

Development Information Sheet 07

Minor Domestic Structures

This Information Sheet deals with minor domestic structures such as carports, garages, pergolas, tool sheds, rainwater tanks, decks, roller doors and verandahs. It explains when a Development Application is required and what the Council's requirements are for those types of development that require an application to be lodged.

Minor domestic structures fall within the following categories:

1. **Exempt development** – No approval required (Schedule 3)
2. **Building Rules Consent only required** – Development Plan Consent not required (Schedule 1A)
3. **Complying Development** – Development Plan Consent must be granted (Schedule 4)
4. **Development Approval** - Development Plan Consent and Building Rules Consent are required;

1. Exempt Development

Schedule 2 and Schedule 3 of the Development Regulations 2008 determine that some development is exempt from requiring Development Approval. In the instance of exempt development, no Development Application is required. The below details which minor domestic structures are considered exempt development.

It is pertinent to note that properties that are identified in the Town of Walkerville Development Plan as being a Local Heritage place, State Heritage place or within a Historic Conservation Area are often not eligible to consider exempt development.

1.1 Pergolas

A pergola is a structure with no impermeable roof. A pergola does not require Council approval if:

- it is associated with a house; and
- the associated house is not a Local or State Heritage Place; and
- there is no roof (other than shade cloth); and
- every free-standing side is open; and
- no part is higher than 4 metres; and
- no part is located in front of the dwelling that faces the primary street.

1.2 Freestanding Outbuildings (including Garages and Sheds)

A garage, tool shed, or other similar freestanding structure (including a cubby house) does not require Council approval if:

- it is associated with a house; and
- the associated house is not a Local or State Heritage Place; and
- it has no span greater than 3m; and
- it is less than 2.5m in total height; and
- it is not located in front of the dwelling that faces the primary street; and
- it is not located within 900mm of a secondary street (ie. on a corner allotment) and
- it is less than 10m² in floor area in a Historic Conservation Area; OR
- it is less than 15m² in floor area in any other area.

Outbuildings that meet the criteria above do not need Council Approval. However, Council does recommend that these structures are setback a minimum of 600mm from a boundary or another structure so that an area where leaf litter, vermin (mice and rats) and the like do not collect and create insanitary conditions.

1.3 Verandahs and Carports

A verandah or carport is not exempt development and requires Council Approval.

1.4 Shade Sails

A shade sail does not require Council approval if:

- the subject land is not situated in a Historic Conservation Area; and
- it is made of a permeable material (i.e. allows water and wind through it); and
- it has an area no greater than 20m²; and
- it has a height no more than 3m above ground level; and
- it is not located in front of the dwelling that faces the primary street.

1.5 Excavation, Filling and Retaining Walls

Retaining walls require Council approval if any of the following circumstances apply:

- the property is a State or Local Heritage Place; or
- the retaining wall retains a difference in ground level exceeding 1.0 metre or, two retaining walls or a series of retaining walls, are used together in a tiered fashion to retain an overall difference in ground level exceeding 1.0 metre; or
- the total height of a retaining wall with fence above exceeds 2.1 metres (measured to the lower of the adjoining ground levels).

Note that a development application that includes retaining wall(s) over 1.0 metres and fencing over 2.1 metres may trigger Public Notification.

1.6 Water Tanks (including Rainwater Tanks)

A water tank (and any supporting structure) which is part of a roof drainage system does not require Council approval if:

- it has a total floor area less than 10m²; and
- the tank is located wholly above ground level; and
- it has no part higher than 4m above natural ground level.

1.7 Decks

A deck does not require Council approval if:

- the property is not a Local or State Heritage Place; and
- the subject land is not situated in a Historic Conservation Area; and
- it is to be used in association with an existing dwelling; and
- it is sited no higher than 500mm above natural ground level; and
- it is located no closer than 900mm to a boundary

1.8 Roller Doors

The installation of a garage or carport door does not require Council approval if:

- The carport/garage already exists in association with an existing dwelling; and
- The carport/garage does not have any portion in front of the building line which faces the primary street; and
- The installation of the door does not contravene a condition of approval of the carport/garage.

