

GENERAL – BUILDING DEVELOPMENT APPLICATIONS

Enquiries to: Building Department
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INFORMATION PROVIDED IN THIS SHEET

This general information sheet relates to applications for building work and:

- a) Details the factors which determine the requirement for an application;
- b) Provides a general list of most common types of building projects and indicates if a permit is required.

This information is to be read in conjunction with separate Information Sheets available from Council regarding siting requirements for Class 1 and Class 10 buildings and on documentation required for applications for specific types of building projects.

INFORMATION SOURCE / LEGISLATION

Building Regulations 2021 – Schedules 1 and 2 (details exempt and self-assessable building work)
Queensland Development Code MP1.1 and MP1.2 (details siting requirements for Class 1 and 10 buildings/structures)
QDC MP1.4 Buildings over or near relevant infrastructure.
Planning Act 2016 (details types of development, procedure for assessing a development application)
These regulations/acts can be accessed on the website: www.hpw.qld.gov.au

FACTORS REQUIRING OR AFFECTING A BUILDING APPLICATION

1. The Planning Scheme

- Building development must initially be compliant with the current Planning Scheme.
- Where the Planning Scheme guidelines conflict with a building regulation, then the planning scheme guidelines override the building regulation.
- A Planning Scheme generally comprises of a Zone Code and Special Feature Codes. The Zone Code governs what type of development can occur on a property. The Special Feature Codes informs of natural or man-made features which may impact on how the site can be developed, for example – drainage problem, steep land, etc.
- Before a building application is submitted, the proposed development MUST be checked against the Planning Scheme relevant to the property to determine if the work complies with the Scheme.
- If the work cannot comply with the requirements of the Scheme, then it is likely an application for a development permit will be required. If approval is required under the Planning Scheme, then that approval must be obtained before a permit for the building work can be issued.

2. Boundary Setback Requirements For Buildings

A Planning Scheme may govern the boundary setback requirements for proposed buildings. If the development cannot comply with the Scheme, then an application for development approval is required (refer to 1. above) prior to lodging a building application. Note: Goondiwindi Regional Council has setback requirements that are inconstant with the QDC and these cap precedents.

The Queensland Development Code, Mandatory Parts 1.1, 1.2 and 1.4 governs the siting requirements of Class 1 (dwellings) and Class 10 buildings and structures (non-habitable ancillary buildings). Where a Class 1 or Class 10 building /structure cannot comply with the Code, then an application for preliminary decision seeking a variation of that legislation is required. If approved, then an application for building development approval is required before the work may commence. Council information sheets are available on this subject or refer to the legislation on the relevant website.

Where there is a conflict between the Planning Scheme and the Queensland Development Code, the Planning Scheme will override the Code.

3. Design Standard of the Building Work – Cyclonic or Non-Cyclonic

Under the National Construction Code of Australia, areas of Australia are categorised according to the *probability* of being subject to cyclonic conditions (i.e. non-cyclonic or cyclonic). The design of building work is to comply with requirements of the calculated wind rating of the property. For confirmation of the wind category for a property, contact your nominated QLD Registered Practising Engineer, Building Designer or the authority nominated to assess the application.

Goondiwindi Regional Council area is located in non-cyclonic areas.

4. Building Over or near relevant infrastructure (Section 65 of the *Building Act 1975* MP1.4 QLD Development Code)

Infrastructure includes sewer, water, drainage or other services and may be located within an easement. Where no registered easement is stated, the minimum clearance distances from the centre line of the service is required. If the sewer main is deeper than 2m in the ground, the clearance is to be the same distance as the depth. Building work cannot occur within the stated distance unless written consent/approval has been obtained from Council. Enquiries may be referred to Council's Infrastructure Planning Unit

5. Easements / Covenants

Under s 65 of the *Building Act 1975*, building work cannot occur over an easement / statutory covenant unless the registered holder of the easement/covenant has given consent. Easements and covenants are detailed with registered plans which can be viewed from the Registered Titles Office.

6. Determining if A Building Permit Is Required

Building work is categorised as a type of development. Refer to the categories and explanations below.

