

# Minor Domestic Structures



## Introduction

This Information Brochure deals with minor domestic structures such as carports, garages, pergolas, tool sheds 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 – no approval required

### Pergolas

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.

### Freestanding Outbuildings

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
- the property is not in the Hills Face Zone or Watercourse Policy Area 19; and
- it is less than 15m<sup>2</sup> in floor area; 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 (i.e. on a corner allotment).

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.

### Shade Sails

A shade sail does not require Council approval if:

- it is made of a permeable material (i.e. allows water and wind through it); and
- it has an area no greater than 20m<sup>2</sup>; 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.

### Verandahs/Hard Roofed Pergolas and Carports

A verandah, hard roofed pergola or carport requires Council Approval.

### Excavation, Filling and Retaining Walls

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

- the property is in the Hills Face Zone or the Watercourse Policy Area 19; or
- 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 2.1m (measured to the lowest side).

### 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 10m<sup>2</sup>; and
- the tank is located wholly above ground level; and
- it has no part higher than 4m above natural ground level.

### Fences

A fence not exceeding 2.1m in height (measured from the lower of the 2 adjoining finished ground levels) does not require Council Approval, other than:

- if the fence is located on a property in the Hills Face Zone or the Regional Centre Zone; or

# Minor Domestic Structures

- if the fence is located on a property that is a Local or State Heritage Place; or
- a masonry fence (including masonry pillars) that exceeds 1.0m in height; or
- a brush fence or gate (predominantly consisting of Broombrush – *Melaleuca uncinata* or similar forms of material) that is closer than 3 metres to an existing or proposed dwelling; or
- a fence that exceeds 1.0m in height within 6.0m of the intersection of 2 boundaries on a corner allotment (see Figure 1), other than where a 4 x 4 metre corner cut-off has already been provided and is preserved (see Figure 2).

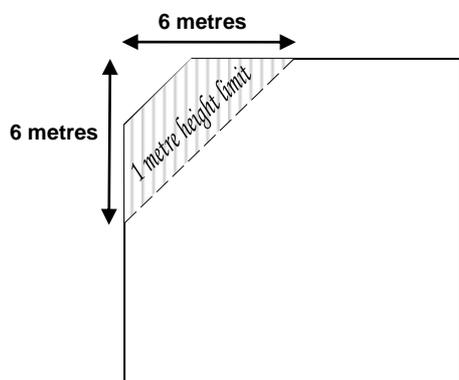


Figure 1. Fence height restriction on a corner allotment (where the corner cut-off is less than 4 x 4 metres)

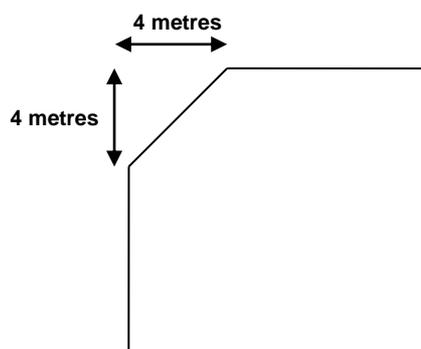


Figure 2: Example of 4 x 4 metre corner cut-off

## Solar Panels

Solar photovoltaic panels require development approval from Council if the total weight of the panels exceeds 100kg.

However, if the total weight of panels exceeds 100kg, the panels will not require Council approval if:

- the weight load of the panels is distributed so that it does not exceed 100kg at any 1 point of attachment to the roof; and

- the panels, and any associated components, do not overhang any part of the roof; and
- the panels are fitted parallel to the roof with the underside surface of the panels located no more than 100mm above the surface of the roof; and
- the solar photovoltaic system is installed by an installer accredited by the State Government.

## Decks

A deck does not require Council approval if:

- the property is not in the Hills Face Zone; and
- the property is not a Local or State Heritage Place; 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.

## 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.

## Aerials, antennas & satellite dishes

A non-load-bearing aerial, antenna, mast, open framed tower or other similar structure does not require Council approval if:

- the property is not in the Hills Face Zone; and
- the property is not a Local or State Heritage Place; and
- if freestanding, it is less than 7.5m high (unless to be used solely by a person who holds an amateur licence under the Radio Communications Act 1992 of the Commonwealth, in which case 10m); and
- if attached to a building, it is less than 2m above the top most point of attachment to the building, disregarding any attachment by guy wires (unless it is a non-residential zone, in which case 4m); and
- in the case of a microwave, satellite or other form of communications dish, the diameter of the dish is less than 1.2m (unless it is in a non-residential zone, in which case 2.4m diameter).

