



**H 7.8 Conversion of Class 10a (Sheds) to Class 1a (Dwellings) and Enforcement of Illegal Occupation and Construction**

<b>POLICY</b>	In accordance with the detail Conversion of Class 10a (Sheds) to Class 1a (Dwellings) and Enforcement of Illegal Occupation and Construction policy as Attachment H7.8
<b>OBJECTIVES</b>	<ul style="list-style-type: none"> <li>• Protect the visual amenity of an area;</li> <li>• Maintain a consistent approach in enforcement of legislation;</li> <li>• Ensure our community is protected with safe dwellings which comply with BCA and Australian Standards;</li> <li>• Protect future purchasers of the property; and</li> <li>• Minimise potential liability issues.</li> </ul>
<b>GUIDELINES</b>	<i>Health Act 1911; Building Code of Australia; Town Planning Schemes 3 &amp; 5</i>
<b>HISTORY</b>	Adopted: 15/09/2010
<b>REVIEW</b>	Executive Manager, Regulatory Services



**ATTACHMENT H 7.8  
CONVERSION OF CLASS 10a (SHEDS) TO CLASS  
1a (DWELLINGS) AND ENFORCEMENT OF ILLEGAL  
OCCUPATION AND CONSTRUCTION**

**Definitions**

“Substantially commenced” is defined as:

The building, as approved, constructed so to be at lock up stage with outer walls and roof and internal floors completed and also comprising of a working toilet, shower or bath, wash hand basin and a working laundry

**POLICY**

1. The conversion of Class 10a (sheds) to Class 1a (dwellings), will **not** be permitted, as from **15 September 2010**.  
*(In accordance with the authority given to Council by regulation 22 of the Building Regulations 1989); and*
2. Retrospective approval or consent will **not** be given for conversion, use or adaption of a Class 10a (shed), to that of a Class 1a (dwelling).  
*(In accordance with the authority given to Council by clause 144 of the Health Act 1911 and Clause 22 of the Building Regulations 1989);*
3. Previously (that is, prior to adoption of this policy), approved conversions from Class 10a (sheds) to Class 1a (dwellings), which are **not** constructed in accordance with the approved Building Licence, and where the Building Licence has lapsed (that is, it is outside the 2 year approval currency), no renewals or additional licence for the conversion will be granted;
4. Construction of approved Class 1a (dwellings) and/or construction of approved conversions from Class 10a (sheds) to Class 1a (dwellings), **not** constructed in accordance with the approved Building Licence, and where the Building Licence has lapsed (that is, it is outside the 2 year approval currency), Council officers may issue a Notice which:
  - Requires the owners to apply for a new Building Licence to construct a Class 1a (dwelling), or



- Nominates the classification of the existing building, other than a Class 1a (dwelling), or
  - Requires dismantling and removal of the illegally constructed building or structure; and
5. Where construction of any dwelling is not in accordance with the approved Building Licence, and the dwelling is considered to be substantially commenced, and is within the 2 year approval currency, Council officers may issue a notice requiring the owner to comply with the building licence approval within the remaining Building Licence currency timeframe.
- Should any notice issued as above not be complied with within the nominated timeframe, legal action may be instigated.
6. Where approval has been given by the Local Government for a Class 10a building to be used as a dwelling while a Class 1a dwelling is being constructed and the two year approval currency expires (unless the Class 1a dwelling is near completion), the owner/owners will be required to vacate the Class 10a building and re-apply for a permit to reside in it.

In extenuating circumstances and under strict conditions, an application for conversion may be considered by Council.