

Building a carport, pergola, garden shed, shade sail or garage



The Mackay Region Planning Scheme (MRPS) and state legislation have certain requirements before building a carport, pergola, shed, shade sail, garage or similar building or structure.

In accordance with the Building Codes of Australia (BCA), all are defined as a Class 10, which is 'a non-habitable building or structure'.

Under the BCA, Class 10 buildings or structures are further classified separately as:

Class 10a

A private garage, carport, shed or the like.

Class 10b

A structure being a fence over two metres, mast, antenna, retaining wall over one metre, free standing wall over two metres, swimming pool or the like.

Class 10c

A private bushfire shelter.

Under the National Construction Code (NCC) of Australia, areas of Australia are categorised according to the probability of being subject to cyclonic conditions.

The Mackay region is recognised under legislation to be in a Wind Region C Tropical Cyclone Area and as such, triggers the requirement for nearly all Class 10 building or structures built in the region to have an effective building permit.

Examples of Non-Habitable Buildings or Structures

Carport – A Class 10a building, other than a garage providing covered vehicular parking

Garage – An enclosed Class 10a building, providing covered vehicular parking

Pergola – A Class 10a ornamental and/or horticultural structure without enclosed walls or roof

Shade Sail – A shade cloth Class 10a structure designed to provide permanent shade that is attached to steel posts, the dwelling or surrounding structures

Shed – A Class 10a structure which is ancillary to a dwelling house ie: garden shed.

Legislative references

Building Certifiers and council are required to act under the following legislation when approving Class 10 buildings and structures:

Building a Class 10 building or structure

- > Building Act 1975
- > Planning Act 2016
- > Building Regulation 2006
- > Mackay Region Planning Scheme (MRPS)
- > Queensland Development Code (QDC)
- > Building Codes of Australia (BCA)
- > National Construction Code (NCC)

Obtaining a building permit

If you are intending to build a Class 10 building or structure, you will need to submit a development application through a suitably qualified licensed building certifier (private certifier) prior to commencing construction. Your building certifier will assess your application to ensure that the building or structure meets the requirements of legislation.

Role of a building certifier

- Approve assessable building work relating to new or altered buildings and structures
- Make sure all proposed structures and buildings comply with the relevant building codes, standards, health and safety issues and local community planning schemes
- Undertake mandatory inspections of buildings under construction to ensure compliance with the approved plans

- Provide customers and local governments with copies of all issued and approved documents with certificates of inspection and final documentation.

Other applicable consideration may be required if you intend on building a Class 10 building or structure. A licensed building certifier will be able to discuss with you what is necessary in respect to your building requirements. Some further referral agency applications for approval which may be applicable are:

- Boundary relaxation
- Amenity and aesthetics (resited buildings)
- Building over or adjacent to council drainage systems and easements

Boundary setback requirements

Class 10 buildings and structures are subject to compliance and consistency with the MRPS and the QDC in respect to minimum boundary setback requirements.

Where a Class 10 building or structure cannot comply with the siting requirements of the MRPS or the QDC, then an application for concurrence response (boundary relaxation) from Mackay Regional Council is to be made, usually at the time of lodging the development application. Council will then

assess the proposed building or structure for compliance.

Compliance matters

Under the Planning Act 2016 (Section 163 – Carrying out assessable development without a permit) the maximum penalty for not acquiring a permit to construct a Class 10 building or structure is as follows:

- (a) if assessable development is on a Queensland Heritage Place or local heritage place – 17,000 penalty units; or
- (b) otherwise – 4,500 penalty units.

Useful links

Mackay Region Planning Scheme

www.mackay.qld.gov.au/planningscheme.

Queensland Development Code

www.hpw.qld.gov.au/sitecollectiondocuments/mp1-2.pdf

For more information phone council on **1300 MACKAY (1300 622 529)** or visit the website mackay.qld.gov.au