

# Tips for building and planning approvals

## Information for building and planning approval in flood affected areas

This fact sheet, developed in response to Queensland's floods and cyclones, provides information about building and planning approvals in flood affected areas.

### Frequently asked questions

#### Do I need a building approval to repair my home or other building?

Where the work involves repairing or replacing fixtures or wall or ceiling linings, kitchen cupboards, vanity units or floor coverings, a building approval is not required. However, when the work is being carried out, it is important that all materials meet relevant Australian Standards and linings are fixed in accordance with the manufacturer's installation instructions.

If more extensive work is required that affects the structural components of the building, then an approval is required. Exemptions apply for minor structural work where the work does not affect more than 20 per cent of the building's structural components of the same type. Owners and occupiers should also take steps to ascertain whether their building's fire safety installations have been damaged or affected by flood waters before allowing the building to be re-occupied.

Where you propose to repair the flood affected dwelling to the lawful original condition immediately prior to the flood, no planning application is required. However, a

building approval may be required from a building certifier for some repairs, particularly if they are structural in nature. You are encouraged to seek the advice of a building certifier prior to making repairs to your home.

If in doubt, check with your [local government](#) or a private building certifier to determine if approval is required. For fire safety installation issues on larger buildings, such as sprinkler systems, fire detection and alarm systems or stairwell pressurisation systems, please check with the [Queensland Fire and Rescue Service](#).

#### Do I need a building approval to substantially rebuild my home or other building?

Yes. A building certifier will need to confirm the proposed building complies with the National Construction Code and other relevant codes before construction begins. Certifiers are required to inspect the work at various stages as all building work must comply with the relevant codes and standards, such as the National Construction Code and the Queensland Development Code. If in doubt, check with your [local government](#) or a private building certifier.

#### Do I need a planning approval from my local government to completely rebuild my home or building?

Provided you are replacing your building to its original lawful condition immediately prior to the flood, it is likely that no planning approval

is required. However, it is recommended that you seek advice from your [local government](#) and review the previous floor levels and building materials used to minimise the risk of flood damage in the future. If you do intend to change floor levels, you are advised to consult with a building certifier.

However, if you intend to change the location, size, materials or use of the building you should contact your [local government](#) to determine if a planning approval is required before commencing the work.

### **My building is listed on a state or local heritage register, do I need planning approval to carry out building work?**

If you are undertaking flood repair works to restore the dwelling or building to its original lawful condition prior to the floods, it is unlikely that planning application is required. However, you should contact the [Department of Environment and Heritage Protection](#) (State) and your [local government](#) prior to undertaking any building work to confirm no approval is required. Where the works significantly change the exterior of the dwelling or building or intensify the use on the land through extensions and relocations, a planning application is likely to be required and these specific enquiries should be made directly to your [local government](#).

### **My house is on stumps. The flood waters have caused the stumps to lean out of alignment. Do I need a building approval to straighten or reposition the stumps?**

Stumps are a major part of a building's structure. If the stumps are leaning, it is likely that the rest of the building has also moved. Before entering or occupying the building with leaning stumps, it is recommended that specialist advice from an engineer or other competent person is obtained. This will help determine what needs to be done to

reposition the stumps in the correct position to make the house structurally sound.

If building work is required because of an emergency endangering the life or health of a person, or the structural safety of a building, then it is not an offence to carry out the work without having a building approval. However, the person undertaking the building work must give written notice of the development to the assessing authority (either the [local government](#) or private building certifier) as soon as practicable after starting the development.

### **Do I need a building approval to raise the height of my home or building?**

Yes, you will need to contact your [local government](#) or a private building certifier to obtain a building approval. If the new proposed height exceeds the maximum height allowances specified in your [local government](#) planning scheme (particularly for character areas and dwellings), you may need a planning approval.

### **Do I need a building or planning approval to demolish my home or building after flood damage has made it structurally unsafe or dangerous?**

Where your property is outside of a character area and your home or building is structurally unsound, you can demolish the building without obtaining planning approval. However, building approval may be required for demolition of a building. If in doubt, check with your [local government](#) or a private building certifier to determine if an approval is required.

If your house is a character house in a character area or where you have a state or locally listed character place, a planning application is likely to be required. In this instance you will need to contact your [local government](#).

## Can the local government make me demolish my home or other building?

Local government has powers to require owners to demolish dangerous or dilapidated buildings and structures. Local government may take action to demolish buildings if owners refuse to comply with an enforcement notice. Owners may appeal enforcement notices to the [Building and Development Dispute Resolution Committees](#).

## Do I need planning approval to relocate my home or building on my site?

For lots 450 square metres or more or with a width greater than 15 metres, a development application is generally not required except where the dwelling is:

- proposed to be located in an area affected by mining
- below the 1 in 20 year flood line
- within an urban stormwater flow path
- within a character zone or where the dwelling is a listed character building.

This should however, be confirmed with your [local government](#). You should also check with your building certifier to determine if any boundary setback relaxations are required if it is proposed to place the building close to the boundaries.

For lots less than 450 square metres, you should consult directly with your relevant [local government](#) as regulations for small lots vary between each local government.

## Do I need planning approval to fill my site to achieve adequate flood immunity?

Any filling or excavation in flood affected areas (i.e. below the 1 in 100 year flood line) requires approval from your local government. Where land is situated above

the 1 in 100 year flood line, approval may also be required for any works within a waterway corridor, wetland, where the site is listed on the [Contaminated Land Register or the Environmental Management Register](#), or where acid sulfate soils are present. For further information, contact your relevant [local government](#).