



USER GUIDE #10 - DOMESTIC SHEDS AND CARPORTS

This user guide provides information on how the Mackay Region Planning Scheme 2017 applies to domestic sheds (sheds that are ancillary to a dwelling house) and carports. This user guide provides information on how this development is defined, whether an application or referral to Council is required and key planning scheme requirements.

MACKAY REGION PLANNING SCHEME 2017

The planning scheme is the primary instrument for managing development in our local government area.

The planning scheme:

- outlines a 20 year vision for the region
- identifies zones and overlays over land
- defines various forms of development
- determines the level of assessment for each type of development
- sets codes for the assessment of development

Upon coming into effect on 24 July 2017, the planning scheme replaced three previous planning schemes based on the former Mackay City, Sarina Shire and Mirani Shire local government areas.

USE DEFINITION

Types of development are defined in Schedule 1 (SC1.1 - Use definitions) of the planning scheme. Domestic sheds and carports come under the definition for "Dwelling House", which is:

Dwelling house means a residential use of premises involving -

- 1 dwelling for a single household and any domestic outbuildings associated with the dwelling; or*
- 1 dwelling for a single household, a secondary dwelling and any domestic outbuildings associated with either dwelling.*

The following separately defined uses are not covered by the dwelling house definition: caretaker's accommodation, dual occupancy, rooming accommodation, short term accommodation, multiple dwelling.

The term 'outbuilding' is relevant to domestic sheds, carports and other Class 10 structures. User guide #9 covers houses, house extensions and granny flats.



DO I NEED TO SUBMIT AN APPLICATION?

► Material change of use

Planning scheme zone/s and any overlay/s over your site determine whether a material change of use application to Council is required.

Outbuildings (ancillary to dwelling houses) are accepted development and do not have to make a material change of use application to Council if the site is within one of the following zones and not affected by a relevant overlay:

- Low density residential zone
- Medium density residential zone - Low-medium density precinct (precinct No. MD1) and General medium density precinct (precinct No. MD2)
- Emerging community zone
- Township zone

Outbuildings (ancillary to dwelling houses) are accepted subject to requirements (no material change of use application to Council required) if provisions in the Dwelling house code are met and the site is in one of the following zones and not affected by a relevant overlay:

- Mixed use zone, Fringe commercial precinct (precinct no. MX2) and not fronting Juliet St
- Neighbourhood centre zone
- Rural zone
- Rural residential zone
- Specialised centre zone, Tavern precinct (precinct no. SC2)

A suitably competent and qualified professional (eg. building certifier, building designer, builder, town planner) can confirm whether your proposal is accepted or accepted subject to requirements and provide assistance with the necessary building works application.

Outbuildings (ancillary to dwelling houses) are code assessable (material change of use application to Council required, no public notification, code based assessment) if otherwise accepted or accepted subject to requirements but:

- an acceptable outcome in the Dwelling house code has not been met (assessed against only the matters of non-compliance in this instance); or
- is affected by a relevant overlay:
 - *Airport environs*: within safety area, near navigation facility, subject to high noise levels or encroachment of operational airspace
 - *Extractive resources and high impact activities*: site larger than 5,000m² near a quarry or 'high impact activity'
 - *Flood and coastal hazards*: within hazard area and code provisions not met
 - *Heritage and neighbourhood character*: site includes/adjoins 'heritage place' or within 'neighbourhood character area'
 - *Landslide hazard*: within hazard area and code provisions not met
 - *Regional infrastructure*: on a substation site or in a high voltage power or railway corridor

Outbuildings (ancillary to dwelling houses) are impact assessable (material change of use application to Council required, public notification, full assessment) if in any other zone not previously described.

Outbuildings (along with the primary Dwelling house use) are generally inconsistent with the intent of these zones.

► Building works

A building works application is required regardless of whether the works also trigger a material change of use

application to Council. Building work is defined under the *Building Act 1975*. Building works applications are required for building, repairing, altering, underpinning, moving or demolishing outbuildings, unless specifically made accepted development by a regulation.

The planning scheme does not regulate building works other than the matters listed in sections 1.6 and 1.7. The planning scheme provides some alternative and varied provisions which replace the applicable provisions of the Queensland Development Code (QDC). The provisions relevant to outbuildings are in the dwelling house code: AO1.1, AO2.2(b), AO5, AO6.1 and AO6.2.

Licensed building certifiers are responsible for assessing building works applications against building legislation. You may wish to contact a suitably competent and qualified professional to assist with building works related matters. Note that building certifiers generally work in private businesses, not at Council.

► Building Application Referral

Council is a referral agency for Building Works applications in some instances, including for applications that do not comply with an acceptable solution of the QDC or do not meet an alternative provision or varied provision. Council assesses the item/s of non-compliance on its merits and, as a concurrence agency, can impose conditions on the building works approval.

