

General Advice

Amended 1 January 2010



WHAT DEVELOPMENT IS EXEMPT UNDER THE CITY PLAN?

This brochure is intended to help you determine whether your proposal is exempt development, e.g. does not require a planning application under the City Plan.

Note: For a more complete explanation of how the City Plan operates, applicants are recommended to read the following sections of the City Plan:

- Section 1—Introduction, Chapter 3—Areas and Assessment Processes
- Section 2—General Assessment Processes, Chapter 3—Areas and Assessment Processes
- Section 1—Introduction, Chapter 4—Local Plans
- Section 1—Introduction, Chapter 5—Codes and Related Provisions.

Part 1—What is exempt?

Certain types of development are exempt from assessment under the City Plan. Where development is identified as being exempt it:

- requires no application
- need not comply with the Codes or other requirements of the City Plan.

Development identified below is exempt and requires no planning application to be lodged with Council.

1. Exempt development identified in Sustainable Planning Act 2009

Schedule 4 of the *Sustainable Planning Regulations 2009* identifies exempt development that may not be made assessable or self assessable by the City Plan. Refer to the *Sustainable Planning Act 2009* for the list of such development.

Schedule 1 and 2 of the *Building Regulation 2006* should also be consulted to identify if any building work is exempt or self assessable.

2. Exempt development by virtue of designation of land for community infrastructure

Land designated for community infrastructure (such as schools and hospitals) under Chapter 5, Part 1 of the *Sustainable Planning Act 2009* is exempt development to the extent that the development would otherwise be self assessable development or assessable development under the City Plan. Refer to the Planning Scheme Maps and Appendix 3—Designations in the City Plan, for the designation list.

3. Exempt development by virtue of the Commonwealth Telecommunications Act

The *Commonwealth Telecommunications Act 1997* exempts certain telecommunications facilities from State planning legislation. Refer to the *Commonwealth Telecommunications Act 1997*, the *Telecommunications (Low-impact Facilities) Determination 1997*, and the *Telecommunications Code of Practice 1997* for a description of these exempt facilities.



4. Exempt development identified by the City Plan

The City Plan also contains a list of development that it makes exempt from assessment in Section 2, Chapter 3. The exempt development is:

1. Development under another Act

Any development required to be carried out by a lawful order or instruction issued under any other Act is exempt development.

2. Demolition or removal of a building

Demolishing or removing a building is exempt development, where the building is:

- not on a site listed in the Heritage Register. Refer to the Heritage Register Planning Scheme Policy in Appendix 2 of the City Plan, or the Planning Scheme Maps, to determine whether the site is a heritage place
- not on a site in the Demolition Control Precinct. Refer to the Planning Scheme Maps to determine whether the site is located in the Demolition Control Precinct
- on a site in a Demolition Control Precinct where the entire building was constructed after 1946. Council also has aerial photographs taken in 1946 that will assist you in determining whether your building was erected in or prior to 1946
- not a Commercial Character Building. Refer to the Commercial Character Building Register Planning Scheme Policy in Appendix 2 of the City Plan or the Planning Scheme Maps to determine whether the site is a Commercial Character Building
- not a Registered Boarding House where located in the Emerging Community Area, any Residential Area, a Multi-purpose Centre or in a Special Purpose Centre. Call Council on 3403 8888 or visit a Regional Business Centre, to determine if a building is a registered boarding house
- not on a site where demolition is assessable under a Local Plan

Minor demolition work is exempt development except where on a site listed on the Heritage Register. Minor demolition work means demolition or relocation of a building where the work is:

- relocation of a building sideways within a lot provided:
 - it does not involve the rotation of the building to face another frontage or boundary
 - the pre-1946 house where on a small lot complies with the side boundary setbacks specified in *Table 1 Building Envelope Requirements of the Residential Design—Small Lot Code*

