

Shed Habitation: Information Sheet



*South Gippsland
Shire Council*

What is a shed?

For the purposes of this document, the term “shed” refers to any building, part of a building, space or area which has not been designed or approved for habitation.

What is habitation?

Habitation means living or sleeping in a shed, even if the activity only occurs from time to time.

What is the issue?

Sheds are designed for storage, not for habitation.

Amongst the many construction requirements that apply to a dwelling, sheds don't meet the necessary standards for:

- Structural safety
- Fire safety
- Weather resistance
- Mould
- Condensation
- Rising damp
- Insulation
- Energy efficiency; and more.

A number of deaths have been recorded as the result of the habitation of sheds.

Converting a shed to a dwelling (making it suitable for habitation) requires a building permit to be issued prior to the commencement of work, to ensure that all relevant standards have been met.



Why does Council get involved?

The *Building Act 1993* and the *Planning and Environment Act 1987* determine the requirements for the location and construction of buildings to ensure they are suitable for habitation. Council officers are authorised under these Acts and must act when they become aware of a building being used for habitation without the necessary approvals.

There have been several legal precedents that clearly reinforce Council's duty to enforce these requirements.

What should you do if you are living in a shed?

Living or sleeping in a shed is illegal and potentially dangerous. The situation needs to be resolved and you must take action.

Resolution can take a few different forms:

- **Cease the occupation of the shed.**

The simplest solution is to find alternate accommodation and remove the habitable features from the shed (usually beds and cooking facilities).

- **Get the shed certified for use as a dwelling.**

This approach can offer long-term benefits, as you will end up with a legitimate dwelling at the end of the process. Unfortunately, this approach can be prohibitively expensive and, in some cases, impractical/impossible to achieve.

To be considered as a dwelling, the shed will need to comply with all of the relevant requirements of –

- ***The Planning & Environment Act 1987;***
- ***The South Gippsland Planning Scheme;***
- ***The Building Act 1993;***
- ***The Building Regulations 2018;***
- ***The National Construction Code (NCC),*** and
- ***The Public Health and Wellbeing Act 2008***

This is typically too much for most people to work through without some professional assistance (See "Resources" below).

Many people start down this pathway but pull out once they realise how difficult and expensive it is. If you would like to investigate this option, we strongly suggest that you seek professional advice and do your research. You need to be fully aware of what you're getting into before you start.

Council cannot allow you to continue to live in the shed whilst you go through the certification process.

Camping on Private Land

Camping on Private land, in a caravan or the like, is permitted under the South Gippsland Shire General Local Law and may be a suitable temporary alternative to sleeping in a shed.

More information about camping on private land is available in the Camping on **Private Land Code of Practice**.

Our Documentation

Council will sometimes issue a *Building Notice* or *Building Order* which sets out our concerns regarding the building or directs you to take action(s). These legal documents are the beginning of our formal enforcement processes. These documents are written in a language and form which is provided by State Government, and which we are obliged to use. They are very formal and can be difficult to understand. If you need help in understanding or responding to these documents please contact Council, or a building professional for assistance.

- **Building Notice**
If we identify compliance or safety concerns with buildings on your property, we may issue a Building Notice. The notice sets out our concerns and provides you with an opportunity to explain either why our concerns don't need to be addressed or what you intend to do to rectify the issues. A Building Notice does not require you to do any work, just to respond to our concerns.
- **Building Order**
A Building Order is a legal direction to undertake certain work, of which is detailed in the order. The work must be completed by the specified time and penalties can be applied if you do not comply with a Building Order.

Resources

Council recognises that this can be a difficult and traumatic process. Whilst we are obliged to enforce the law, we would prefer to work with you in a cooperative manner to resolve any issues. We are happy to provide advice and guidance wherever it is possible or appropriate.

If you would like to investigate the option of having the shed certified as a dwelling, you are likely to need the advice and assistance of industry professionals.



- The first step in the certification process is to find out if you need planning permission and apply for a permit, if required.
- Council's Statutory Planning team are happy to discuss what planning requirements (if any) apply to your property. They can also provide guidance on how to make a planning permit application, if required.
- A list of some industry professionals (engineers, drafts-people, building surveyors, etc) who service the South Gippsland area is available [here](#).

If you are feeling that you need personal support services, beyond that of Council or a building professional, we recommend you reach out for assistance from service such as:

- **The Salvation Army Leongatha**
03 5667 5200
- **Beyond Blue**
Chat with a counsellor
www.beyondblue.org.au
1300 224 636
- **Lifeline**
24/7 Crisis support & suicide prevention
www.lifeline.org.au
13 11 14
- **Department of Families, Fairness and Housing**
Crisis/Supported Accommodation
<https://services.dffh.vic.gov.au/housing>
- **Housing VIC**
www.housing.vic.gov.au/contact-housingvic
1800 825 955
- **Gippsland Homelessness Network**
www.gippslandhomelessnessnetwork.org.au/help

We understand that this can be a very difficult and stressful process. If you are making a genuine attempt to resolve the matter, we are happy to guide and assist you in any way we can.

For more information, please contact Council's Building or Statutory Planning teams on 03 5662 9200 or via email at Council@SouthGippsland.vic.gov.au.

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