

Building Certification and Building Approvals

- The legislation controlling building work in Queensland includes the *Planning Act 2016*, the *Building Act 1975*, the *Building Regulation 2021*, the Building Code of Australia, and the Queensland Development Code.
- Application for approval of building works is made on the Queensland Government Development Application DA [Form 2](#).
- Private Building Certifiers are registered with the Queensland Building and Construction Commission (QBCC) like builders and other trades. They have the qualifications and are registered to approve building works across Queensland no matter where their office may be located. They may be sourced from searches of yellow pages, google search or through the established networks of company sales staff, drafting service or builder engaged. www.qbcc.qld.gov.au.
- When a private building certifier is engaged by you or your builder, they perform three stage tasks with Council:
 1. Send a 'Notice of Engagement' to advise of their appointment.
 2. Forward the Form 20 and Approved Documents when the building approval is issued. All building applications incur a lodgement or archive fee for recording and storing approvals.
 3. Provide Final Documentation:
This includes relevant records of construction, materials used and completion of the mandatory inspections of the building works eg. Certifiers inspection documents on Form 16's; certificates of electrical installations, engineer's inspections and land surveyors on Form 12's; product technical statements on Form 73's; material design certificates on Form 15's; trade installation certificates on Form 43's, and a final document ie a Form 21 for domestic building, a Form 17 for a pool and a Form 11 for commercial.
- Building approvals remain current for the period as determined by the certifier in the decision notice. Requests to extend the time frames for commencement or completion should be made to your certifier. It is important to maintain these approvals until the final documentation is completed.

Planning Scheme Advice

It is always necessary to obtain advice in respect to the proposed land use under the planning scheme. Pre-lodgement conferences with the planning staff perform desirable and helpful functions in assisting the smooth passage of a properly made application. You can discuss the land use and overlays which may be relevant with Council's planning officers.

Some of the planning scheme zones have building setback requirements which override the general Queensland Development Code (QDC) siting requirements. The SRC planning scheme for the Rural Zone has a 15-metre setback to all boundaries, and the Rural Residential, Park Residential and Emerging Community zones have a 10-metre setback to all boundaries. Proposed buildings closer than these distances will require to obtain an approval of the site variation or relaxation prior to the building approval.

Proposed sheds on a property that do not have an approval for a dwelling will also require a planning approval prior the building approval. Please refer your inquiries about these matters to the planning officers.

Inclusions vs Exempt

Building approval is required for the following less obvious things: removal and replacement of structural elements of a building, restumping, enclosure of previously roofed areas, open sided structures greater than 10 square metres, carports and patios to existing buildings, shade sail structures, unroofed decks greater than 10 square metres, retaining walls greater than one meter above ground level and/or within 1.5 metres of another structure, changing the use of a building and demolishing a structure.

Lawn lockers (3m x 3m) do not require applications, as do other minor structures of less than 10 square metres in floor area with a mean height of less than 2.1 metres and maximum height of 2.4 metres, and no longer than 5.0 metres.

Temporary placement of shipping containers onsite can occur on private property. This allows containers to be used for the purpose which they were designed, which is to be placed and either loaded or unloaded and then removed from site. Temporary placement of shipping containers that do not have approval are tolerated onsite for up to four weeks.

Permanent placement of any container, cold storage, demountable, transportable etc of a size of 10m² or more requires the setup of the container to comply with the Building Code of Australia (BCA) requirements for a Class 10, building or structure, which will mean an approval and some building activity to set it up in a compliant manner.

Exemption from a building application exists for genuine farm storage buildings, greater than 200m from all boundaries. It is requested that you notify Council of the exemption being claimed on a Statutory Declaration prepared for this purpose, with the inclusion of a site plan indicating the proposed location. Written verification of acceptance will be provided for your records.

Other Applications

- Local governments are responsible for several other matters including performance-based siting decisions, removal dwelling pre-inspections, planning approvals, plumbing and drainage approvals, operational works approvals for dams, accesses, road works and some Environmental Relevant Activities (ERA's). Some of these are to be obtained prior to a building work approval being issued.
- Earthworks and ancillary site work to be performed prior to or not approved as part of a building application are required to have an operational works approval from the Council's Operations department prior to works starting.

QBCC

The Queensland Building and Construction Commission (QBCC) provides a homeowner's protection scheme on domestic construction work. Registered builders and licensed contractors must pay insurance when the value of residential works exceeds \$3,300. The contractor is required to arrange directly with the QBCC for the insurance coverage. Evidence of cover by the registered contractor should accompany the application.

It is advisable to use QBCC licensed trades persons or builders to perform all building work.

QBCC insurance is not payable on building work where an owner builder number has been obtained, commercial work or exempt farm sheds.

Owners can personally build (ie. 'Owner to Build') their own residential building works to the value of \$11,000 without obtaining an owner builder number.

Note: Please contact QBCC on 13 93 33 for owner builder applications and accredited course details or log onto www.qbcc.qld.gov.au.

