

## Shipping Container Fact Sheet

As defined under the Environmental Planning and Assessment (EP&A) Act 1979 a shipping container is considered to be a building as follows:

*...“building includes part of a building, and also includes any structure or part of a structure (including any temporary structure or part of a temporary structure), but does not include a manufactured home, moveable dwelling or associated structure within the meaning of the Local Government Act 1993”.*

The placement of shipping containers on properties has become more prevalent in recent years. Some are being used on land in a manner that is unsightly and is detracting significantly from the amenity of the locality.

Historically, the most common use was as temporary storage. However, these containers are now being used for permanent storage in place of actual constructed sheds or in some cases as habitable buildings. Shipping containers are originally designed for transportation of goods. Reusing them as buildings or sheds may seem attractive but there are some important things to consider first. The following information outlines what you need to know about adapting containers to new uses.

### **Don't forget about planning! Do all containers need development approval?**

If you are thinking of installing a shipping container anywhere on your property, the first thing you need to do is check with Council to see if you will be complying with the relevant planning requirements. Several factors will determine if a shipping container can be placed on the property:

- Land use zoning
- The proposed use
- Location of a shipping container
- How many you can have on your property
- The condition of the shipping container (weathered or damaged containers can be unsightly and will need a makeover).

### **Exemptions from obtaining Consent under the Environmental Planning & Assessment Act (EP&A Act) 1979**

The current exemptions from obtaining a Development Consent for installing a shipping container on your property are:

#### **Temporary use only:**

- Following a bush fire as declared by *State Emergency and Rescue Management Act 1989*.
- As a construction site shed, while work is performed onsite. The container must be removed when finished working onsite. If you adapt a container as a permanent on-site structure, you will need to consider planning and building requirements.

#### **Permanent or Temporary Use:**

- Installing a shipping container on a rural zoned property; RU1, RU3 or RU4.  
The shipping container is being used as a non-habitable “farm building”. The “farm building” must be used ancillary to an agricultural use of the landholding on which it is situated. There is a restriction to the number of shipping containers that applies.
- there must not be more than the following number of shipping containers per landholding:
  - (i) for a landholding that has an area of less than 400ha—1
  - (ii) for a landholding that has an area of 400ha or more—5

### **Shipping containers adapted as buildings for storage**

A shipping container used for storage or as a home workshop is like using a prefabricated metal shed for the same purpose. If the installation of the shipping container does not fit the exemptions listed previously in this document, a Development Application and Construction Certificate application will be

required to be lodged with Council prior to the installation of the shipping container. Set out below is a list of general requirements for the installation of shipping containers.

- Used as a non-habitable structure (shed, garage, workshop, animal shelter etc.)
- Only one container high and not stacked
- Placed at ground level, or on a base or pad (no more than 300mm high), so that they can be tied down
- Tied down in accordance with a structural engineering design
- Be adequately painted and/or screened so that it does not adversely impact the locality
- Be sited in accordance with the requirements of the Lockhart Shire Council Development Control Plan 2016
- In a bushfire-prone area, sited not less than 6m from any habitable building (dwelling)
- Roof water runoff does not cause a nuisance to others and
- Not erected over or near pipes (water, sewer) or buried services such as electric cables.

### **Shipping containers adapted as habitable buildings**

If you're planning on turning a shipping container into a living space or workplace, you will need to engage a building designer who will advise you on the process for getting building approval for modifying containers for a new use. A building incorporating containers must comply with the National Construction Code (NCC). A building surveyor must assess designs and certify them against that Code. Some of the challenges in adapting them as liveable spaces are:

- Structural integrity (when walls are cut and supports welded in)
- Making them energy efficient and compliant with BASIX
- Can result in small narrow rooms with low ceilings, which may not comply with the NCC.

### **Can I use a shipping container to store material if approved development is occurring?**

When submitting your Development Application for your development you will be required to nominate the use of the shipping container for storage (not habitable purposes). This will be included in your development consent.

The container must be removed from the property at the completion of the relevant development works or prior to the Occupation Certificate being issued (unless Development Consent has been granted for the container to remain).

If development is being undertaken as a Complying Development, you are required to submit a Development Application prior to the shipping container being placed on the site.

Temporary use is considered up to six months.

### **Existing shipping container on my property does not have Development Approval – what am I required to do?**

If you have existing shipping containers on your property you should contact Council to discuss the permissibility of the shipping containers on the land.

If development approval is required, a Development Application will be required to be lodged with Council. Council Planning staff will then undertake an assessment and provide consent where appropriate.

It is important to note that, in some instances where it may not be appropriate to have a shipping container on the property (zoning, effect on amenity, use etc), a Development Application may not be able to be approved, and the shipping container will need to be removed.

If Development Approval is not obtained for a shipping container where development consent is required, the shipping container will be deemed as unlawful development which could result in Council undertaking regulatory action against the landowner or person placing the shipping container on site.

If you have any questions regarding the installation of a shipping container or an existing shipping container, please contact the Planning and Environment section on 02 6920 5305.