



# BUILDING APPROVAL REQUIREMENTS

## Do I need Building Approval?

A Development Permit for Building work (a "Building Approval") is required before starting construction on most types of building work in Queensland.

This is applicable whether the work is being carried out by a property owner or by a licensed builder.

This building work includes, but is not limited to:

- new dwellings or commercial buildings;
- alterations and additions to existing buildings;
- building removal and relocation;
- demolitions;
- carports and sheds;
- roofed patios, gazebos, pergolas and shade sails;
- shipping containers located on a property for more than 90 days;
- fences over 2 metres in height above the natural ground level;
- retaining walls over 1 metre in height, or within 1.5m of a building or other retaining wall; and
- swimming pools and spas.

Council do not provide Building Certification services. Therefore, you will need to obtain building approval from a Private Building Certifier.

## What is exempt development?

Exempt building work is set out in Schedule 2 of the Building Regulation 2021 and does not require building approval and does not need to comply with any particular Codes or Standards.

Examples of exempt development include:

- the construction of playground and sporting equipment and garden furniture;
- temporary market stalls; and
- minor plant covers and the like, which are not more than 3m high above natural ground.



## What is Accepted Development building work?

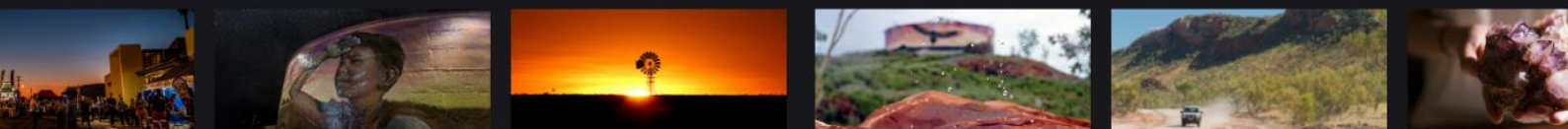
Some minor work is deemed to be accepted Development as set out in Schedule 1 of the

Building Regulation 2021 and does not require building approval.

Examples of accepted development building work include:

- A fence no higher than 2 metres above natural ground (but not including swimming pool fencing);
- Certain retaining walls which retain not more than 1 metre of cut or fill and which are no closer than 1.5 metres to a building or another retaining wall;
- Repairs, maintenance or alterations to an existing building which do not change the building's floor area or height and which do not affect a structural component or the fire safety system of the building;
- Certain Class 10 buildings and structures (e.g. a tool shed, greenhouse, awning) that are up to 10m<sup>2</sup> in area, 2.4m in height, 2.1m in mean height, and not longer than 5m; and
- A sun hood or sun blind projecting no more than 1m from the building.

Please note that accepted development building work must still comply with the requirements of the Building Regulation 2021 including compliance with the National Construction Code (NCC) and the Queensland Development Code



(QDC), including boundary clearance provisions for the building/structure in question.

### **Role of a Building Certifier**

Building Certifiers are licensed by the Queensland Building and Construction Commission (QBCC) and are responsible for determining whether proposed building work complies with the Building Act 1975, as well as the NCC, associated Australian Standards and the QDC. If it does, they will issue a building approval.

The building approval will list any inspections that must take place during construction. The building certifier who issued the approval is responsible for these inspections being carried out.

Please note, a building certifier cannot approve any work which conflicts with the Cloncurry Shire Planning Scheme.

### **What will I need to lodge an application?**

The following documentation may be required for an average dwelling. A requirement for information is dependent upon the actual works proposed.

- Completed DA application 'Form 2'.
- QBCC builder's insurance confirmation letter to be sighted OR owner-builder number sighted.
- Portable Long Service Levy receipt for works \$150,000 and over.
- Application fee.
- Three (3) copies of the following:
  - site plan;
  - cross section through the dwelling;
  - elevations;
  - floor plan for each storey, including location of smoke alarms;
  - bracing, tie-down and framing design calculations for each storey, including engineer's design certification (Form 15) for a steel frame;
  - soil investigation report;
  - engineers footing/slab design, complete with design certificate (Form 15); and
  - energy efficiency assessment.
  - Potentially bushfire construction

Contact your building certifier for the exact requirements.

### **What is a final building inspection?**

The builder for a project is required to give notice to the building certifier when the building work is completed so that a final building inspection can be carried out.

The final inspection is required to ensure that all works carried out comply with the building approval.

Council recommends that a final inspection be arranged as soon as practicable to ensure that a final certificate is obtained to avoid unnecessary future consequences.

An approval that has not had a satisfactory final inspection has the potential to impact on future property transactions or may affect the outcome of insurance claims.

Please note that a building approval will lapse after a certain period of time which is nominated on the building approval. If all works are not completed and inspected before the lapsing date, the building approval lapses and a new approval will be required to complete the project. However, the building certifier must send the property owner a reminder notice between 3 and 6 months before the lapsing date, otherwise the approval does not lapse.

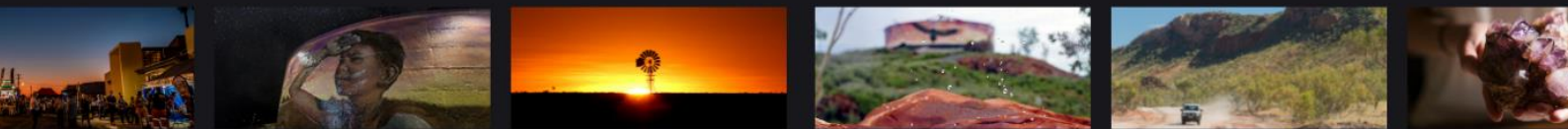
The building certifier may extend the currency period provided an extension is requested before it lapses. If a further extension of time is required, it must be granted by Council. No further extensions permitted.

### **What is a "Certificate of Occupancy"?**

A Certificate of Occupancy is a final inspection certificate that contains information about the class of a building and any restrictions on its use. It is required for any building other than a detached Class 1a dwelling and a Class 10 building/structure.

Section 114 of the *Building Act 1975* requires building owners to obtain a Certificate of Occupancy for all commercial building development approvals (including commercial and residential units) prior to the occupation or use of the building.

In addition, please note that a change of classification or use for an existing building requires an approval (under Section 111 of the Building Act) from a Building Certifier prior to commencement of the new classification or use.



It is also a requirement under section 108A of the Building Act (where a Certificate of Occupancy has been given for the building on or after 1 July 1997) that building owners display the Certificate (for a class 1b to 9 building) as near as practicable to the main entrance of the building. Where the premises are occupied by multiple tenants (e.g. a shopping Centre), and individual tenancies have a separate Certificate this will need to be displayed in addition to the Certificate for the building itself.

Penalties are enforceable under the Building Act 1975 for failing to obtain and display a Certificate of Classification.

### Further information

For further information, please contact Cloncurry Shire Council:

- Phone: (07) 4742 4100
- Fax: (07) 4742 1712
- Email: [council@cloncurry.qld.gov.au](mailto:council@cloncurry.qld.gov.au)
- Address: Cloncurry Shire Council Administration Centre, 38-46 Daintree Street, Cloncurry
- Mailing Address: PO Box 3, Cloncurry QLD 4824