Exempt	<ol style="list-style-type: none">i. No permit is required. The owner is responsible for the standard of the work.ii. Schedule 2 of the Building Regulations 2021 lists exempt building work.
Self-assessable	<ol style="list-style-type: none">i. No permit is required <i>if</i> the work can comply with the prescribed codes and regulations.ii. s232(1) of the <i>Planning Act 2016</i> states where the work complies with the 'prescribed list' of building work, then it is self-assessable and will not require a permit.iii. s236 of the <i>Planning Act 2016</i> also emphasises that 'self-assessable development must comply with applicable codes'.iv. Schedule 1 of the Building Regulations 2021 lists the prescribed work. <p>If it cannot comply with the prescribed code/regulation then the development is assessable.</p>
Assessable	<ol style="list-style-type: none">i. A permit is required (<i>Planning Act 2016</i> – Part 2). Note in some instances the development may be assessable against the Planning Scheme as well as building regulations/codes.
Prohibited	<ol style="list-style-type: none">i. An application to request assessment cannot be made for development if it is prohibited under the Planning Scheme.

The table at the end of this document details the development category for types of building projects as per Schedule 1 and 2 under the Building Regulations 2021. For confirmation if a proposed development requires planning approval please arrange for an appointment with Council's Planning Officer.

MAKING AN APPLICATION FOR A BUILDING APPROVAL

What Documents Are Required to Submit a Development Application for Building Work?

Council has a number of information sheets available on its website providing specific information relating to different types of building projects, i.e.: dwellings, garage/carports, etc.

How is an Application Processed?

The process for assessing an application is legislated under the *Planning Act 2016* which can be viewed on the government website www.hpw.qld.gov.au.

ENQUIRIES

Enquiries may be directed to Council's Building Department via Customer Service: 07 4671 7400

SOURCE OF INFORMATION / FORMS / LEGISLATION / WEBSITE DETAILS

- The Queensland Development Code: Website: www.hpw.qld.gov.au or www.legislation.qld.gov.au
- Building Regulations 2021: Website: as above
- The Building Act 1975: Website: as above
- *Planning Act 2016*: Website: as above
- The National Construction Code of Australia: Require subscription to access on the web
- The Planning Scheme: Council website: www.grc.qld.gov.au
- Council Policy / Information Sheets: Council website as above
- Application Form 1 and 2: <http://www.hpw.qld.gov.au>

WHAT BUILDING WORK REQUIRES A DEVELOPMENT PERMIT

The following table lists common types of building work. Queries may be directed to your building certifier.

Type of Work	Guideline / Comment
Aerial / Antenna / Satellite / Dish	No permit is required if either of the following: <ul style="list-style-type: none"> If device is attached to a building, to be no more than 3.5m above the building/structure, or If the device is free standing, to be no more than 10m above the natural ground surface.
Air conditioner – installation, repair, maintenance or alteration	No permit is required if: <ul style="list-style-type: none"> The air conditioner is not an integral part of the building (i.e. is not part of the fire safety system or mechanical ventilation system for the building)
Alterations, repairs, maintenance to a building (non-structural work and does not affect the fire safety system)	No permit is required if the work is for and if it: <ol style="list-style-type: none"> does not change the building/structure floor area of height; AND does not affect a structural component of the building; AND Does not affect the fire safety system of the building.(Includes travel distance to exits)
Alterations, repairs, maintenance to a building (minor structural work)	No permit is required if the work is for, and if it: <ol style="list-style-type: none"> does not change the building or structures floor area of height; AND the work does not affect more than 20% of the building's structural components.
Alterations, repairs, maintenance to a building (non-structural work and affects the fire safety system)	If the work refers to a unit – contact your certifier for confirmation. No permit is required if the work is for, and if it: <ol style="list-style-type: none"> does not change the building/structure floor area of height; AND only affects a minor component (no more than 20%) of the fire safety system (ie does not compromise the safety of the occupants)
Carport, Patio, Open Shade Shelter/Bali Hut	Permit is required
Changing a Classification all or part thereof an existing building	Permit is required. Note: for home business, the size of the office area may determine if a permit is required. Contact your certifier for further information.
Commercial/ Industrial type building (new, alterations, additions)	Permit is required.
Converting a garage portion of a dwelling to a habitable area	Permit is required. To comply with the building codes for light/ air ventilation/ floor height above ground / insulation, etc.
Cubby House – defined as a small roofed, non-serviced structure for non-habitable use by children	No permit is required if: <ol style="list-style-type: none"> Plan area (i.e. includes overhang) is no more than 10 sq.m. AND not higher than 2.4 meters, AND A mean average height of no more than 2.1 m (refer to schedule to calculate this), AND Any side no longer than 5 meters. Note – the roof storm water is not to cause a nuisance to adjoining properties.
Deck	No permit is required if meets following criteria: <ol style="list-style-type: none"> No higher than 1m above the natural ground surface; AND Not more than 10sq.m in area; AND Any side is not more than 5m in length.
Dwelling	Permit is required for:

