

LIVING IN SHEDS / CHANGING A SHED TO A DWELLING

Overview

This fact sheet is intended to assist Hinchinbrook Shire residents in relation to living in sheds while planning or building a primary dwelling.

Class 10a buildings (such as a private garage, carport, shed, or the like) are defined as non-habitable buildings in the Building Code of Australia (BCA) and are not permitted to be used for residential purposes (Class 1a structures) without approval from the Local Government (refer Section 119 of the Building Act 1975).

Property owners who wish to use a shed for residential purposes and incorporate habitable rooms in the building, such as kitchen, bedrooms, living room, dining room, must not do so without first obtaining all relevant approvals and permits.

Class 10a building must be upgraded to the minimum standard of a Class 1a dwelling, as required by the BCA, prior to the building being occupied for residential purposes.

Why live in a shed?

While building a shed may seem like a cheaper option in theory it can often turn out to be more expensive in the long run. More than often this turns out to not be the most cost effective choice and residents can fall into the trap of a shed or temporary home becoming permanent causing further problems down the track.

The idea may start out to live in the shed while a dwelling is being built or for weekend/holiday stays, but circumstances change and the money spent on making the shed comfortable can prevent ever making a start on a new house.

The cost of setting up a temporary kitchen, laundry, bathroom and toilet facilities can be quite significant, and these are all required when setting up temporary accommodation.

Sheds are not the most comfortable living, they can typically be very hot in summer and quite cold in winter, they are also very difficult to seal against insects and vermin.

It may be a better option to build a small dwelling rather than a 'liveable' shed as the finished value of a dwelling will far exceed the value of a shed set up for occupation.

Am I allowed to Live in a Shed?

No, it is illegal to occupy a shed or garage for residential purposes on a short term or permanent basis. Residential buildings require a higher standard of construction than sheds.

Under the building code, residential buildings or a dwelling requires a higher standard of construction than sheds, especially in cyclonic areas.

All official correspondence should be addressed to the Chief Executive Officer



Council may approve a "Temporary Occupancy Permit" for sheds and garages for limited periods while a dwelling is being built subject to conditions.

The conversion of a shed for use as a dwelling or for habitable purposes requires a Building Permit for the reclassification. This is essential whether building work is required or not.

The application will require a Development Application for Building and if necessary a Plumbing & Drainage Application and an Amenity and Aesthetics Application.

Prior to submitting a building application, prospective builders of dwellings should check Councils Planning Scheme and Concurrence Agency requirements. These requirements may relate to siting, flood hazard areas, bushfire hazard areas, minimum size requirements, houses that resemble a shed, the number of dwellings permitted, power supply, road access and water storage.

Approvals Required

There are typically 2 approvals that are required for such a project:

1. **Building Approval** from a Building Certifier to change the classification of the building from Class 10a to Class 1a; and
2. **Plumbing Compliance Permit**, to be obtained prior to any plumbing work carried out. Any plumbing or drainage work carried out without approval will need to be inspected and upgraded if necessary to comply with the Plumbing Code of Australia.

Adjoining Properties

If the proposed building or structure has the potential to impact on a neighbour, it is recommended that you consult with that neighbour before starting any work. Consultation with your neighbour may help to avoid disputes later.

Further information about avoiding disputes can be found on the [Queensland Government](http://www.qld.gov.au/law/housing-and-neighbours/disputes-about-fences-trees-and-buildings/avoiding-fence-tree-and-building-disputes/) website by following the below link:

<http://www.qld.gov.au/law/housing-and-neighbours/disputes-about-fences-trees-and-buildings/avoiding-fence-tree-and-building-disputes/>

If the adjoining property owner is Council, contact Council's Development & Planning Services on (07) 4776 4609 to initially discuss your proposal.

Further Information

All carports, shed, garages and the like must be designed by a suitably qualified person. Some carports, shed or garages have manufacturer specifications and installation details which should be followed.

For further information please also refer to the Building section of the [Department of Housing and Public Works](http://www.dhbw.qld.gov.au/) website.

CHANGING A SHED INTO A DWELLING

The Queensland Building Act 1975 and Building Code of Australia stipulate the minimum requirements for the construction of all buildings. Changing a shed into a dwelling is never a simple process and involves compliance with mandatory building requirements. Sheds are often not constructed with the same residential standards as houses and it is not always practical or economical to convert a shed into a dwelling.

Site coverages as defined by the *Hinchinbrook Shire Planning Scheme 2005*, includes that portion of a site covered by a building(s), structures(s) attached to the building(s) and carport(s), calculated to the outermost projections of the building(s). The term does not include any structure or part thereof included in a landscaped open space area such as a gazebo or shade structure, or a basement that is less than 1m above ground to the top of the slab. The maximum site coverage in a residential context is 50 percent; however this may vary for development on commercial, industrial and rural land.

Step 1

Contact Council's Planning Services or Building & Plumbing Section to ensure that no restrictions apply to the siting and construction of a dwelling on your property.

KEY ISSUES TO KEEP IN MIND

- Flood Levels - Floor levels to be 300mm above Q100 flood level
- Flood Certificate to be procured from Council
- Site setback distances to comply with the *Queensland Development Code* and the *Hinchinbrook Shire Planning Scheme 2005*.

Step 2

Contact a Builder or Building Designer to arrange an on-site assessment of your property.

