other object does not adversely affect the amenity of the surrounding area.
- (3) The erection, installation, positioning or placement of a shipping container,

railway carriage or other object must comply with the zone categorisation criteria specified in Schedule 3 and the prescribed criteria specified in schedule 4.

- (4) Compliance with the criteria in subsection (3) may be varied by the local government if, in the opinion of the local government, the undertaking of the prescribed activity complies with the criteria specified in subsections (1) and (2).

5. Conditions that must be imposed on an approval

The conditions of an approval must require the approval holder to keep the shipping container, railway carriage or other object in good order and repair.

6. Conditions that will ordinarily be imposed on an approval

- (1) The conditions of an approval may—
- (a) regulate the design, dimensions, and external appearance of the shipping container, railway carriage or other object; and
 - (b) require the approval holder to dismantle and/or remove the shipping container, railway carriage or other object by a specified date.

7. Term of an approval

- (1) The local government may specify the term of an approval. This is determined by the local government having regard to the information submitted by the applicant.
- (2) If applicable, the term of the approval must be specified in the approval.

8. Term of renewal of an approval

- (1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.
- (2) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

Schedule 2 Categories of approval that are non-transferable

Section

Nil

Schedule 3 Zone Categorisation for Placement of Shipping Containers, Railway Carriages and other Objects on Land

1. The local government has divided the local government area into 6 zone categories as follows—
 - (a) industrial; and
 - (b) centre; and
 - (c) environmental; and
 - (d) open space; and
 - (e) residential; and
 - (f) community purposes.
2. For the purposes of this subordinate local law, only the following zone categories are used —
 - (a) Environmental
 - (b) Open space
 - (c) Residential
3. For the purpose of this subordinate local law, the relevant categories identified in the planning scheme of the local government are further categorized as follows—
 - (a) the environmental /rural zone category includes —
 - (i) the conservation zone; and
 - (ii) the environmental management zone; and
 - (iii) the rural non-urban zone
 - (b) the open space zone category includes the recreation and open space zone; and
 - (c) the residential zone category includes
 - (i) the emerging community zone; and
 - (ii) the low density residential zone; and
 - (iii) the medium density residential zone; and
 - (iv) the neighbourhood centre zone; and
 - (v) the character residential zone; and
 - (vi) the tourist accommodation zone; and
 - (vii) the low-medium density residential zone.
4. If a shipping container, railway carriage or other object is identified as ‘permitted’ in a specified zone category in the table in this schedule and meets the prescribed criteria in Schedule 4, a person may erect, install, position or place the shipping container, railway carriage or other object on the land without an approval from the local government. A permitted item that does not meet the prescribed criteria in Schedule 4 becomes an ‘approval required’ item.
5. If a shipping container, railway carriage or other object is identified as ‘approval

required' in a specified zone category in the table in this schedule, a person must not erect, install, position or place the shipping container, railway carriage or other object on the land without a current approval granted by the local government.

6. If a shipping container, railway carriage or other object is identified as 'prohibited' in a specified zone category in the table in this schedule, a person must not erect, install, position or place the shipping container, railway carriage or other object on the land.

Item	Zone Category		
	Environmental/ Rural	Open Space	Residential
Temporary Shipping Container	✓	✓	✓
Permanent Shipping Container or Railway Carriage	✓	●	●
Object (on land where a lawful dwelling exists)	✓	✓	✓
Object (on land where there is no lawful dwelling)	✗	✗	✗

Permitted subject to compliance with Schedule 4 = ✓	Approval Required = ●	Prohibited where no lawful residence exists = ✗
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Schedule 4 Prescribed Criteria for Placement of Shipping Containers, Railway Carriages and other Objects on Land

Temporary shipping containers

Zone Category	Prescribed Criteria
All zone categories referred to in schedule 3 of this subordinate local law	<p>Where used for relocation purposes –</p> <ul style="list-style-type: none"> - a lawful residence exists on the land ; and - the temporary shipping container is placed on land for no longer than four weeks <p>OR</p> <p>Where used in association with the construction of a lawfully approved residence-</p> <ul style="list-style-type: none"> - is removed within 2 weeks of the issuing of a final certificate in relation to, or occupation of, the residence (whichever occurs first) - is used only for the storage of construction related materials

Permanent shipping containers and railway carriages

Zone Category	Prescribed Criteria
Residential and Open Space	<p>A lawful residence exists on the land</p> <p>Not more than one permanent shipping container or one railway carriage is to be located on the land</p> <p>A permanent shipping container or a railway carriage is located behind the front façade of the lawful residence</p> <p>A permanent shipping container or a permanent railway carriage is set back at least 1.5 m from the side or rear boundaries of the land</p> <p>The placement of the permanent shipping container or railway carriage does not necessitate the removal of any protected vegetation</p> <p>A permanent shipping container or a permanent railway carriage is in good order and structurally sound so as to perform its purpose and avoid causing damage to other properties</p>
Environmental / Rural	<p>A lawful residence exists on the land</p> <p>Not more than one permanent shipping container or one railway carriage is to be located on the land</p>

	<p>A permanent shipping container or a railway carriage is to be sited:</p> <ul style="list-style-type: none">• wholly within a development envelope; or• Where a development envelope does not exist, a permanent shipping container or a railway carriage is to be setback a minimum of 10 m from all boundaries of the land and is not visible from the street. <p>The placement of the permanent shipping container or railway carriage does not necessitate the removal of any protected vegetation</p> <p>A permanent shipping container or a permanent railway carriage is in good order and structurally sound so as to perform its purpose and avoid causing damage to other properties</p>
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Other objects

Zone Category	Prescribed Criteria
All	A lawful dwelling exists on the land and the object is not occupied

Schedule 5 Dictionary

Section 4

permanent shipping container – means a shipping container that is placed on land for purposes other than for the purpose of a temporary shipping container.

temporary shipping container – means a shipping container that is placed on land with the sole purpose of transporting goods associated with moving from one residence house or is used in conjunction with the construction of an approved dwelling.