



New South Wales

State Environmental Planning Policy (Three Ports) Further Amendment (Shipping Containers) 2021

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979*.

ROB STOKES, MP
Minister for Planning and Public Spaces

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1 Name of Plan

This Plan is *State Environmental Planning Policy (Three Ports) Further Amendment (Shipping Containers) 2021*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Repeal of Policy

This Policy is repealed on the day following the day on which this Policy commences.

Schedule 1 Amendment of State Environmental Planning Policy (Three Ports) 2013

[1] Clause 25 Complying development

Insert “or Port Kembla” after “Newcastle” in clause 25(7).

[2] Schedule 1 Exempt development

Omit “8 November 2021” from clause 29A(6). Insert instead “4 February 2022”.

[3] Schedule 2 Complying development

Insert at the end of the Schedule, with appropriate clause numbering—

Shipping container storage and stacking

- (1) The storage and stacking of shipping containers on land shown edged in red and identified as “Port Botany Lease Area” on the Lease Area Map.
- (2) The shipping containers must—
 - (a) not be stored or stacked at a height of more than—
 - (i) if the shipping containers are empty—7 shipping containers, or
 - (ii) otherwise—5 shipping containers, and
 - (b) not contain dangerous goods, and
 - (c) be located on the site so that surface water run-off drains to a stormwater drainage system or to a landscaped area.
- (3) A container stacking management plan must be prepared in relation to the development and kept at the site.
- (4) The land on which the development is carried out must be sufficiently firm and level to safely support the shipping containers.
- (5) Before the development is carried out, the person carrying out the development must give written notice of the development to the owners of adjoining land.
- (6) This clause does not apply to the loading or unloading, delivery or distribution of goods into or out of shipping containers.
- (7) In this clause—

container stacking management plan means a plan of management for the stacking of shipping containers, which includes the following information—

 - (a) a risk assessment of the site to identify potential issues and strategies or procedures to mitigate the issues identified in relation to the development,
 - (b) options for the ongoing management of the development on the site, including procedures for carrying out the development safely and allowing appropriate space for the movement and use of operational equipment and vehicles,
 - (c) an assessment of the requirements for the monitoring of weather at the site in relation to the development.