2. Building Rules Consent Only

Schedule 1A of the *Development Regulations 2008* determines that some development activity does not require Development Plan Consent (planning approval), but that a Development Application is required so that Building Rules Consent can be assessed.

It is pertinent to note that properties that are identified in the Town of Walkerville Development Plan as being a Local Heritage place, State Heritage place or within a Historic Conservation Area are often not eligible for Building Rules Consent Only assessment.

The below details which minor domestic structures are eligible to apply for Building Rules Consent Only.

2.1 Outbuildings

The construction or alteration of, or addition to, an outbuilding, in which human activity is secondary, and which—

- is detached from and ancillary to a dwelling erected on the site; and
- is not being constructed, added to or altered so that any part of the outbuilding is situated—
 - in front of any part of the building line of the building to which it is ancillary; or
 - within 900 millimetres of a boundary of the allotment with a secondary street (if the land has boundaries on 2 or more roads); and
- if situated on a side boundary of the allotment—
 - will not result in all relevant walls or structures located along the boundary exceeding 45% of the length of the boundary; and
 - will not be within 3 metres of any other relevant wall or structure located along the boundary, unless on an adjacent site on that boundary there is an existing wall of a building that would be adjacent to or abut a proposed relevant wall or structure (in which case this subparagraph does not apply); and
- if ancillary to—
 - a detached or semi-detached dwelling - the circumstances are such that the total roofed area of all existing or proposed buildings on the allotment will not exceed 60% of the area of the allotment; or
 - any other kind of dwelling - the circumstances are such that the total roofed area of all existing or proposed buildings on the allotment will not exceed 70% of the area of the allotment; and
- if clad in sheet metal—is pre-colour treated or painted in a non-reflective colour; and
 - does not involve—
 - excavation exceeding a vertical height of 1 metre; or
 - filling exceeding a vertical height of 1 metre,

And, if the development involves both excavation and filling, the total combined excavation and filling must not exceed a vertical height of 2 metres.

2.2 Garages

A garage is eligible for Building Rules Consent Only if it complies with the above detailed requirements for outbuildings, is set back at least 5.5 metres from the primary street; and

- complies with the following requirements as to dimensions:
 - a total floor area not exceeding 40 square metres;
 - a wall height not exceeding 3 metres (measured as a height above the natural surface of the ground and not including a gable end);
 - a roof height where no part of the roof is more than 5 metres above the natural surface of the ground;
 - if situated on a boundary of the allotment—a length not exceeding 8 metres; and
- complies with the following requirements as to location and access:
 - will not have an opening or openings for vehicle access facing a street frontage that exceed, in total, 7 metres in width; and
 - is not designed or located so as to provide vehicle access from an alley, lane or right of way that is less than 6.2 metres wide along the boundary of the allotment; and
 - the garage is located so that vehicle access—
 - will use an existing or authorised driveway or access point under section 221 of the Local Government Act 1999, including a driveway or access point for which consent under the Act has been granted as part of an application for the division of land; or
 - will use a driveway that—
 - is not located within 6 metres of an intersection of 2 or more roads or a pedestrian actuated crossing; and
 - will not interfere with an item of street furniture (including directional signs, lighting, seating and weather shelters), other infrastructure, or a tree; or
 - will not require a driveway because the kerbing is formed in a manner that allows a vehicle to roll over it; and
 - is located so that the gradient from the place of access on the boundary of the allotment to the finished floor level at the front of the garage when the work is completed is not steeper than 1:4 on average.

