

# Temporary Storage (Shipping) Container on Public Land

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### 1. Purpose

The aim of this Policy is for Shoalhaven City Council to manage the use and installation of temporary storage (shipping) containers on Council owned or managed land.

Temporary storage (shipping) containers provide a cost-effective solution to the shortfall in storage for community groups that operate on public land.

### 2. Development Approval Pathways

#### 2.1. Development permitted without consent (Council led projects)

The State Environmental Planning Policy (Transport and Infrastructure) 2021 (the SEPP) permits outdoor recreation facilities (including ancillary buildings) to be developed without consent in a public reserve when the development is carried out by or on behalf of Council.

Therefore, recreation facilities (outdoor) that are developed by or on behalf of Council which meet the SEPP must undertake a Part 5 assessment under the Environmental Planning and Assessment Act 1979 (known as a Review of Environmental Factors). Any such assessment must also meet the requirements of this policy.

#### 2.2. Development Application

Installation of shipping containers not carried out by or on behalf of Council, must obtain development consent from Council, separate to other licences and approvals required under this policy and the Local Government Act 1993.

Once a development consent is granted, subsequent construction certificates and occupation certificates will be required from a Principal Certifier or Council.

All development applications, construction certificates and occupation certificate applications are required to be lodged via the NSW Planning Portal.

### 3. Definitions

#### 3.1. SHIPPING CONTAINER

Shipping containers are usually large rectangular-shaped, units that are used or are capable of being used for short term storage requirements. The most common shipping container is either 6.1 or 12.2 metres (20 or 40 feet) long by 2.4 metres (8 feet) wide and 2.6 metres (8 feet 6 inches) high.

#### 3.2. RECREATION FACILITY (outdoor)

Recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

### 4. Scope

This policy applies to Council owned and/or managed land.

## 5. Type of Approval

Once development consent has been secured, the applicant is required to enter into a licence with Council to occupy Council land for the placement of a temporary storage (shipping) container to be used for storage purposes. The applicant must submit their "Proposal to Occupy Council Property – Community" application to Council and pay an application fee in accordance with the adopted Fees and Charges.

If the request is for Council managed land held by the Crown, the licence request will be referred to Crown Lands for approval prior to advertising.

Any licence request over both Council and Crown land will need to be advertised for a minimum of twenty-eight (28) days to allow community comment.

Council will consider the application and any community comment and then determine if a licence will be granted.

In addition to the application fee, the applicant will be required to pay all rental and advertising fees associated with the licence agreement, in accordance with the statutory minimum annual rental fee and Council's adopted Fees and Charges.

## 6. Time Period

Shipping containers will only have approval to be on Council owned land for a maximum period of five (5) years, subject to satisfactory compliance assessment, with an option for a further five (5) years.

Shipping containers on a five (5) year licence will have yearly inspections to review the maintenance and standard of the container and surrounds. Should Council identify any matters arising, then Council may issue a notice to remove the container.

## 7. Installation/Removal

Installation of a shipping container must have Council approval and be licensed. Failure to comply with this policy will result in removal of the shipping container by the applicant or by Council at the cost of the group/person responsible for the shipping container.

Installation of a shipping container for storage purposes will attract a classification under the National Construction Code (NCC). The classification of a building or part of a building is determined by the purpose for which it is designed, constructed and adapted to be used. This will likely, at a minimum, require the installation of footings and tiedowns along with other requirements under the NCC, including accessibility and fire safety considerations.

## 8. Location

The location of temporary storage (shipping) containers must adhere to the following:

- Installation must not impede access to the land.
- Containers must be placed on flat, solid ground. Any associated earthworks (cut & fill) must be in accordance with the State Environmental Planning Policy (Exempt and Complying Development) 2008 (Subdivision 15 – Earthworks, retaining walls and structural support).
- Containers must not be used to store contaminated or hazardous materials.

Temporary storage (shipping) containers must not be placed:

- In flood ways, however, containers placed on flood prone land must be appropriately anchored (Contact Council for information on the location of flood ways).
- In drainage reserves.

- In areas that are subject to maintenance and access for bushfire purposes, e.g., Asset Protection Zones.
- In designated parking areas on or within any (developed/active) easement or road reserve.
- In high visibility or scenic quality areas.
- In a heritage conservation area or impact on a European or Aboriginal heritage item.
- Next to structures such as fences or buildings that could encourage climbing and access to buildings.
- On top of services such as pipes, irrigation systems, and effluent disposal systems.
- Across or impeding access by pedestrians or emergency vehicles.
- Be placed where sight lines for traffic or pedestrians/cyclists are impeded.
- On top of underground power or under power lines - must be compliant with the requirements of the energy provider; and
- Where the removal of significant vegetation is required. The selected site should result in nil disturbance of vegetation, except on lawn/grassed areas.

### 9. Condition of Temporary Storage (Shipping) Container

Temporary storage (shipping) containers must be in good repair; this includes no visible corrosion. They must be painted and maintained to a suitable standard that is compatible and sympathetic to the surrounding area.

### 10. Responsibilities of Applicants

Shipping containers are owned by and are the responsibility of the applicant. They are not a registered asset of Council, and any maintenance, repairs or disposal are the responsibility of the owner.

The applicant must:

- Ensure the temporary storage (shipping) container is secured to withstand structure loads of location.
- Ensure that a mechanical fitting is installed to prevent accidental entrapment (self-locking) of a person in the temporary storage (shipping) container (e.g., chaining door to side walls)
- Ensure that the container is lockable and kept locked at all times whilst not being accessed.
- Ensure that graffiti on a shipping container is removed within 48 hours of its detection.
- Display the name of the applicant, contact name and phone number on the exterior of the container at all times.

### 11. Number of Temporary Storage (Shipping) Containers

Only one (1) temporary storage (shipping) container can be located on a reserve unless there are exceptional circumstances, in which case Council will determine each application on its merits. Justification should be provided by the applicant outlining the exceptional circumstances. The intention of this limitation is to discourage the proliferation of containers in parks and reserves.

### 12. Purpose of Temporary Storage (Shipping) Containers

Temporary storage (shipping) containers must not be:

- Used for any purpose other than for storage of items belonging to the community group.
- Fitted out with sanitary facilities.

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- Used to store hazardous substances and/or dangerous goods for example chemicals, paints, flammable liquids and gases, corrosives, toxic substances.
- Modified or enable a business to be carried out from it.
- Used for personal storage or activities.
- Used for advertising.

### 13. Governing Policies and Plans

Environmental Planning and Assessment Act 1979

Crown Land Management Act 2016

Shoalhaven Local Environment Plan 2014

Local Government Act 1993

State Environmental Planning Policy (Transport and Infrastructure) 2021 (SEPP Infrastructure)

### 14. Insurance

The container and the contents within are the applicant's responsibility to insure as is the case with all storage at sportsgrounds. The applicant is to compensate Council should the container cause an increase to Council's public liability insurance.

### 15. Implementation

City Services will administer this policy.

### 16. Review

To be reviewed within one year of the election of a new Council.