

## Building approval requirements

Within Queensland legislation there are three forms of development:

- Accepted development;
- Accepted development subject to requirements; and
- Assessable development.

Assessable development in respect of building work requires an approval from a private building certifier, whereas accepted development and accepted development subject to requirements does not require an approval.

Examples of accepted development –

- Playground or sporting equipment not more than 3m high above its natural ground surface.
- A tent that is no more than 100m<sup>2</sup> in plan area.
- A shed used for agricultural, floricultural, horticultural or pastoral purposes which is no closer than 200m from a road or a boundary of the land on which it is situated.

Examples of accepted development subject to requirements –

- A free standing structure (i.e. lawn locker/garden shed) that no more than 10 m<sup>2</sup> in plan area and not more than 2.4m high above its natural ground surface, does not have a side longer than 5m in length and is not within the MBRC Planning Scheme front setback requirements.
- A retaining wall that is not more than 1m high and no closer than 1.5m to a building or another retaining wall and does not have a surcharge over the wall's high/fill side (pedestrian and vehicle movement does not constitute a surcharge loading, where as the placement of a large rainwater tank does). It should be noted that once a fence is connected to the wall which makes the overall height >2m above natural ground level; it becomes assessable development.
- A deck that is not roofed, is no more than 10m<sup>2</sup> in plan area, is not attached to another building and is not higher than 1m above natural ground level.

Examples of assessable development –

- Building a dwelling house.
- Building a patio.
- Providing impermeable roofing to an existing pergola.
- Building a storage shed, carport, etc more than 10m<sup>2</sup> in plan area.
- Shade sail structure >10m<sup>2</sup>, or within the MBRC Planning Scheme front setbacks requirements, or within 1.5m of the side or rear boundary setback (under the Amenity & Aesthetics Policy), or attaching a shade sail to a dwelling house or other building.
- Demolishing a building.

### Important:

1. Whilst a building development approval is not required for accepted development and accepted development subject to requirements, the building work must comply and meet all the requirements of the Building Regulation 2006, the Building Code of Australia, the MBRC planning scheme and the Amenity & Aesthetics Policy.
2. Council's consent is also required if the building work is proposed to be undertaken within an easement created in favour of council or over/adjacent to a council stormwater main.
3. All building work must be contained within the property boundary and must not to be connected to a boundary fence.
4. The use of a dwelling as a Bed and Breakfast changes the classification of the building which requires a building development approval from a private building certifier to ensure it is compliant with the requirements of the Building Codes of Australia. If all requirements for accepted development (RAD's) of the applicable codes within the Moreton Bay Regional planning scheme can be complied with, planning development approval from Council is not required.

The following is a legislative description of the development (accepted development and accepted development subject to requirements) that does not require a building development approval:

### Accepted development subject to requirements

#### 1. Work for particular fences

Building work for a fence is accepted development subject to requirements if the fence—

- a) is no higher than 2m above the fence's natural ground surface; and
- b) is not for a swimming pool.

#### 2. Work for particular non-load bearing devices

(1) This section applies to building work for any of the following devices if they are non-load bearing—

- a) an aerial;
- b) an antenna;
- c) a satellite dish with a maximum diameter of 900mm; and
- d) a flagpole, mast or tower, outside areas covered by airport Obstacle Limitation Surfaces Standards (O.L.S.) of the Civil Aviation Safety Authority.

- (2) The building work is accepted development subject to requirements if the device is no more than—
- if the device is attached to a building or structure—3.5m above the building or structure; or
  - if the device is detached from any building or structure—10m above the device's natural ground surface.  
(Note: there is an additional trigger under the Dwelling House Code of the planning scheme of no more than 8.5m above natural ground level)

### 3. Work for particular retaining walls

- (1) Building work for a retaining wall is accepted development subject to requirements if—
- there is no surcharge loading over the zone of influence for the wall; and
  - the total height of the wall and of the fill or cut retained by the wall is no more than 1m above the wall's natural ground surface; and
  - the wall is no closer than 1.5m to a building or another retaining wall.
- (2) In this section— surcharge loading means a load applied to a soil stratum that has, or may have, the effect of consolidating the stratum, other than a load arising only from—
- persons or vehicles on, or moving over, the stratum; or
  - the effects of rain on the stratum.