# Minor Domestic Structures



## 2. Building Rules Consent only required (Schedule 1A)

Certain types of minor domestic structures require Building Rules Consent only and not Development Plan Consent. Please note that Schedule 1A is not applicable in the Hills Face Zone or in relation to Heritage places.

### Outbuildings

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

- (a) is detached from and ancillary to a dwelling erected on the site; and
- (b) is not being constructed, added to or altered so that any part of the outbuilding is situated—
  - i. in front of any part of the building line of the building to which it is ancillary; or
  - ii. (ii) within 900 millimetres of a boundary of the allotment with a secondary street (if the land has boundaries on 2 or more roads); and
- (c) in the case of a garage—is set back at least 5.5 metres from the primary street; and
- (d) complies with the following requirements as to dimensions:
  - i. a total floor area not exceeding 40 square metres;
  - ii. a wall height not exceeding 3 metres (measured as a height above the natural surface of the ground and not including a gable end);
  - iii. a roof height where no part of the roof is more than 5 metres above the natural surface of the ground;
  - iv. if situated on a boundary of the allotment—a length not exceeding 8 metres; and
- (e) if situated on a side boundary of the allotment—
  - i. will not result in all relevant walls or structures located along the boundary exceeding 45% of the length of the boundary; and
  - ii. 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
- (f) if ancillary to—
  - i. 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
  - ii. 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
- (g) in the case of a garage—
  - i. will not have an opening or openings for vehicle access facing a street frontage that exceed, in total, 7 metres in width; and
  - ii. 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
  - iii. the garage is located so that vehicle access—
    - a. 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
    - b. under the Act has been granted as part of an application for the division of land; or
    - c. 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
    - d. will not require a driveway because the kerbing is formed in a manner that allows a vehicle to roll over it; and
  - iv. 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; and
- (h) if clad in sheet metal—is pre-colour treated or painted in a non-reflective colour; and
- (i) does not involve—
  - i. excavation exceeding a vertical height of 1 metre; or
  - ii. filling exceeding a vertical height of 1 metre,
  - iii. and if the development involves both excavation and filling, the total combined excavation and filling must not exceed a vertical height of 2 metres.

### Carports and verandahs

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

- (a) is ancillary to a dwelling erected on the site; and
- (b) 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
- (c) is set back at least 5.5 metres from the primary street; and

# Minor Domestic Structures



- (d) complies with the following requirements as to dimensions:
- i. a total floor area not exceeding 40 square metres;
  - ii. 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);
  - iii. a roof height where no part of the roof is more than 5 metres above the natural surface of the ground;
  - iv. 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
- (e) 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
- (f) if ancillary to—
- i. 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
  - ii. 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
- (g) in the case of a carport—
- i. will not have an opening or openings for vehicle access facing a street frontage that exceed, in total, 7 metres in width; and
  - ii. 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
  - iii. the carport is located so that vehicle access—
    - a. will use an existing or authorised driveway or access point under section 221 of the Local Government Act 1999, or
    - b. 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

- c. will not require a driveway because the kerbing is formed in a manner that allows a vehicle to roll over it; and
- iv. 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
- v. if any part involves cladding in sheet metal—will have cladding which is pre-colour treated or painted in a non-reflective colour.

## Swimming pools

The construction or alteration of, or addition to, a swimming pool, which—

- (a) is ancillary to a dwelling erected on the site; and
- (b) is not being constructed, added to or altered so that any part of the pool is within 1 metre of a boundary of the allotment; and
- (c) is not being constructed, added to or altered so that any part of the pool is situated in front of any part of the building line of the building to which it is ancillary; and
- (d) does not have a filtration system located—
  - i. in the case of a filtration system enclosed in a solid structure that will have a material impact on the transmission of noise—within 5 metres of a dwelling located on an adjoining allotment; or
  - ii. in any other case—within 12 metres of a dwelling located on an adjoining allotment.

**OR** the construction of a swimming pool associated with a dwelling and intended primarily for use by the occupants of that dwelling, and which is not designed to be permanently in place or to be fixed in any way when in use.

## Shade sails

The construction of a shade sail, if—

- (a) the shade sail is to consist of permeable material; and
- (b) the area of the sail will not exceed 40 square metres; and
- (c) no part of the sail will be—
  - i. 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
  - ii. 5 metres above ground or floor level (depending on where it is situated) within any other part of the allotment; and
- (d) 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

# Minor Domestic Structures



- (e) 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
- (f) 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.

