

GARDEN SHED GUIDELINE

Planning a new garden shed? This guide explains when a garden shed may be exempt from a Building Permit, what requirements apply in Nhulunbuy, what information you may need to provide to NCL and what to check before you start work. IMPORTANT: Some garden sheds may not require a Building Permit or Certification of Completion where they meet the requirements of Building Note 114 (BN114). However, planning, lease, setback, excavation, infrastructure and other NCL requirements may still apply and Minor Works Form still has to be submitted.

1. Check your property setbacks

Your garden shed must comply with the applicable planning and development requirements.
As a general guide, side and rear setbacks in Nhulunbuy are 1.5 m from the property boundary. If your proposed shed is closer than 1.5 m to a boundary, contact NCL before finalising your design or purchasing the shed.
A variation to the setback requirement may be possible in some circumstances. Depending on the proposed location and the applicable planning requirements, you may need to apply for a Development Permit to vary the required setback.
Make sure you know where your legal property boundary is before locating your shed. NCL does not determine private property boundaries. If you are unsure where your boundary is, you may need advice from a licensed surveyor.
A survey or additional information may be requested where the location of the proposed shed cannot be clearly established or where the shed is proposed close to a property boundary.

2. Which application pathway?

MINOR WORKS	BUILDING APPLICATION
May apply where the garden shed meets the requirements of Building Note 114 and the relevant NCL requirements. • The floor area is less than 15 m² • The shed is no more than 2.5 m high • The shed is constructed from lightweight materials • The shed is freestanding and not attached to another building • The shed is not connected to plumbing or drainage services • The shed is used only for storage and non-commercial purposes	A Building Application may be required where the proposed shed: • Is 15 m² or larger • Exceeds 2.5 m in height • Does not meet the BN114 requirements • Is attached to another building • Includes plumbing or drainage • Is proposed for commercial use • Otherwise requires building certification

IMPORTANT: Being exempt from a Building Permit does not mean the shed is exempt from planning, lease, setback, excavation or other applicable requirements. Contact NCL if you are unsure which pathway applies.

Do I need private certifier?

Some garden sheds may require an Out of Area (OOA) Design Compliance Certificate, particularly those in commercial or industrial areas, or designs requiring engineering certification. Where an OOA Design Certificate is required, the applicant will need to engage a private certifier to assess and certify the proposed works. The certifier's documentation must be provided as part of the Building Application submitted to NCL.

2. How big can my shed be?

For a garden shed to fall within the enclosed storage exemption under BN114, it must have a floor area of less than 15 m² and must not exceed 2.5 m in height.

For example:

- A 3.0 m × 3.0 m shed has a floor area of 9 m²
- A 3.0 m × 4.0 m shed has a floor area of 12 m²
- A 3.5 m × 4.0 m shed has a floor area of 14 m².
- A 3.0 m × 4.5 m shed has a floor area of 13.5 m².
- A 3.75 m × 4.0 m shed has a floor area of 15 m² and therefore does not meet the “less than 15 m²” floor-area limit

3. Keep clear of underground services

Underground services	Before installing your shed, check the location of underground services and infrastructure, including sewer mains, water mains, electrical services, telecommunications and other underground infrastructure or easements.
Shed location	A shed must not be located over services or infrastructure where this would conflict with access, maintenance or other applicable requirements.
Excavation Permit	An Excavation Permit is required where excavation or ground disturbance is proposed, including for concrete slabs, footings or other foundations.
Before excavation	An Excavation Permit helps identify underground services before the works. Do not start excavation until any required Excavation Permit has been approved.

3. What do i need to submit?

MINOR WORKS	BUILDING APPLICATION	BOTH PATHWAYS
• NCL Minor Works form and declaration • Site plan • Drawings or manufacturer’s specifications, including footing details • Excavation Permit application (• Sub-lessee approval	• NCL Building Application • Excavation Permit application • Site plan • Section 40 Design Certificate and/or manufacturer’s specifications • Sub-lessee approval • Out of Area Design Certificate (where applicable)	Your site plan should show: • Property boundaries • Structure location • Distance from boundaries and buildings Include all required documents with your application to avoid delays.