QLEAVE

- For works costing \$150,000 or more, the QLEAVE (Portable Long Service Leave Scheme Levy) form and receipt of payment must be sighted by building certifiers prior to approval and should accompany the application.
- The levy form is obtained, and payment made at any post office or the QLEAVE website.

Note: The levy is not payable by owner builders however the form (claiming exemption) must still be lodged, and a copy brought to the certifier for works costing \$150,000 or more.

Building Work Sites

- Building work sites are to be managed appropriately in respect to nuisance to surrounding property, roads and neighbours. Informative signage about your development assists all concerned.
- A temporary toilet must be provided on-site prior to works commencing.
- Appropriate means of rubbish containment and disposal are to be provided on a building site.
- Management of the site to control dust or wet weather including stormwater / sediment runoff nuisance and transfer of mud by vehicles / machines is necessary.
- Building work sites are to be secured to prevent inadvertent entry.
- Respect others work and avoid damaging existing infrastructure.
- Dial before you dig to be completed before earthworks commence.
- You should endeavour to achieve high standards of communication with all concerned to produce effective and successful outcomes in our community.

Allotment Surveys and Boundary Pegs

- The owner is responsible for determining the boundaries and placement of survey pegs on their land.
- The owner and builder are responsible for the measurement of the correct distances from the survey boundary before commencing the building work.
- Building setbacks are measured from the outermost point (normally the fascia).
- An identification survey by a land surveyor may be required by the building certifier where there is any doubt about the location of survey pegs or building lines as per the approval.

Design

- All building works are to comply with the *Planning Act 2016*, *Building Act 1975*, *Building Regulation 2021*, the Building Code of Australia, the Queensland Development Code and all other relevant Australian Standards and manufacturer's literature.
- Siting requirements are set within the above legislation and codes. The relevant planning scheme may also have site requirements. These require to be interpreted by the designer or building certifier in conjunction with the landowner. Site plans should be drawn from a current investigation of the site.
- Builders may draw the plans for works they are going to construct, but normally use the services of a Queensland Building and Construction Commission (QBCC) licensed draftsman, an architect or an engineer. Owners will be required to provide professionally drafted plans including the title block details of the licensed designer with all applications for building work.
- Information about the proposed site needs to be gathered. This may include copy of the registered plan from the Department of Natural Resources and Mines. This will also reveal registered easements.
- Urban Utilities may have information on sewer mains and water mains. Council may have location details of sewerage house drains, but septic installations have not been recorded.

Land liable to flooding

- Certain allotments within the Somerset Regional Council have been identified as land which may be liable to flooding. Information regarding flood affected land may be available on the web site.

Access to Properties

- The provision and maintenance of access to properties is the responsibility of the property owner.
- Work should not proceed on access construction without the written approval of Council. In order to obtain information and permission, Council's Operations Department should be contacted on (07) 5424 4000.

Inspections during construction

- Upon approval of the application, builder's / owner builder's sign (a QBCC requirement) and site identification must be erected to assist in locating the site to carry out inspections.
- The stages of construction requiring inspections are listed in the approval decision notice but normally occur with steel in place before concrete is poured in bored piers, footings, slabs or block walls; before cladding of framing to see bracing and tie down; fire wall construction before concealment and at completion of works.
- Inspection times are to be arranged with the building certifier who approved the permit with appropriate notice.

'Tiny Home' Issues.

The building legislation in Queensland generally and in Somerset Regional Council (SRC) specifically does not define the term 'Tiny Home'. It is a colloquial term similar to 'Weekender'. Both do not exist in the codes and refer to 'camping' in a non-habitable structure.

In SRC there is a clear distinction between a vehicle and a building. Similarly, there is a clear distinction between a Non-habitable Shed (Class 10a) and a Habitable Dwelling (Class 1a).

A dwelling must comply with Habitable Dwelling (Class 1a) building codes.

A dwelling house is required to comply with **all** house codes eg fixing to site, structural, ceiling heights 2.4m, wiring by licensed electricians, plumbing inspected by local govt, energy efficiency, facilities etc. All appropriate certificates need to be provided with the plumbing and building applications for approval before placement. As a secondary dwelling there will also be a planning land use approval. Info on house matters can be found on this web site.

In SRC, a vehicle like a caravan, Winnebago or 'Tiny Home' can only be occupied on your land under the Temporary Dwelling Local Law when you have a permit from Council, which may be issued while you are constructing your new dwelling. Otherwise, the vehicle should be placed in an approved caravan park before occupation. Refer to the temp dwelling info sheet on this web site.

Disclaimer

The information contained in this handout has been prepared with due care. This handout is offered only for the purpose of providing useful information to assist those interested in lodging a building application. Whilst every effort has been made to ensure that this handout is in accordance with current regulations, it is not intended as an exhaustive statement of all relevant data, and no responsibility is accepted for errors in, or omissions from this handout.

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