Example of a surcharge loading is a concrete driveway laid over the stratum.

Zone of influence, for the retaining wall, means the volume of soil stratum behind the wall that affects the wall's structural integrity.

### 4. Particular filling or excavation

Building work that is filling or excavation incorporated as part of your building development approval, which your private building certifier has assessed under the requirements of the Building Regulations, Building Code of Australia and the Moreton Bay Regional planning scheme and overlays.

### 5. Work for particular heating devices

Building work is accepted development subject to requirements if it consists of the installation, repair, maintenance or alteration of a heating device for a building, other than a heating device that is an integral part of, or abuts, the building.

Example is a free-standing pot belly stove or other combustion heater, the chimney of which passes through the building's ceiling and roof space.

### 6. Work for particular signs

Building work is accepted development subject to requirements if it consists of the erection of a sign that is—detached from a building; and

- no higher than 2m; and
- no wider than 1.2m.

### 7. Particular repairs, maintenance or alterations not affecting structural component or fire safety system

Building work that consists of repairs, maintenance or alterations to an existing building or structure is accepted development subject to requirements if they do not—

- change the building or structure's floor area or height; and
- affect a structural component or the fire safety system of the building or structure.

### 8. Particular repairs, maintenance or alterations only affecting minor structural component

(1) This section applies to building work that consists of repairs, maintenance or alterations to an existing building if they—

- do not change the building or structure's floor area or height; and
- are for, or only affect, a minor structural component of the building.

(2) The building work is accepted development subject to requirements if—

- the work does not affect more than 20% of the building's structural components of the same type; or
- if the work is carried out on a sole-occupancy unit in the building—the work and other building work of the same type carried out on the unit in the previous 3 years does not affect more than the lesser of the following—
  - 20% of the unit's gross floor area;
  - 40m<sup>2</sup> of the unit's floor area; or
- if the building consists of stories and the work is not carried out on a sole-occupancy unit—the work and other building work of the same type carried out on the same storey in the previous 3 years does not affect more than the lesser of the following—
  - 20% of the storey's gross floor area;
  - 40m<sup>2</sup> of the storey's floor area.

(3) For subsection (1), (b), a structural component is minor only if—

- a) the component is—
  - a roof beam or lintel supporting no more than 5m<sup>2</sup> of roof area; or
  - a sun hood or sun blind projecting no more than 1m from the building; or
- b) if the work is repairing or maintaining the component—were it not present in the building, the building's general safety and structural integrity would not be at risk; or
- c) if the work is adding the component to the building—the addition does not pose a risk to the building's general safety and structural integrity.

Example for (3), (b) would be replacing a verandah post or replacing a metal connector or bracing member.

(4) In this section— the reference to “building” includes a structure and the reference to “gross floor area”, of a sole-occupancy unit or storey, means the total area of—

- a) all parts of the unit or storey within its external walls; and
- b) any other roofed part of the unit or storey such as a roofed balcony.

## 9. Particular repairs, maintenance or alterations only affecting minor component of fire safety system

(1) This section applies to building work that consists of repairs, maintenance or alterations to an existing building if they—

- a) do not change the building's floor area or height; and
- b) only affect a minor component of the building's fire safety system.

(2) The building work is accepted development subject to requirements if the work—

- a) only affects a minor component of the system; and
- b) does not affect more than 20% of the system's components of the same type.

(3) For subsection (2)(a), a component is minor only if, were it not present in the fire safety system, the safety of occupants of the building would not be compromised.

Examples of a minor component of a fire safety system—a sprinkler head, a smoke alarm.

(4) In this section— the reference to “building” includes a “structure”.

## 10. Work for particular budget accommodation buildings built, approved or applied for before 1 January 1992

(1) Building work is accepted development subject to requirements if it consists of the installation of any of the following for a budget accommodation building—

- a) smoke alarms;
- b) a smoke detection system unless—
  - the system is a 1670 system; and
  - the fire safety standard requires the installation of a 1670 system in the building;
- c) internally illuminated exit signs;
- d) fire extinguishers.