KEY ISSUES TO KEEP IN MIND

- Stormwater needs to be directed away from the building & must not affect neighbouring properties.
- Termite design to comply with Australian Standard 3660.1 (2000).
- A vapour barrier is required to prevent rising damp entering the building through the floor slab.
- Engineers certification including plans required confirming the building is structurally suitable to be changed from a shed into a Dwelling.
- An energy efficiency report required indicating the building will comply with Building Code requirements.
- Compliance with sustainability requirements for water conservation fittings, energy efficient lighting & hot water supply.
- Smoke Alarms to comply with Part 3.7.2 of the Building Code of Australia, Volume 2, 2013 & AS3786.
- Waterproofing of wet areas to comply with the Building Code of Australia.
- Waterproofing of external walls and roof.
- Room heights to comply with Part 3.8.2 of the Building Code of Australia, Volume 2, 2013.
- Owner builder permit or QBCC Insurance for building work – if applicable.
- Proof of payment of Long Service Levy – if applicable

Step 3

Contact Council's Planning Services or Building & Plumbing Section to determine any requirements for sewage disposal on your property.

Step 4

Lodge a Building Application with Council.

IDAS Forms and a checklist outlining documentation required to be submitted with a Building Development Application are available online at www.hinchinbrook.qld.gov.au or collection at the Council Office.

IMPORTANT INFORMATION TO NOTE

The following points should be considered, as not all Class 10a buildings may be suitable or cost effective to be converted into a Class 1a dwelling.

Siting

The *Hinchinbrook Shire Planning Scheme 2005 (PS)* and *Queensland Development Code (QDC)* stipulate minimum boundary clearances for buildings in Queensland. Building setbacks vary subject to zoning requirements. Hinchinbrook Shire Council has resolved to determine residential and village zone siting requirements for Class 1 and associated Class 10 buildings and structures with the provisions and performance criteria stated within the Queensland Development Code MP1.2 and in accordance with the *Building Act 1997* and Standard Building Regulation.

A Class 1a building requires a greater setback to side and rear boundaries than does a Class 10a building in the QDC, typically being 1.5 metres to the outermost projection of the building.

In some circumstances when converting a shed to a dwelling, a variation in the setback requirements will be required (in the form of a Concurrence Agency Assessment by Council), if the shed has been constructed within the boundary setback distance required for a dwelling.

An application requesting a siting variation may not be approved in all cases, as Council needs to among other things consider the amenity and privacy of residents on adjoining lots.

Structural, Slab & Ceiling Height, Vapour barrier, Termite barrier etc.

It will need to be demonstrated that the construction of the shed complies with BCA requirements. This may require an inspection be carried out by a RPEQ Engineer on the adequacy of an existing slab or structural frame and may result in the upgrading of the building being required.

The building would need to comply with BCA requirements for finished slab height to protect against surface water inundation. In addition, ceiling height requirements for habitable and non-habitable rooms would need to be met.

The applicant will need to demonstrate that the building is provided with a vapour barrier (dampcourse) under the slab, in accordance with BCA requirements, or an equivalent barrier is provided to protect against ground moisture.

All "primary building elements", as defined in the BCA, must be protected from termite attack. This not only includes all members which take building loads but also includes door jambs, window frames and reveals, architraves and skirtings. Therefore, a steel framed shed may still need a termite barrier if all of the above elements are not termite-resistant.

Flooding

It will need to be demonstrated that the construction of the shed is protected from flood water inundation. The Hinchinbrook Shire has adopted a 1% Annual Recurrence Interval (Q100), requiring that all new dwellings are developed free of inundation of floodwaters arising from a 1% Annual Recurrence Interval flood event.

Levee's

If a levee is contemplated to be constructed or amended in safeguarding the structure from flood inundation it will need to be demonstrated that the relevant legislative requirements have been complied with.

The Water Act, 2000 defines a levee and requires that the construction of a new levee or the modification of an existing levee is an 'assessable development' under the *Sustainable Planning Act 2009*.

Roofwater/Stormwater Disposal

Associated roof water/stormwater from any building must be disposed of so it does not create a nuisance to land, buildings and structures in the neighbourhood. This would generally require the installation of guttering, downpipes and stormwater pipes. The roof water must be piped to an appropriate and legal stormwater discharge point (e.g. kerb and channel).

Fire Protection

The *Building Code of Australia* outlines the fire protection requirements which are applied to all classes of buildings. The objective set out in this Code is to protect the house/class building from fire damage.

There are a number of methods which satisfy the fire protection requirements. The most commonly applied methods include:

- provision of a 900mm clearance between the boundary and the Class 10 building;
- provision of a 900mm clearance between the house and the Class 10 building; and
- provision of a 60 / 60 / 60 fire rated wall between the house and the boundary. This wall should have no openings and would generally be of masonry construction, although there are other alternatives.

If the Class 10 structure is an open carport, the fire protection requirements are not applicable. An open carport is defined as a building which has two or more sides open and at least one-third of its perimeter open. A side is considered open if its roof covering adjacent to that side is not less than 500mm from another building or the allotment boundary.

Access and Infrastructure Services

Prior to submitting a building application, prospective builders of dwellings should check Councils Planning Scheme and Concurrence Agency requirements in relation to the following requirements;

- a) Access;
- b) Water storage; and
- c) Sewerage.

Energy Efficiency

Sustainable dwelling design can save money over the long term as well as reduce impact on the environment. Sustainable housing laws are intended to make Queensland homes more comfortable to live in, minimise water and energy use, and assist with reducing Queensland's greenhouse gas emissions.

The Queensland Development Code MP 4.1 purpose is to ensure;

- a) class 1 and class 2 buildings are energy and water efficient;
- b) the electricity supplied to each meterable premises is able to be measured appropriately; and
- c) end of trip facilities are provided in major developments located in designated local government areas.