



NORTHERN  
MIDLANDS  
COUNCIL

# **SHIPPING CONTAINER BY-LAW**

## **REGULATORY IMPACT STATEMENT**

A By-law for the purpose of regulating the placement of shipping containers on any premises in the Municipal Area of the Northern Midlands Council.

**By-law No. 1 of 2018**

**PROPOSED PLACEMENT OF SHIPPING CONTAINERS  
BY-LAW No.1 OF 2018  
REGULATORY IMPACT STATEMENT  
Section 156A *Local Government Act 1993***

**1. BACKGROUND**

With a combination of easier access and reduced regulation, the use of storage containers as permanent or semi-permanent outbuildings, often in a residential setting, has become more common.

Changes to planning provisions, driven by the State, and to the building legislation and regulations have effectively exempted many such containers from the approval process. This has resulted in a number of containers being located in prominent locations with little or not effort to reduce their visual impact.

One way to resolve this ongoing issue, although not able to be applied retrospectively, is the introduction of a by-law to provide some guidance and regulation in regard to where such shipping containers may be used, what measures might be taken to minimise visual impact and penalties for non-compliance.

As a consequence the Council has resolved in accordance with s.156 of the *Local Government Act 1993* its intention to make the proposed Shipping Container By-Law No. 1 of 2018 for the ongoing regulation of placement of shipping containers.

In preparing the proposed By-law due regard has been given to the provisions within existing relevant legislation and the need to ensure that the new By-law does not duplicate or conflict with those statutory provisions. Particular regard has been had to the *Local Government Act 1993* and the *Land Use Planning and Approvals Act 1993* and *Regulations 2014* and *Building Act 2016*.

**2. THE OBJECTIVES OF THE BY-LAW (Section 156A(2)(a))**

The purpose of the proposed By-law is to regulate the placement of shipping containers on any premises in the municipal area of the Northern Midlands.

The primary objectives of the proposed By-Law is to:

- Mitigate the visual impact of shipping containers on views from Public Land.

The means by which the proposed By-law is intended to achieve the objective set out about are by:

- Requiring a licence for temporary shipping containers.
- Requiring a permit for permanent shipping containers.

**3. NATURE OF ANY RESTRICTION ON COMPETITION (Section 156A(2)(b))**

The proposed Shipping Container By-Law is unlikely to restrict competition of impact on business in the Northern Midlands.

The purpose of this by-law is to regulate the placement of shipping containers on premises so that their impact on the visual aesthetic and amenity of the Northern Midlands Municipality is mitigated - the by-law will not restrict the conduct of any business.

**4. COSTS AND BENEFITS OF ANY RESTRICTION ON COMPETITION (Section 156A(2)(c)(i))**

Council has not identified any restriction on competition, therefore no costs or benefits have been listed.

**5. COSTS AND BENEFITS OF ANY IMPACT ON THE CONDUCT OF BUSINESS (Section 156A(2)(c)(ii))**

The imposition of this by-law will result in developers being required to obtain a permit to locate a shipping container on premises prior to a development commencing, therefore imposing an additional cost on the developer.

**6. ALTERNATIVE OPTIONS CONSIDERED BY COUNCIL (Section 156A(2)(d))**

Council has considered reliance on existing planning and building legislation, however, these Acts do not give power to Council to restrict the location of a shipping container on a property, if it complies with the relevant Act.

The Northern Midlands Interim Planning Scheme 2013 does not give specific timeframes whereby a developer can place a shipping container prior to development.

**7. ASSESSMENT OF GREATEST NET BENEFIT OR LEAST NET COST TO THE COMMUNITY (Section 156A(2)(e))**

Benefits: The By-law will mitigate the negative impact of shipping containers on the aesthetic amenity of the municipality.

The by-law regulates the length of time shipping containers can remain on premises.

Costs: Applicants will be required to pay an application fee if one is prescribed by Council in its yearly Fees and Charges Schedule, which will cover the administrative cost to Council to process applications. Applicants will incur time/monetary costs associated with preparing the application, increasing existing regulation.

**8. ASSESSMENT OF DIRECT AND INDIRECT ECONOMIC, SOCIAL AND ENVIRONMENTAL IMPACT (Section 156A(2)(f))**

Impact		Direct	Indirect
Environmental	Benefits	Improved visual amenity in Northern Midlands towns	Supports the principle of orderly development
	Costs	None identified	None identified
Social	Benefits	Improved visual amenity in Northern Midlands towns	Supports the principle of orderly development
	Costs	Members of the general public will now be required to apply for a permit whereby this has not been a requirement previously	None identified
Economic	Benefits	Supports/encourages Tourism by improving the aesthetic amenity of Northern Midlands towns	
	Costs	Cost of undertaking permit process	Cost to Council to administer another process

**9. PROPOSED PUBLIC CONSULTATION PROCESS (Section 156A(2)(g))**

The Public Consultation process will consist of:-

- (a) Referral of the proposed By-Law to the following persons or organisations:-

Northern Midlands Council Local District Committees  
 The Tasmanian Planning Commission  
 The Planning Policy Unit

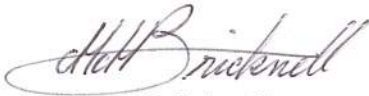
- (b) Mention on Council's website [www.northernmidlands.tas.gov.au](http://www.northernmidlands.tas.gov.au) and the Northern Midlands Courier, as well as Council's Facebook page.
- (c) In accordance with the *Local Government Act 1993*, and as part of the By-law making process, submissions will be invited from the public.

Any person wishing to comment on this proposed By-law may do so in writing addressed to the General Manager, within 21 days from the date of publication of the initial notice in the Examiner newspaper.

Council will take into consideration all submissions properly made to it during the public comment period.

Advertising for submissions will be published in the Examiner newspaper and the Northern Midlands Courier newspaper.

- (d) Copies of the proposed By-law and regulatory impact statement are available from the Council Office at 13 Smith Street, Longford and on the Council's website.
- (e) Reference to the draft By-Law in media articles and press releases.
- (f) For further information about the proposed By-law the public will be directed to visit Council's Senior Planner at the Northern Midlands Council office at 13 Smith Street, Longford.



Maree Bricknell  
**ACTING GENERAL MANAGER**

**DATED** the 23<sup>rd</sup> day of August 2018