(2) Subsection (1) in this section applies despite section 9 mentioned above.

(3) In this section—a 1670 system means a fire safety system to which AS 1670.1-1995 applies.

## 11. Work for particular temporary things on building sites

Building work is accepted development subject to requirements if it is for a temporary site office, gantry or scaffolding on a building site.

## 12. Erecting particular tents

Building work is accepted development subject to requirements if it consists of erecting a tent if the tent's floor area is no more than 500m<sup>2</sup>.

## 13. Other work for class 10 buildings or structures

(1) This section applies to building work for a class 10a building or class 10b structure, unless the building work is—

- a) within Wind Region C (tropical cyclone area) mentioned in AS 1170.2 SAA Wind Loading Code; or
- b) for a rainwater tank for a new building; or
- c) for a deck that is roofed or higher than 1m above the deck's natural ground surface.
- d) for a regulated pool or its fence; or
- e) for a solar hot water system or photovoltaic solar panel.

Note: Class 10 is a non-habitable building or structure

10a – a non-habitable building being a private garage, carport, shed or the like

10b – a structure being a fence, mast, antenna, retaining or freestanding wall, water tank or the like

- (2) The building work is accepted development subject to requirements if—
- a) the plan area of the class 10 is no more than 10m<sup>2</sup>; and
  - b) the class 10 has, above its natural ground surface—
    - a height of no more than 2.4m; and
    - if the class 10 is not a rainwater tank—a mean height of no more than 2.1m, worked out by dividing its total elevation area facing the boundary by its horizontal length facing the boundary; and
  - c) any side of the class 10 is no longer than 5m.
- (3) Despite subsection (2), the building work is not accepted development subject to requirements if—
- a) another section of this schedule applies to the work; and
  - b) the work does not comply with the requirements under the other section for it to be accepted development subject to requirements.
- (4) In this section— plan area, of the class 10, means the area contained within its extremities after the building work has been completed, including, overhangs and, if the class 10 is existing, its existing area. Rainwater tank means—
- a) a covered tank used to collect rainwater from a building; and
  - b) any stand or other structure that supports the tank.

#### 14. Work for particular air conditioners

Building work is accepted development subject to requirements if it consists of the installation, repair, maintenance or alteration of an air conditioner for cooling or heating a class 1 or class 2 building, other than an air conditioner that is an integral part of the building.

Example of air conditioner that is an integral part of a building—air conditioner that is part of the fire safety system or mechanical ventilation system for the building

#### 15. Work for solar hot water systems or photovoltaic solar panels

Building work is accepted development if it consists of—

- a) the installation of a solar hot water system or photovoltaic solar panel on the roof of a building; or
- b) repairs, maintenance or alterations to an existing solar hot water system or photovoltaic solar panel attached to the roof of a building.

### Other building work that is accepted development

#### 1. Work for particular class 10b structures or special structures

Building work for a class 10b structure or special structure is exempt if—

- a) the structure is not—
  - a fence; or
  - a retaining wall; or
  - a free standing wall; or
  - a swimming pool; and
- b) the structure is no higher than 3m above its natural ground surface.

Examples—playground and sporting equipment, garden furniture, temporary market stalls, minor plant and equipment covers that are no more than 3m above their natural ground surface

#### 2. Attaching particular sun hoods

Attaching a sun hood to an existing building is exempt if the sun hood's area is no more than 2m<sup>2</sup>.

#### 3. Erecting particular tents

Erecting a tent is exempt if the tent's floor area is no more than 100m<sup>2</sup>.

#### 4. Other work for class 10 buildings or structures

- (1) Building work for a class 10 building or structure (the class 10) is accepted development if—
- a) the work is not building work to which another section applies; and
  - b) the class 10 is on land used for agricultural, floricultural, horticultural or pastoral purposes; and
  - c) no part of the class 10 is within 200m of a road or a boundary of the land on which the class 10 is situated; and
  - d) the class 10 is not a regulated pool or its fence.
- (2) Despite subsection (1), the building work is not accepted development if—
- a) another section applies to the work; and
  - b) the work does not comply with the requirements under the other section for it to be accepted development.