## Water tanks (above ground)

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

- (a) the tank is part of a roof drainage system; and
- (b) the tank has a total floor area not exceeding 15 square metres; and
- (c) the tank is located wholly above ground; and
- (d) no part of the tank is higher than 4 metres above the natural surface of the ground; and
- (e) 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
- (f) in the case of a tank made of metal—the tank is pre-colour treated or painted in a non-reflective colour.

## Water tanks (underground)

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

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

## Solar photovoltaic panels

The installation, alteration, repair or maintenance of a system comprising solar photovoltaic panels on the roof of a building if—

- (a) the panels (and any associated components) do not overhang any part of the roof; and
- (b) the panels are fitted parallel to the roof with the underside surface of the panels being not more than 100 millimetres above the surface of the roof

## Internal building work

Work undertaken within a building, if—

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

## 3. Complying Development (Schedule 4)

Certain types of development as classified as “complying”, which means that Development Plan Consent must be granted, but assessment for Building Rules Consent is still required. Please note that Schedule 4 is not applicable in the Hills Face Zone or in relation to Heritage places.

### 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.

### Outbuildings

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

- (a) the outbuilding is detached from and ancillary to a dwelling erected on the site; and
- (b) the outbuilding is not being constructed, added to or altered so that any part of the outbuilding is situated—
  - i. in front of any part of the building line of the building to which it is ancillary that faces the primary street; or
  - ii. within 900 millimetres of a boundary of the allotment with a secondary street (if the land has boundaries on 2 or more roads); and
- (c) in the case of a garage—the garage is set back at least 5.5 metres from the primary street; and
- (d) the outbuilding complies with the following requirements as to dimensions:
  - i. a total floor area not exceeding 60 square metres;
  - ii. a wall height not exceeding 3 metres (measured as a height above the natural surface of the ground and not including a gable end);
  - iii. a roof height where no part of the roof is more than 5 metres above the natural surface of the ground;
  - iv. 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
- (e) if situated on a boundary of the allotment (not being a boundary with a primary street or a secondary street)—
  - i. the development will not result in all relevant walls or structures located along the boundary



# Minor Domestic Structures

- ii. 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
- (g) in the case of a carport—
  - i. 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
  - ii. 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
  - iii. the carport is located so that vehicle access—
    - a. 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
    - b. 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
    - c. will not require a driveway because the kerbing is formed in a manner that allows a vehicle to roll over it; and
  - iv. 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; and
- (h) the development does not involve—
  - i. excavation exceeding a vertical height of 1 metre; or
  - ii. 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.

## 4. Development Plan Consent is 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. The following requirements of the Marion Council Development Plan should be met:

## Garages, Carports, Verandas and Outbuildings

Garages, carports, verandahs and outbuildings located in the Residential Zone, whether freestanding or not, should not dominate the streetscape and be designed within the following parameters:

Parameter	Value
Maximum floor area	60 square metres
Maximum wall or post height	3 metres
Maximum building height	5 metres
Maximum height of finished floor level	0.3 metres
Minimum setback from a primary road frontage	Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc. which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.
Minimum setback from a secondary road frontage	0.9 metres or in-line with the associated dwelling (whichever is the lesser)
Minimum setback from a rear or side vehicle access way	1 metre
Minimum setback from side or rear boundaries (when not located on the boundary)	0.6 metres for an open structure, or 0.9 metres for a solid or enclosed wall
Maximum length on the boundary	8 metres or 45 per cent of the length on that boundary (whichever is the lesser)
Maximum frontage width of garage or carport with an opening facing the street	6 metres or 50 per cent of the width of the front façade of the dwelling to which the garage or carport is associated (whichever is the lesser)
Maximum frontage width of garage or carport with an opening facing a rear access lane	No maximum

Garages, carports, verandas and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.

# Minor Domestic Structures

## Private Open Space

Dwellings should include POS that conforms to the requirements identified in the following table:

Site area of dwelling	Minimum area of POS	Provisions
Less than 175 square metres	35 square metres	Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly accessible from a living room, have an area of 16 square metres with a minimum dimension of 4 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres.
175 square metres or greater	20 per cent of site area	Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres.

Private open space should not include:

- any area covered by a dwelling, carport, garage or outbuildings
- driveways, effluent drainage areas, rubbish bin storage areas, site for rainwater tanks and other utility areas
- common areas such as parking areas and communal open spaces
- any area at ground level at the front of the dwelling (forward of the building line)
- any area at ground level with a dimension less than 2.5 metres

A minimum of 50% of the private open space provided should be open to the sky and free from verandas.