A new dwelling extensions or additions/alterations to an existing dwelling, removing a dwelling from a site, demolition of a dwelling, or relocating / moving a dwelling to a site.

Type of Work	Guideline/ Comment
Excavation or Filling	No permit is required if: <ul style="list-style-type: none"> a) Cut/fill does not exceed 1 metre; b) The cut embankment has a gradient to suit the soil type (refer to Schedule) c) Any fill embankment is no steeper than 4.0 horizontal to 1.0 vertical d) Any compacted fill embankment has a gradient to suit the soil type (refer to Schedule) e) Planning Approval may be required
Fence (not for a pool)	The permitted height of a boundary fence may vary if the property is a corner allotment (refer to the Queensland Development Code (QDC)). If compliant with the QDC, then no permit is required. If not compliant, then an application for variation to the QDC is required and, if approved, then a development permit is required to carry out the building work.
Fence (for NEW pool)	Permit is required for a new pool in which details of the construction, including gate, must be included with the pool application.
Fence (for an existing approved pool) – minor repairs	Permit is required if: <ul style="list-style-type: none"> a) Fence is related to a shared pools OR b) The Fence is higher than 2 meters above the natural ground surface: No permit is required if: <ul style="list-style-type: none"> a) The work is related to a non-shared pool: and b) If the work is under the supervision of a Licensed Pool Safety Inspector
Flagpole/ Mast/ Tower (non load bearing)	See Aerial. Property must be outside of areas covered by Obstacle Limitation Surfaces Standards of the Civil Aviation Safety Authority.
Heating Devices	No permit required if the device is not an integral part of, or abuts, the building. Work includes installation, repair, maintenance or alteration of a heating device.
Rainwater Tank – No Stand	No permit required if compliant with siting requirements of the development Code MP1.1 or MP1.2 & NCC Part 3.7.1.7
Rainwater Tank – On a Stand	Permit is required. Engineer certification of the stand is required. Siting to Comply with the Queensland Development Code MP1.1 or MP1.2
Retaining Wall Less than One Meter in Height	No permit required if: <ul style="list-style-type: none"> a) There is no surcharge loading over the zone of influence for the wall: AND b) Total height of the wall and the cut or fill is no more than 1m above the wall's natural ground surface, AND c) The wall is no closer than 1.5m to a building or another retaining wall.
Shed – not for agricultural/ horticultural farm purposes	Permit is required regardless of the size.
Shed – used for farm or horticultural purposes only	No permit is required if: <ul style="list-style-type: none"> a) The structure is located more than 200 meters from all the boundaries of the property, and b) The building is used for agricultural / horticultural purposes only.
Shipping Containers – as a temporary storage structure	Permit is required where a container is permanently fixed to footings and services.
Shipping Container – as a permanent Class 10 structure	Permit is required. Application to include engineer certification for tie down.
Signs	No permit is required if it is: <ul style="list-style-type: none"> a) Freestanding, AND b) No higher than two meters, AND c) No wider than 1.2 meters
Sunhoods	No permit required if the area of the sunhood is no greater than 2sq.m.
Swimming Pool / Spa with or without a lockable lid	Permit is required.

	Application must include construction details of the pool safety fence and gate.
Temporary Site Office on a building site (used solely as a Class 5 type building)	No permit is required if the temporary building/structure is a temporary site office, gantry or scaffolding on a building site.
Temporary Home on Site Whilst Constructing the Dwelling	Permit required. This is an application required in accordance with Council Local Law (See separate information sheet). The refers to making an application to reside in temporary residence on a site whilst the dwelling is under construction. Refer to a separate Information Sheet on this matter.
Temporary Pool Fence	Permit is required.
Tents, up to 100sq.m area	Reference s24 (6) Building Regulations 2006. No permit required, located outside a Cyclonic area.