2.3 Verandahs

The construction or alteration of, or addition to, a verandah, which—

- is ancillary to a dwelling erected on the site; and
- is not being constructed, added to or altered so that any part of the designated structure is situated in front of any part of the building line of the building to which it is ancillary; and
- is set back at least 5.5 metres from the primary street; and
- complies with the following requirements as to dimensions:
 - a total floor area not exceeding 40 square metres;
 - if situated so as to abut, or to have any part of the designated structure on, a boundary of the allotment, or so as to have any part of the designated structure within 900 millimetres of a boundary of the allotment— a height for any posts or other parts of the designated structure (other than the roof) not exceeding 3 metres (measured as a height above the natural surface of the ground);
 - a roof height where no part of the roof is more than 5 metres above the natural surface of the ground;
 - if situated so as to abut, or to have any part of the designated structure on, a boundary of the allotment— a length not exceeding 8 metres; and
- if situated so as to abut, or to have any part of the designated structure on, a side boundary of the allotment—will not result in all relevant walls or structures located along the boundary exceeding 45% of the length of the boundary; and
- if ancillary to—
 - a detached or semi-detached dwelling—the circumstances are such that the total roofed area of all existing or proposed buildings on the allotment will not exceed 60% of the area of the allotment; or
 - any other kind of dwelling—the circumstances are such that the total roofed area of all existing or proposed buildings on the allotment will not exceed 70% of the area of the allotment; and

2.4 Carports

A carport is eligible for Building Rules Consent Only if it complies with the above detailed requirements for verandahs; and

- will not have an opening or openings for vehicle access facing a street frontage that exceed, in total, 7 metres in width; and
- is not designed or located so as to provide vehicle access from an alley, lane or right of way that is less than 6.2 metres wide along the boundary of the allotment; and
- the carport is located so that vehicle access—
 - will use an existing or authorised driveway or access point under section 221 of the Local Government Act 1999, or
 - will use a driveway that—
 - is not located within 6 metres of an intersection of 2 or more roads or a pedestrian actuated crossing; and
 - will not interfere with an item of street furniture (including directional signs, lighting, seating and weather shelters), other infrastructure, or a tree; or
 - will not require a driveway because the kerbing is formed in a manner that allows a vehicle to roll over it; and
 - is located so that the gradient from the place of access on the boundary of the allotment to the finished floor level at the front of the carport when the work is completed is not steeper than 1:4 on average; and
 - if any part involves cladding in sheet metal—will have cladding which is pre-colour treated or painted in a non-reflective colour.

2.5 Shade Sails

The construction of a shade sail, if—

- the shade sail is to consist of permeable material; and
- the area of the sail will not exceed 40 square metres; and
- no part of the sail will be—
 - 3 metres above ground or floor level (depending on where it is situated) at any place within 900 millimetres of a boundary of the allotment; or
 - 5 metres above ground or floor level (depending on where it is situated) within any other part of the allotment; and
- no part of the sail will be in front of any part of the building line of the building to which it is ancillary; and
- in a case where any part of the sail will be situated on a boundary of the allotment—the length of the sail along the boundary will not exceed 8 metres; and
- in a case where any part of the sail or a supporting structure will be situated on a side boundary of the allotment—the length of the sail and any such supporting structure together with all relevant walls or structures located along the boundary will not exceed 45% of the length of the boundary.

2.6 Water tanks (above ground)

The construction or alteration of, or an addition to, a water tank (and any supporting structure), if—

- the tank is part of a roof drainage system; and
- the tank has a total floor area not exceeding 15 square metres; and
- the tank is located wholly above ground; and
- no part of the tank is higher than 4 metres above the natural surface of the ground; and
- no part of the tank will be in front of any part of the building line of the building to which it is ancillary; and
- in the case of a tank made of metal—the tank is pre- colour treated or painted in a non-reflective colour.

2.7 Water tanks (underground)

The construction or alteration of, or addition to, a water tank (and any associated pump) if—

- the tank is ancillary to a dwelling erected on the site; and
- the tank (and any associated pump) is located wholly below the level of the ground.:

2.8 Internal building work

Work undertaken within a building, if—

- there will be no increase in the total floor area of the building; and
- there will be no alteration to the external appearance of the building to any significant degree.

3 Complying Development

Schedule 4 of the *Development Regulations 2008* determines that some development activity is classified as “complying”, which means that Development Plan Consent must be granted, but assessment for Building Rules Consent is still required.

It is pertinent to note that properties that are identified in the Town of Walkerville Development Plan as being a Local Heritage place, State Heritage place or within a Historic Conservation Area are not eligible for Complying Development assessment.

The below details which minor domestic structures are eligible to apply for Complying Development assessment.