- relocation of a building forwards or backwards on a lot provided no demolition of any components constructed in or prior to 1946 is proposed and where the proposed setback of the building is within 20% of the average setback of adjoining buildings to any road frontage
- raising a house, except where on a small lot, where the resultant height does not exceed 8.5m above ground level (does not include any building work to enclose under the house)
- demolition of internal walls and finishes
- demolition of stairs
- demolition of post-1946 additions or extensions, or pre-1946 free-standing outbuildings at the rear or side of the building
- demolition or removal of any post-1946 additions to reveal original design, or reconstruction with original form and materials, including
 - roof material
 - wall cladding
 - windows
 - stumps
 - lower floor enclosures
 - verandah enclosures
- any other demolition required as a consequence of carrying out work related to renovations and extensions approved in accordance with or exempt from assessment against the Residential Design—Character Code and/or Residential Design—Small Lot Code

Demolition in a Multi-purpose Centre is exempt only where the demolition is part of a committed program to exercise an existing development permit. A committed program can be demonstrated through a statutory declaration from the landowner that within 3 months of demolition, building work will commence on the site to effect an existing development permit.

3. Building work to restore an accidentally destroyed building

Building work for the restoration to its original condition of any building that has been accidentally damaged or destroyed is exempt development.

4. Minor building work

Minor building work on land not located on a small lot, not listed on the Heritage Register, or located within the Petrie Terrace and Spring Hill Local Plan or in the Brisbane River Corridor is exempt development. Schedule 1 and 2 of the *Building*



Regulation 2006 should also be consulted to identify if any building work listed below is exempt or self assessable. Minor building work means:

- In a Residential Area:
 - internal building works
 - roofed structures over ground level outdoor landscape and recreation areas, ie. pergolas and patios
 - sunhoods over windows and doors
 - raising a house where the resultant height does not exceed 8.5m above ground level and side boundary setbacks comply with the requirements of the *Building Act 1975*
 - roof over an existing deck or balcony
 - rainwater tanks where no greater than 3.5 m in height and with a footprint of 10m² or less
- In an Industrial Area
 - an alteration, addition or extension to an existing building where the floor area, including balconies, is less than 5% of the building or 25m²—whichever is the lesser
 - internal fitouts
 - roofed structures over ground level outdoor landscape and recreation areas, i.e. pergolas and patios
 - sunhoods over windows and doors
 - carports or shade structures up to 25m² in area
 - amenity blocks or outbuildings up to 25m² in area
- In any other Area
 - an alteration, addition or extension to an existing building where the floor area, including balconies, is less than 5% of the building or 25m²—whichever is the lesser
 - internal fitouts
 - roofed structures over ground level outdoor landscape and recreation areas, ie. pergolas and patios
 - sunhoods over windows and doors
 - carports or shade structures up to 25m² in area

Note:

The following are not Minor Building Work:

- *Awnings over Footpaths in the City Centre (MP1)*
- *Alterations to building facades facing the Queen Street Mall, Brunswick Street Mall (the Valley Mall) or Chinatown Mall*

5. Temporary buildings

Temporary buildings associated with a material change of use, building works or operational works are exempt development for no more than 2 years.

6. Display dwellings

Development for a display dwelling or estate sales office is exempt development in the Emerging Community Area, Multi-purpose Centre or any Residential Area, where used for this purpose for no more than 2 years.

Display dwelling means a temporary use of premises for:

- displaying a type of dwelling that can be built
- displaying a dwelling as a prize

Estate sales office means a temporary use of premises within a subdivision estate or development site, to assist in the display and sale of land and/or buildings within the estate.

7. Utility installation

Development for a utility installation, being an undertaking for the supply of water, hydraulic power, electricity or gas, or any development required for the purpose of that undertaking, is exempt development in the case of:

- development of any description at or below the surface of the ground
- the installation of any plant inside a building, or the installation or erection within the premises of a generating station of any plant or other structures or erections required in connection with the station
- the installation or erection of an electricity distribution or supply network (and any components of such a network) which operates at voltages up to and including 33 kilovolts, excluding new substations
- the installation or erection of a new electrical transmission line on land on which such a line has already been erected and which is identified as a future line on Plan No: A4-H-303666—Powerlink Electricity Network and Plan No: 7775-A4/A—Energex 110kV Feeder Network
- the augmentation of a Powerlink substation identified on Plan No: A4-H-303666—Powerlink Electricity Network and of any Energex substation existing as at the date this clause took effect
- the placing of pipes above the surface of the ground for the supply of water, the installation of a water distribution system of booster stations and meter or switchgear houses
- any other development not specifically referred to above, except where it involves erection of new buildings or reconstruction or alteration of existing buildings that would materially affect their design or external appearance.



