



Conversion of a shed to a dwelling

FACT SHEET

Sheds and outbuildings are class 10a (non habitable) buildings under the Building Code of Australia and generally don't meet the higher construction standards required for a dwelling (class 1a). Development approval is required to convert a shed or outbuilding for use as a dwelling. This fact sheet provides guidance for anyone considering converting a shed or outbuilding to a dwelling.

Can I build a shed and convert it to a dwelling later?

If you are considering building a shed with a view to using it as a dwelling at a later stage it is important to seek professional advice before you build. You may be able to build to a higher standard and have correct boundary setbacks which will allow an easier conversion to a dwelling. You may find that building a shed for later conversion is not the best or most cost effective option. It may be better to build a new dwelling that fully complies with the Building Code of Australia. See construction standards for converting a shed to a dwelling.

What sanitary facilities can I install in a shed?

The installation of sanitary facilities in a shed requires prior development approval, even if the shed has been erected as an exempt structure. Generally approval can be given to a toilet, shower and hand basin in a shed.

Can I live in a shed temporarily while I build my house?

An owner of a property for which development approval for a dwelling has been granted may apply to Council to occupy a shed or caravan prior to the building being completed. Approval will only be granted on the following basis:

1. A shower, basin and toilet connected to either sewerage or an approved on-site waste water management system are on the site.
2. Town water is connected or an adequate tank water supply is available;
3. Construction of the dwelling has substantially commenced (i.e. footings or slab poured).
4. If located in a bushfire prone area, adequate measures are to be in place for safe evacuation in case of bushfire and any required Asset Protection Zones are established.
5. The period of occupation is 2 years or less.
6. Adequate construction progress on the dwelling is maintained during the period of occupation.
7. A smoke alarm is installed in the shed or caravan.
8. Temporary kitchen and laundry facilities are removed from the shed when the dwelling is completed and the use of the building reverts to a non habitable shed. A bathroom can remain.

See separate fact sheet titled 'Temporary Accommodation'.

What are the construction standards for converting a shed to a dwelling?

The construction standards for a dwelling are contained in the Building Code of Australia (BCA), the *Environmental Planning & Assessment Act, 1979* and Council's Development Control Plans (DCP's) and can be summarised as:

- Minimum facilities - a toilet; shower or bath; wash basin; kitchen sink and facilities for the preparation and cooking of food; laundry tub and space for a washing machine.
- If the shed is visible from a public place it will need to be of a higher architectural quality (e.g. increased roof pitch, architectural features such as verandahs, eaves, etc) to be in keeping with the character of the area.
- Concrete slab – constructed to AS2870 for a class 1a dwelling or a structural engineer's certificate supplied which states the slab is suitable for use in a dwelling. Evidence of a plastic membrane under the slab or the slab will need to be suitably water proofed to prevent moisture entering the building. Slab should be at least 100mm above surrounding ground level with adequate surface water drainage but preferably at least 225mm above surrounding ground level.
- Frame, including tie downs and bracing – constructed for a class 1a dwelling standard under AS1684 if timber framed or certified by a structural engineer to be suitable for a dwelling.
- Minimum ceiling height - 2.4 m for habitable rooms and 2.1 m for laundry, bathroom, corridor and toilet as per the BCA.
- Minimum natural light for habitable rooms – glazed area of windows to be 10% of the floor area and ventilation as per the BCA.
- Boundary setbacks to comply with the BCA (e.g. 900mm wall to side or rear boundary and 450mm eave to boundary)
- Flood – if the property is flood liable the floor level must be at least 500mm above the 1:100 year flood level. Council's has flood information for the majority of the Local Government area and can provide the 1:100 year flood level in these areas. Also refer to on line mapping at www.clarence.nsw.gov.au
- Bushfire – if the property is mapped as bushfire prone the NSW Rural Fire Service document titled 'Planning for Bushfire Protection 2006' and AS3959 apply. Submit a bushfire consultants report or completed Rural Fire Service guidelines for single dwelling development applications. See www.rfs.nsw.gov.au
- Basix – a basix certificate is to be submitted with any development application for conversion of a shed to a dwelling outlining the energy efficiency measures to be installed. See www.basix.nsw.gov.au
- Connection to sewer or an approved on site waste water management system. See www.clarence.nsw.gov.au
- Thermal break – if the building has metal framing and metal wall or roof cladding a NSW amendment to the BCA requires a thermal break be installed between the cladding and frame. This can be achieved using compressed bulk insulation, 20mm thick timber battens, 12mm thick polystyrene strips, air cell or thermal break insulation.
- Certificates of compliance for electrical, plumbing and glazing
- Termite protection to AS 3660.1 where required.
- Complying stairs, landings, balustrades, etc.
- Hardwired smoke alarm between living and sleeping areas.

There is already a shed on the property that has been converted to a dwelling but I'm not sure if it is Council approved. What should I do?

You can check the building approvals that have been issued for a property by submitting a Government Information (Public Access) (GIPA) search of Council's records (form available at Council's website or offices). There is no cost if the information is emailed to you and a photocopy fee if paper copies are required. If the GIPA search reveals there are no approvals for the building this matter should be discussed with Council staff.

If the property has a dwelling eligibility and this is the only dwelling on the property a development application and building certificate application under Section 149D of the *Environmental Planning & Assessment Act 1979* may be submitted for assessment.

If this is a second dwelling on the property, this matter should be discussed with Council Planning staff.

Can I convert a shed to a dwelling to create a dual occupancy on my property?

In residential zones attached or detached secondary dwellings are permitted with development consent. Secondary dwellings under 60m² in floor area do not attract developer contributions.

In rural zones (RU1 & RU2) attached or detached dual occupancies or secondary dwellings are permitted with development consent. Development standards are set out in the Clarence Valley Local Environmental Plan 2011 and include a maximum separation distance of 100m between dwellings and the use of a shared driveway from the public road. Secondary dwellings are dwellings under 60m² in floor area and do not attract developer contributions or Section 64 charges. Developer contributions are payable for dual occupancies (ie. over 60m² floor area).

What action can be taken if a shed is converted to a dwelling without approval?

Council takes unauthorised development very seriously. When unauthorised development occurs compliance action will be taken in accordance with Council's Enforcement Policy and can include:

- The issue of significant infringement notices (minimum \$1500). These can be issued to the owner of the property and the person who carried out the work.
- The issue of a rectification, demolition or cease use order.
- The requirement to submit applications and supporting documentation for retrospective assessment.
- Court action

What is dwelling eligibility?

The Clarence Valley Local Environmental Plan 2011 (the LEP) is the main planning document for our Council area. It sets out the land use zones and what development can occur in those zones. Not all rural properties have a dwelling eligibility as lot size, access to a Council maintained public road and other factors affect whether a dwelling can be approved on a property. A Dwelling Eligibility Application form (available from Council's website or offices) is used to check the dwelling eligibility of a property. Clause 4.2B(4) of the LEP contains a 10 year sunset period that means the dwelling eligibility of some properties without an approved dwelling will be permanently extinguished unless a Development Application is lodged for consent to construct a dwelling, before 23 December 2021. These properties are generally less than the minimum lot size for the zone. Further enquiries can be directed to Council Planning staff.

Disclaimer:

This information is provided in good faith as a guide. The relevant legislation and planning documents take precedent over the information in this fact sheet.