3.1 Replacement structures

The construction of a new building in the same, or substantially the same, position as a building which was demolished within the previous 3 years where the new building has the same, or substantially the same, layout and external appearance as the previous building.

3.2 Outbuildings

The construction or alteration of, or addition to, an outbuilding, in which human activity is secondary, if—

- the outbuilding is detached from and ancillary to a dwelling erected on the site; and
- the outbuilding is not being constructed, added to or altered so that any part of the outbuilding is situated—
 - in front of any part of the building line of the building to which it is ancillary that faces the primary street; or
 - within 900 millimetres of a boundary of the allotment with a secondary street (if the land has boundaries on 2 or more roads); and
- in the case of a garage—the garage is set back at least 5.5 metres from the primary street; and
- the outbuilding complies with the following requirements as to dimensions:
 - a total floor area not exceeding 60 square metres;
 - a wall height not exceeding 3 metres (measured as a height above the natural surface of the ground and not including a gable end);
 - a roof height where no part of the roof is more than 5 metres above the natural surface of the ground;
 - if situated on a boundary of the allotment (not being a boundary with a primary street or a secondary street)—a length not exceeding 8 metres; and
- if situated on a boundary of the allotment (not being a boundary with a primary street or a secondary street)—
 - the development will not result in all relevant walls or structures located along the boundary exceeding 45% of the length of the boundary; and
 - will not be within 3 metres of any other relevant wall or structure located along the boundary, unless on an adjacent site on that boundary there is an existing wall of a building that would be adjacent to or abut a proposed relevant wall or structure (in which case this subparagraph does not apply); and
- in the case of an outbuilding that is ancillary to—
 - a detached or semi-detached dwelling - the circumstances are such that the total roofed area of all existing or proposed buildings on the allotment will not exceed 60% of the area of the allotment; or
 - any other kind of dwelling - the circumstances are such that the total roofed area of all existing or proposed buildings on the allotment will not exceed 70% of the area of the allotment; and
- the outbuilding, if clad in sheet metal, is pre-colour treated or painted in a non-reflective colour; and
- the development does not involve—
 - excavation exceeding a vertical height of 1 metre; or
 - filling exceeding a vertical height of 1 metre, and if the development involves both excavation and filling, the total combined excavation and filling must not exceed a vertical height of 2 metres; and
- the development will not be built, or will not encroach, on an area that is, or will be, required for a sewerage system or waste control system which complies with the requirements of the Public and Environmental Health Act 1987.

3.3 Garages

A garage is eligible for Complying Consent if it complies with the above detailed requirements for outbuildings, and:

- if facing the primary street—the garage will not have an opening or openings for vehicle access facing a street frontage that exceed, in total, 7 metres in width; and
- if designed or located so as to provide vehicle access from an alley, lane or right of way—the alley, lane or right of way is at least 6.2 metres wide along the boundary with the allotment; and
- the garage is located so that vehicle access—
 - will use an existing or authorised driveway or access point under section 221 of the Local Government Act 1999, including a driveway or access point for which consent under the Act has been granted as part of an application for the division of land; or

- will use a driveway that—
 - is not located within 6 metres of an intersection of 2 or more roads or a pedestrian actuated crossing; and
 - will not interfere with an item of street furniture (including directional signs, lighting, seating and weather shelters), other infrastructure, or a tree; or
- will not require a driveway because the kerbing is formed in a manner that allows a vehicle to roll over it; and
- the garage is located so that the gradient from the place of access on the boundary of the allotment to the finished floor level at the front of the garage when the work is completed is not steeper than 1:4 on average.