5. Before you build

- Confirm the shed dimensions.
- Check the maximum height.
- Check the applicable boundary setbacks.
- Confirm your legal property boundary.
- Check the location of underground services.
- Check whether an Excavation Permit is required.
- Confirm whether the shed requires a Building Application.
- Check your lease or sublease requirements.
- Obtain any required owner or sub-lessee approval.
- Make sure the shed is suitable for local conditions.

FREQUENTLY ASKED QUESTIONS

What happens if my shed is exactly 15 m²?
BN114 specifies a floor area of less than 15 m². A shed with a floor area of exactly 15 m² does not fall within that particular size limit. Contact NCL to determine whether a Building Application is required.

Can I put a garden shed right on my boundary?
Do not assume that you can. The applicable planning and development requirements must be checked before locating the shed. If your planned shed is going to be close to the property boundary, please contact NCL before purchasing or installing it.

Can I build a shed within 1.5 m of my boundary?
Yes, it may be possible. If your proposed shed is closer than 1.5 m to the property boundary, contact NCL before finalising your design or purchasing the shed.
A variation to the setback requirement may be possible in some circumstances. Depending on the proposed location and applicable planning requirements, you may need to apply for Development Approval, including a Development Permit.

Do I need a survey?
A survey may be requested where the location of the proposed shed cannot be clearly established or where the shed is close to a property boundary. If you are unsure where your legal boundary is, seek advice from a licensed surveyor.

Can I put my shed over a sewer or other underground service?
You should not construct a shed over underground services or infrastructure without first confirming that the proposed location is acceptable.
The property owner is responsible for checking the location of underground services and ensuring the proposed shed does not prevent access to, or interfere with existing infrastructure.
If a shed is installed over or too close to infrastructure without the required approval, the owner may be responsible for any costs associated with relocating, modifying or removing the shed to allow access to the infrastructure.

Do I need an Excavation Permit for my shed?
Yes. An Excavation Permit is required where excavation or ground disturbance is proposed. This is particularly important where you are installing a concrete slab, footings or other foundations.

What happens if my shed does not comply?
If a shed does not comply with the applicable approval, planning, setback, building or other NCL requirements, Nhulunbuy Corporation may require the issue to be rectified. This may include modifying, relocating or removing the shed. The property owner may be responsible for any associated costs.

Can I use my shed for a home business?
The BN114 enclosed storage exemption applies to structures used for storage and non-commercial purposes. If you intend to use the shed for a business or commercial activity, contact NCL before proceeding.

What if my shed is larger than 15 m²?
A shed that does not meet the BN114 requirements will require a Building Application.

Can I install a pre-fabricated or kit garden shed?
Yes, but being a pre-fabricated or kit shed does not automatically mean that approval is not required. The finished structure must still meet the applicable requirements, including size, height, location, construction and use requirements.

Can I build the shed myself?
Whether you can construct the shed yourself depends on the type of work and whether a Building Permit or other certification is required. If the shed does not fall within the BN114 exemption, additional building requirements may apply.

Can I replace an existing shed?
Yes, but you may need to check the approval requirements before replacing it. A replacement shed is generally treated as new building work, so the new shed must meet the applicable size, height, setback and other requirements.
If the replacement shed meets the BN114 exemption requirements, a Building Permit may not be required. However, other NCL requirements, such as setbacks, excavation and underground services, may still apply.

What if my shed is already built?
If you have an existing shed and are unsure whether the required approvals were obtained, contact NCL for advice before undertaking further work, transferring the property or replacing the shed. Retrospective approval may not always be possible, particularly where the existing structure does not comply with current requirements.

Can I start work before approval is granted?
No. Where approval is required, do not commence work until the relevant approval has been issued by Nhulunbuy Corporation.
If you choose to commence work before confirming the approval requirements, you do so at your own risk. If the work does not comply with the applicable requirements, you may be required to modify, relocate or remove the structure, and the property owner may be responsible for any associated costs