

## Shipping containers as buildings (March 2017)

Shipping containers can be used for a variety of uses – especially when it can be seen as a ready made building! However, there are some rules that need to be considered if using one. The following guidance is given to show what regulatory considerations are required and therefore, when building consent will be required. Note also that planning rules may be breached, even if building consent is not required so please check these out with one of our planning officers. Meetings with either a building or planning officer can be arranged at the Invercargill City Council, 101 Esk Street by calling (03) 211 1777.

The following guidance is given to advise when building consent may be required. This is not intended to consider every single possible new use of a shipping container, but does address the more common day-to-day enquiries Council receives.

A Shipping container can be considered to:

- be a building under [section 8](#) of the Building Act 2004
- be an “ancillary building” as defined in [NZBC Clause A1](#), 8.0 – not intended for human habitation
- have with an intended use of intermittent activity (IA) under [Schedule 2](#), (*Specified Systems, Change of Use, and Earthquake-prone Buildings*) Regulations 2005),

### General notes:

1. The above information is strictly for guidance with respect to the Building Act 2004 and associated regulations.
2. Please check with a council planning officer for any District Plan requirements that may apply – even if no building consent is required.
3. The information above assumes any shipping container is placed or founded on “good ground” (300 kPa ultimate bearing capacity).
4. Placing or moving a shipping container on, or around, a premises is NOT considered building work, and as such doesn’t require a Building Consent to do either action.
5. Building Consent application forms are available from Council’s or from our website at [www.icc.govt.nz](http://www.icc.govt.nz), the web site will also have guidance for fees that may apply
6. All relevant design information may include some or all of the following: site plan, design drawings, specifications, possible fire report, ground report, services plans, Engineers ‘producer statements’ (e.g. SED foundation designs) e.t.c.
7. Some building works may be ‘exempt’ from requiring a Building Consent under Section 41 of the Building Act 2004 ([Schedule 1](#)). It’s for the building Owner to ultimately determine if a Building Consent is required or not. Further information is available from MBIE using their guidance document titled “Building work that does not require a building consent”

### Legislation links

In the table below various items of legislation have been used to show and when consent may or may not be required.

8. Section 112 of the [Building Act 2004](#) relates to “Alterations to existing buildings”. Copy available from [www.legislation.govt.nz](http://www.legislation.govt.nz).
9. Sections 114 and 115 of the [Building Act 2004](#) relates to “Change of use”.
10. For the purposes of sections 114 and 115 of the [Building Act](#), change the use, in relation to a building, means to change the use of all or a part of the building from one use (the old use) to another (the new use) and with the result that the requirements for compliance with the building code in relation to the new use are additional to, or more onerous than, the requirements for compliance with the building code in relation to the old use.

***Basically; If the new use is “more onerous” building work may be required to bring the building “up to specification”***

**Note:** if building work is undertaken that requires consent the owner may be prosecuted under the Building Act 2004 or you may breach District Planning Rules – therefore you are urged to contact our officers before starting any works that could make you liable.

Proposed (new) intended use	New building type (NZBC A1)	Restricted building work (RBW) Applies (Y / N)	<a href="#">Sec 112</a> Alterations to existing buildings	<a href="#">Sec 114 &amp; 115</a> Change of use (notes 9&10 below)	<a href="#">Sec 118</a> Access & facilities for persons with disabilities	Building Consent (BC) required (Y / N)	Proposed building works (if any)	Minimum requirements
Garage / storage (e.g. garden shed)	Outbuilding	No	N/A	N/A	N/A	No	NO formed foundation or ground bearing slab (NO building works)	Locate container at least its own height from a legal boundary (otherwise may require fire rating & associated Building Consent)
Garage / storage (e.g. garden shed)	Outbuilding	No	N/A	N/A	N/A	Yes	Any building work e.g. Formed foundation or slab c/w hold down fixings, services, roof, internal	----- II ----- -- Window(s) & door(s) already exempt under <a href="#">Schedule 1</a>
Private workshop	Outbuilding	No	(✓)	✓	N/A	Yes	----- II -----	Complete Building Consent application including all relevant design information. Intended use: occupied space
Sleepout (no cooking facilities)	Outbuilding	No	(✓)	✓	N/A	Yes	----- II -----	
Commercial (including storage)	Commercial	No	(✓)	✓	✓	Yes	----- II ----- plus door(s) & window(s)	
Industrial (excluding storage)	Industrial	No	(✓)	✓	(✓) (only if public are to be admitted)	Yes	----- II ----- Plus door(s) & window(s)	
Housing (detached dwelling + multi-unit)	Housing	Yes	(✓)	✓	N/A	Yes	----- II -----	
Private office (not commercial)	Outbuilding	No	(✓)	✓	N/A	Yes	----- II -----	Complete Building Consent application including all relevant design information.
Industrial storage	Outbuilding Low level storage (WB)	No	N/A	✓	N/A	No	NO formed foundation or ground bearing slab (NO building works)	Excludes separate requirements under the HSNO Act
Industrial storage	Outbuilding Low level storage (WB)	No	(✓)	✓	N/A	Yes	Any building work e.g. Formed foundation or slab c/w hold down fixings, services, roof, int fittings e.t.c	Complete Building Consent application including all relevant design information.  Excludes separate requirements