DISTRICT COUNCIL OF Streaky Bay
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SHIPPING CONTAINER POLICY

Policy No: **DCSB-DC 03.04**	Approved on: **3 September 2024**	Administered by: **General Manager Prosperity**
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Strategic Plan link:
A Welcoming and Cohesive Community,
A Robust and adaptive Economy that provides sustainable employment,
A healthy natural environment and an attractive built environment.

References and related Policies, Procedures and Forms:
Local Government Act 1999
Local Government (Financial Management) Regulations 2011
Planning, Development and Infrastructure Act 2016
Local Nuisance and Litter Control Act 2016

Forms:
DCSB 03 Form 02 Request for Temporary Shipping Container on Council Land

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1. Introduction

A person shall not place a shipping container on any land if:

- it will result in an unsightly condition of premises as defined by the *Local Nuisance and Litter Control Act 2016*; and
- they have not obtained a development approval under the *Planning, Development and Infrastructure Act 2016*.

The major objection to the use of shipping containers as a site facility arises from:

- the industrial aesthetic nature of shipping containers which detrimentally influences the character and visual amenity of localities; and
- that shipping containers are not designed to be used as buildings and often do not and cannot comply with the Building Code of Australia which forms part of the Building Rules applicable in South Australia.

Whilst Council understands that placing a shipping container on land as an ancillary building to enhance domestic storage and useable space needs may be desirable to individual landowners, the poor visual appearance detracting from the amenity of localities outweighs the benefits.

Council is experiencing increased numbers of enforcement matters relating to the unauthorised placing of these containers. This policy has therefore been created to provide guidelines for Council and landowners in the appropriate use and siting of shipping containers.

2. Objectives

The objectives of this Policy are to:

- Ensure that the design siting of shipping containers does not detract significantly from the amenity of the locality in which it is situated
- Advise of the requirement to obtain development approval for shipping containers under the *Planning Development and Infrastructure Act 2016*
- Provide guidance for the preparation of a development application for shipping containers
- Ensure that the condition and siting of shipping containers does not result in the unsightly condition of premises of a kind prescribed by schedule 1 of the *Local Nuisance and Litter Control Act 2016*
- Establish guidelines with respect to the temporary placement of shipping containers on Council land

3. Definitions

Council – means the District Council of Streaky Bay

Local Government Land means land owned by the Council or under the Council's care, control or management but does not include a public road;

Shipping container – means a purpose-built steel enclosure for the purpose of temporarily holding materials and goods for transport by road, rail or ship and includes any re-locatable 'box-style' storage container or unit. The most common shipping container size 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.

4. Policy Details

4.1 Requirement for Development Approval

Shipping containers typically require a development approval, unless they meet certain criteria within schedule 4 of the *Planning Development and Infrastructure Act 2016.* Further, a shipping container will not require a development approval if it will be situated on the land temporarily for a period of less than thirty (30) days.

To obtain a development approval, a development application will be required to be submitted for assessment and approval is to be obtained prior to placing a shipping container on site or changing the use of a shipping container.

In order to obtain a development approval, the development application will need to:

- be submitted on the Plan SA Development Application Processing portal here: https://plan.sa.gov.au/development_applications/lodge_an_application/lodge_online;
- include any information reasonably required by the relevant authority, including in the information listed within schedule 8 of the *Planning Development and Infrastructure (General) Regulations 2017*;
- be accompanied by the relevant fees, as prescribed by the *Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019*; and
- demonstrate how the proposed shipping container satisfies:
    - The applicable policies within the Planning and Design Code; and
    - The relevant provisions of the *Building Code of Australia* published by the Australian Building Codes Board in the National Construction Code series and other applicable Building Rules.

The applicable policies within the Planning and Design Code are specific to the site where the shipping container will be located and are dependent on:

- What the shipping container will be used for;
- Whether the shipping container will be ancillary to an existing building on the land; and
- What Zone and Overlays the land is situated within.

Generally, the applicable policies within the Planning and Design Code will specify:

- That shipping containers cannot be placed on vacant allotments, unless it is approved as part of a development application for a main building (such as a dwelling) and the construction of the main building will commence within 12 months;
- The relevant setback distance between the shipping container and the allotment boundaries, including ensuring that the shipping container is not forward of other buildings on the site;
- Ensuring that the shipping container does not detract from the main building on the site; and
- That the shipping container shall not be located over septic tanks, drains, infrastructure or on Council road reserves.

Generally, the relevant provisions of the *Building Code of Australia* will specify:

- That shipping containers should be sited on a compacted level surface or on adequate bearers under the structural corners; and
- That all shipping containers sited above the natural surface of the ground in excess of 200mm will require tie downs anchored to engineer's specifications.

4.2 Unsightly Condition of Premises

All land owners have an obligation to ensure that they do not cause a local nuisance by creating unsightly conditions on premises, in accordance with the *Local Nuisance and Litter Control Act 2016.*

Land owners should ensure that shipping containers are in good condition, clean and free of damage and otherwise:

- Do not present as excessive or unconstrained rubbish or waste;
- Do no present as stockpiled, excessive or unconstrained disused or derelict items or material that a reasonable person would consider to be rubbish or waste in the circumstances;
- Do not feature graffiti; and
- Are not in a state of disrepair, dilapidation or damage to the extent that the shipping container has an adverse effect on the amenity value of the area or cause the premises to be significantly out of conformity with the general appearance of the neighbouring premises.

4.3 Temporary Location of Shipping Container on Council Land

No person shall, except with the consent of Council, place a shipping container on any Council land.

Application for a shipping container permit must be made on the form included at DCSB 03 Form 02 Request for Shipping Container or online at Council's website (www.streakybay.sa.gov.au)

All applications must be accompanied by information required by the Council. The Council may request that an applicant provide certain information that is required for the Council to assess the application.

Applications for a shipping container permit will be determined by the Chief Executive Officer under delegation.

5. Enforcement

The placement of any shipping container not in accordance with this policy may result in enforcement action being undertaken by Council that could involve removal and impoundment of the shipping container at cost to the land owner.

Should the container fall into disrepair, or become unsightly, the Council may direct it to be upgraded or removed.

6. Records Management

All records shall be kept and disposed of in accordance with Councils Records Management Policy & procedure and the current General Disposal Schedule.

7. Further Information and Policy Availability

This policy will be available for inspection at the Council offices listed below during ordinary business hours and available to be downloaded, free of charge, from Council's internet site: www.streakybay.sa.gov.au

District Council of Streaky Bay
29 Alfred Terrace
Streaky Bay SA 5680

Copies will be provided to interested parties upon request. Email dcstreaky@streakybay.sa.gov.au

8. Document History

Version No	Issue Date	Description of Change	Date Endorsed
1.00	March 2024	First Version	19 March 2024
1.10	September 2024	No Changes	3 September 2024 Resolution: 151/24