A suitably competent and qualified professional (eg. building certifier, building designer, builder, town planner) can assist with referrals. It should be noted that Council can provide a referral response prior to lodging your building works application.

WHAT ARE THE KEY REQUIREMENTS?

If identified as accepted development under the planning scheme, no material change of use application to Council is required and no planning scheme requirements apply. As part of the building works application, however, relevant planning scheme provisions will apply as they are alternative and varied provisions to the QDC.

If identified as accepted subject to requirements or code assessable under the planning scheme, the following key requirements from the Dwelling house code apply:

- *maximum size*
(applies to rural residential areas only) - 200m²

- *maximum height**:
 - in urban zones on sites less than 400m² - 2.4m eaves and 2.7m roof apex
 - in urban zones on sites over 400m² and on sites zoned Rural residential with an area of less than 5000m² - 4m eaves and 5m roof apex
 - on sites over 5000m² zoned Rural residential - 4.5m eaves and 5.5m apex
 - in the Rural zone the maximum height is 8.5m

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*All heights are measured from the natural ground level

- *road frontage setbacks* - determined by zone and type of road:

	Res. areas (urban)	Townships	Rural / rural res.
Arterial road	10m	10m	20m
Sub-arterial road	10m	10m	10m
Collector road	6m	6m	10m
Access street	6m	6m	10m

- lesser road frontage setbacks can apply to open carports or shade sails if:

- the structure is open on all sides (no walls or doors), and fronts a collector or access street
- the distance between the inside edge of the supporting posts is not more than 7m or 50% of the site's road frontage - whichever is lesser
- the supporting posts are at least 1m from the road frontage boundary

Other requirements are set out in the relevant zone code, General development requirements code and any relevant overlay codes.

If the application is impact assessable, it will be assessed against the above-mentioned key requirements, the zone intent and other relevant provisions throughout the planning scheme. The circumstances of the site and proposal will also be taken into consideration.

Building legislation (e.g. QDC) sets out requirements in addition to the planning scheme. These matters are considered during the assessment of the building works application.

CAN I LIVE IN A SHED?

When a building approval for a domestic shed is issued it is generally classified as a Class 10 non-habitable structure. People are not permitted to permanently* reside in Class 10 non-habitable structures.

Class 10 structures generally have lower construction standards than habitable buildings in areas such as (not limited to) ventilation, energy efficiency, fire separation, footings, termite management and ceiling heights. It is possible, but not always practical or economical to convert a Class 10 structure to a habitable standard. Planning scheme requirements also need to be considered as making a Class 10 building habitable may trigger a material change of use application for a Dwelling house, Dual occupancy or Multiple dwelling.

Please contact a building certifier for general advice and information on building classifications.

OTHER TYPES OF SHEDS

This user guide applies to domestic sheds that are ancillary to Dwelling houses. Sheds are used for various purposes and can be ancillary to a range of uses or a use in their own right:

- Sheds storing agricultural equipment used on-site are considered ancillary to (and part of) the primary agricultural use. In the Rural zone, 'cropping' and 'animal husbandry' are accepted development and do not have to make a material change of use application to Council.
- Sheds associated with commercial, industrial, community, sports and other non-residential uses are considered ancillary to (and part of) the relevant primary use. These sheds are accepted development if they fit under the 'minor building work' definition (Schedule 1). If not, planning scheme requirements relevant to the primary use will apply.
- Unless defined or demonstrated otherwise, storage sheds are defined as 'warehouse' where there is no other primary use on the site (ie. the site is otherwise vacant).

* a Temporary Home Permit can be obtained in certain circumstances - contact Council for further information

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OTHER RELEVANT USER GUIDES:

General

- #1 Using the planning scheme
- #2 What is my zone and other planning scheme designations?
- #3 Do I need to lodge a development application?
- #5 Making a development application
- #6 The development assessment process
- #8 After a development approval is issued

Specific

- #9 Houses
- #13 Home-based businesses
- #22 Heritage and neighbourhood character requirements
- #23 Driveways and crossings in road reserves

FOR MORE INFORMATION

This user guide provides an overview of planning scheme requirements and the development assessment process only. To view the planning scheme in full, please visit Council's website -

www.mackay.qld.gov.au/planningscheme

The *Planning Act 2016*, *Planning Regulation 2017* and the *Development Assessment Rules* set out the requirements for the development assessment process.

Council provides general development advice:

- Online enquiries can be lodged via the [Planning advice online enquiries form](#)
- 15 minute counter appointments available Monday - Friday between 8.30am and 4.30pm (minimum 24 hours notice)

You can also contact a building certifier, consultant town planner, building designer or other qualified professional who can provide assistance and, if necessary, prepare and lodge a development application on your behalf.

FOR MORE INFORMATION PHONE COUNCIL
ON **1300 MACKAY** (1300 622 529)
OR VISIT THE WEBSITE **MACKAY.QLD.GOV.AU**