Development otherwise, for a utility installation is exempt development, except where it involves:

- erection of new buildings
- power generation plant where burning 100kg or more of fuel an hour
- reconstruction or alteration of existing buildings that would materially affect their design or external appearance
- waste handling, treatment and disposal facility.

A utility installation means a use of premises for:

- supply of water, hydraulic power, electricity or gas, but excluding power generation plants burning 100kg or more of fuel an hour
- provision of sewerage or drainage services, other than a sewerage treatment works
- animal pound
- transport services, including an airstrip, wharf, railway, tramway, road transport, air transport, water transport, harbour or river undertaking
- provision or maintenance of roads or traffic controls
- provision of postal or telecommunications services
- associated offices for the provision of public services.

8. Satellite dish

Erecting no more than one satellite dish on a premises is exempt development, where the satellite dish has no dimension greater than:

- 1.2m in a Residential Area
- 1.8m in any other Area.

A satellite dish means a circular dish or other antenna used to send and/or receive communications via satellite or microwave.

9. Subdivision

Subdivision involving road widenings and truncations required as a condition of approval is exempt development.

10. Filling or excavation

Filling or excavating to a depth of one metre or less where on land to which the Acid Sulfate Soil Code, Wetland Code and/or Waterway Code do not apply, or top dressing to a depth of less than 100mm where on land to which the Wetland Code and/or Waterway Code applies, are exempt development. To determine if a site is on land to which any of these Codes apply refer to the Planning Scheme Maps.

Filling or excavation means operational work for excavating or filling that materially affects premises or their use.

11. Roads and Busways

Development involving the construction, maintenance or operation of roads and busways, and things associated with roads and busways by or on behalf of or under contract with Brisbane City Council or the Queensland Government. Things associated with roads and busways include but are not limited to:

- activities undertaken for road construction
- traffic signs and controls
- depots
- road access works
- road construction site buildings
- drainage works
- ventilation facilities, including exhaust fans and outlets
- rest area facilities and landscaping
- parking areas
- public transport infrastructure
- control buildings
- toll plazas.

Part 2—Further assistance

Council is available to assist if you would like to discuss any matter relating to development applications. You can obtain advice either by calling or meeting with us.

Telephone assistance

Council's Contact Centre is available to provide advice about procedures, interpretation of the City Plan, and policies and practices affecting proposed development. You can call Council on 3403 8888.

Regional Business Centres

Council has five Regional Business Centres providing assistance with development and regulatory matters. They can help with:

- checking City Plan Area classifications
- names and addresses of adjoining owners
- lodgement fees
- PlanFlag Reports and City Plan CD–Rom information, a useful way to identify the relevant planning provisions applying to a particular site. PlanFlag Reports are also available to BIMAP subscribers.



Regional Business Centres are located at:

- Library and Customer Centre, Level 1 North Quay Podium, Brisbane Square, 266 George Street, Brisbane
- North Regional Business Centre, 960 Gympie Road, Chermside
- South Regional Business Centre, Sunnybank Hills Shoppingtown, 661 Compton Road, Sunnybank Hills
- East Regional Business Centre, 2 Millennium Boulevard, Carindale
- West Regional Business Centre, 70 Station Road, Indooroopilly.

Self help area

The Library and Customer Centre, Level 1 North Quay Podium, Brisbane Square, 266 George Street, Brisbane has an area available to the public to view the City Plan and Planning Scheme Maps.

Pre-lodgement meeting

Pre-lodgement meetings are useful for identifying issues that applicants need to address in making development applications and ensures applicants are on the 'right track'. To arrange a pre-lodgement meeting, call Council on 3403 8888 or collect a Pre-lodgement Meeting Request Form and an information sheet on this service from a Regional Business Centre.