3.4 Verandahs

The construction or alteration of, or addition to, a verandah, which—

- the structure is ancillary to a dwelling erected on the site; and
- the structure is not being constructed, added to or altered so that any part of the designated structure is situated—
 - in front of any part of the building line of the building to which it is ancillary that faces the primary street; or
 - within 900 millimetres of a boundary of the allotment with a secondary street (if the land has boundaries on 2 or more roads); and
- the structure complies with the following requirements as to dimensions:
 - a total floor area not exceeding 60 square metres;
 - a height for any posts or other parts of the designated structure (other than the roof) not exceeding 3 metres (measured as a height above the natural surface of the ground); and
 - a roof height where no part of the roof is more than 5 metres above the natural surface of the ground; and
 - if situated so as to abut, or to have any part of the designated structure on, a boundary of the allotment (not being a boundary with a primary street or a secondary street)—a length not exceeding 8 metres; and
 - if situated so as to abut a boundary of the allotment (not being a boundary with a primary street or a secondary street)—the development will not result in all relevant walls or structures located along the boundary exceeding 45% of the length of the boundary; and
- in the case of a structure that is ancillary to—
 - a detached or semi-detached dwelling—the circumstances are such that the total roofed area of all existing or proposed buildings on the allotment will not exceed 60% of the area of the allotment; or
 - any other kind of dwelling - the circumstances are such that the total roofed area of all existing or proposed buildings on the allotment will not exceed 70% of the area of the allotment; and
- the development does not involve—
 - excavation exceeding a vertical height of 1 metre; or
 - filling exceeding a vertical height of 1 metre, and if the development involves both excavation and filling, the total combined excavation and filling must not exceed a vertical height of 2 metres.

3.5 Carports

A carport is eligible for Complying Consent if it complies with the above detailed requirements for verandahs; and

- is set back at least 5.5 metres from the primary street; and
- if facing the primary street—the carport will not have an opening or openings for vehicle access facing a street frontage that exceed, in total, 7 metres in width; and
- if designed or located so as to provide vehicle access from an alley, lane or right of way—the alley, lane or right of way is at least 6.2 metres wide along the boundary with the allotment; and
- the carport is located so that vehicle access—
 - will use an existing or authorised driveway or access point under section 221 of the Local Government Act 1999, including a driveway or access point for which consent under the Act has been granted as part of an application for the division of land; or
 - will use a driveway that—
 - is not located within 6 metres of an intersection of 2 or more roads or a pedestrian actuated crossing; and
 - will not interfere with an item of street furniture (including directional signs, lighting, seating and weather shelters), other infrastructure, or a tree; or
 - will not require a driveway because the kerbing is formed in a manner that allows a vehicle to roll over it; and
- the carport is located so that the gradient from the place of access on the boundary of the allotment to the finished floor level at the front of the carport when the work is completed is not steeper than 1:4 on average;

4 Development Approval - Development Plan Consent and Building Rules Consent required

If the building work you are proposing to build does not meet the above criteria, a Development Application must be lodged with and approved by the Council before construction commences. This includes assessment for both Development Plan Consent and Building Rules Consent.

Information required for Development Approval

- Development Application Form *
- Powerline Declaration Form *
- Current copy Certificate of Title
- Site plan incorporating method of stormwater disposal to a minimum scale of 1:200
- Floor plan/plan view to a minimum scale of 1:100
- Elevations to a minimum scale of 1:100
- Copy of Indemnity Insurance Certificate (if applicable)
- Construction Industry Training Board (CITB) Levy receipt (if applicable)
- Sections to scale
- Structural engineer's report
- Roof, wall, floor and framing details to scale
- Truss calculations
- General specification
- Manufacturers details

* Forms are available from Council's website at <http://www.walkerville.sa.gov.au/developmentforms>

Development Information Guides are intended to help applicants to submit applications which are complete, well prepared, and can be processed efficiently. The information provided is intended as a general guide only and applicants are encouraged to refer to the Town of Walkerville Development Plan and to seek professional advice if necessary. This information is subject to frequent updates. This version last updated in January 2018.

Access the Development Plan and current versions of information guides at <http://www.walkerville.sa.gov.au/>

Should you have any further enquiries or wish to discuss this process, please do not hesitate to contact the Planning and Environment team via:

In Person: Planning and Environment, 66 Walkerville Terrace, Gilberton SA 5081

Post: Town of Walkerville, PO Box 55, Walkerville SA 5081

Phone: (08) 8342 7100

Facsimile: (08) 8408 1122

Email: walkerville@walkerville.sa.gov.au