## Site Coverage

Site coverage is calculated by dividing the total roofed area of all buildings on the land by the site area. Site coverage for the allotment should not exceed the proportions in the following table:

Policy Area	Maximum Site Coverage	
<b>Cement Hill Policy Area 10</b>	40%	
<b>Hills Policy Area 11</b>	35%	
<b>Medium Density Policy Area 12</b>	Site area > 325 m <sup>2</sup>	building up to 2 storeys: 40% 2 storey building with a 3rd storey within the roof space: 40%
	250 - 325 m <sup>2</sup>	130 m <sup>2</sup>
	< 250 m <sup>2</sup>	100 m <sup>2</sup>
<b>Northern Policy Area 13</b>	40%	
<b>Oaklands Park Policy Area 14</b>	40%	
<b>Racecourse Policy Area 15</b>	60%	
<b>Regeneration Policy Area 16</b>	Site area > 325 m <sup>2</sup>	building up to 2 storeys: 40% 3 storey building: 40%
	250 - 325 m <sup>2</sup>	130 m <sup>2</sup>
	200 - 249 m <sup>2</sup>	100 m <sup>2</sup>
	< 200 m <sup>2</sup>	80 m <sup>2</sup>
<b>Residential Character Policy Area 17</b>	40%	
<b>Southern Policy Area 18</b>	35%	
<b>Watercourse Policy Area 19</b>	-	
<b>Worthing Mine Policy Area 20</b>	50%	
<b>Coastal Policy Area 21</b>	35%	

## What details are required?

When you lodge a Development Application for a minor domestic structure, the following should be submitted to the Council:

- A completed Development Application Form
- The relevant fees *\*(refer to the Fee Schedule on the back of the Development Application Form)*
- A current copy of the Certificate of Title for the property
- One copy of a site plan
- One copy of elevations of the proposed structure
- One copy of all construction details including:
  - size and location of posts;
  - size and spacing of all support beams and fascias;
  - brand name, type and pitch of roof cladding;

# Minor Domestic Structures



- method of fixings (beams to posts, beams to walls, roof cladding to walls etc)
- the size of concrete footing pads supporting posts; and
- size of gutters, location of downpipes and the disposal of roof water including stormwater detention if applicable.

*Note: Brand name garages and tool sheds are produced by manufacturers who have had their products designed by Engineers. These designs are submitted to Council for approval and are held on file. Applicants wishing to design their own garages, sheds, carports or verandahs may be required to provide Engineering Calculations to justify their designs.*

For more information, please refer to the Information Brochure titled [Information to be Submitted with an Application](#).

## Other Information

### Public Notification

Some types of residential developments require public notification. For more information, please refer to Council's information brochure titled "Public Notification".

### Stormwater Detention

In residential areas north of Seacombe Road, all new houses must be provided with an on-site stormwater detention/retention system (this slows the flow of stormwater that is discharged to the street water table). Stormwater Detention Systems should be designed to meet the runoff flow requirements contained in Council's information brochure titled [Stormwater Detention Retention](#).

### Easement and Encumbrances

The Certificate of Title for a property contains information regarding the location and nature of any easements and the details of any encumbrances that apply to the land. If your proposed development extends over an easement or is affected by an encumbrance on your property, documentation must be submitted to the Council demonstrating that the authority controlling the easement (e.g. SA Water, SA Power Networks) have approved the proposed development.

### Regulated and Significant Trees

Any work that may substantially damage or affect a regulated or significant tree or trees requires approval from the Council. For clarification on what a regulated/significant tree is and what are considered to be tree damaging activities, please refer to Council's information brochure titled [Regulated & Significant Trees](#).

## Want to Know More?

The above information is advisory only. It is intended to provide a guide and a general understanding of the key points associated with the particular topic. It is not a substitute for reading the relevant legislation or the Development Plan. It is recommended that if you are intending to undertake development, you seek professional advice or contact the Council for any specific enquiries or for further assistance concerning the use and development of land.

## Contact Details

### City of Marion - Development and Regulatory Services Department

245 Sturt Road  
Sturt SA 5047

PO Box 21  
Oaklands Park SA 5046

Telephone (08) 8375 6685  
Facsimile (08) 8375 6899

Email [council@marion.sa.gov.au](mailto:council@marion.sa.gov.au)  
Website <http://www.marion.sa.gov.au>