



CALOUNDRA CITY PLAN 2004

Detached House Guide



PLANNING SCHEME FOR THE CITY OF CALOUNDRA – “CALOUNDRA CITY PLAN 2004”

DETACHED HOUSE GUIDE

INTRODUCTION

This guide is intended to help users of Council’s new Planning Scheme (called the “Caloundra City Plan 2004”) understand how the plan affects building and renovating detached houses in Caloundra City. The guide identifies the sections of the plan that are relevant and summarises the process involved in obtaining an approval for a detached house in Caloundra City.

This guide provides information that is expected to cover the usual range of situations for building or renovating a detached house. Of course it is not possible to anticipate every possible situation. If you can’t find the answer you need here, please contact the Council’s Customer Service Centre at the Council’s offices at 1 Omrah Avenue, Caloundra or telephone 1300 650 112 (within the local area) or (07) 5420 8200 (outside the local area and mobile phones).

TERMS USED IN THIS GUIDE

“**Building approval**” refers to an approval for building work under the *Standard Building Regulation 1993*.

“**Building work**” is defined in the IPA (i.e. *Integrated Planning Act 1997* (see below)). The term includes the actions of building, repairing, altering, moving or demolishing buildings or other structures.

“**Code**” refers to a section of Caloundra City Plan that sets out requirements to be met by development in relation to a particular subject matter. A detached house must comply with the Detached House Code and the relevant Planning Area Code (i.e. the code for the part of the City in which the proposed house is located, e.g. Maleny Township).

“**Code assessable development**” refers to development that requires a development approval and is assessed against codes that are identified in Caloundra City Plan as being applicable to the development (as well as other matters specified by the IPA). Code assessable development is not publicly notified and is not open to submissions and appeals from third parties.

“**Development application**” refers to an application for a “development approval”.

“**Development approval**” is defined in the IPA. As used in this guide, the term refers to an approval under the Caloundra City Plan and requires a development application to be made for assessment by the Council.

For a detached house there are circumstances in which a development approval may be required for “material change of use” or “building work”, or both.

A development approval is different from a building approval under the *Standard Building Regulation 1993*.

“**Detached house**” is defined in Part 3, Section 3.2.1 of Caloundra City Plan. The term refers to a free-standing, self-contained house on a separate site. The term includes an outbuilding, a home office and an additional small dwelling unit termed an “annexed unit”. “Annexed unit” is not separately defined but covers what is commonly called a “granny flat”. Class 1 and class 10 buildings under the Building Code of Australia are covered by the definition of “detached house”.

“**Exempt development**” refers to development that is not regulated by the Caloundra City Plan and does not have to comply with the plan.

“Impact assessable development” refers to development that requires a development approval and is assessed against any relevant provision of Caloundra City Plan (as well as other matters specified by the IPA). Impact assessable development is publicly notified and is open to submissions and appeals from third parties.

“IPA” means the *Integrated Planning Act 1997*. This is the planning legislation for Queensland.

“Material change of use” is defined in the IPA. It applies to actions like starting a new use on a vacant site or substantially expanding an existing use. It is often abbreviated as “MCU”.

“Operational work” is defined in the IPA. The term refers to actions such as excavating or filling land (other than for building work), landscaping and constructing driveways and footpaths.

“Overlay” refers to a category in which land is included in Caloundra City Plan to signify a particular planning issue that affects development of the land (e.g. steep or potentially unstable land). The overlays are shown on the “Planning Area Overlay Maps” in Part 4 of the plan, arranged by Planning Area. They are called “overlays” because they *overlie* the “precinct” in which land is included (see further below) and may change how development may occur.

“Planning Area” refers to one of 16 localities into which Caloundra City Plan divides the area of Caloundra City. The Planning Areas generally correspond to water catchments (e.g. Mary River – Conondale) and geographical boundaries, including urban and township boundaries (e.g. Maleny Township). Map CCC2 in Part 4 of the plan identifies the Planning Area boundaries.

“Precinct” refers to a category in which land is included in Caloundra City Plan for land use planning purposes. Precincts are similar to the zones that existed in the former planning scheme for Caloundra City. The precincts are shown on the “Planning Area Precinct Maps” in Part 4 of the plan, arranged by Planning Area.

Self-assessable development” refers to development that does not require a development approval but must comply with certain aspects (i.e. “acceptable solutions”) of codes that are identified in Caloundra City Plan as being applicable to the development.

“The plan” means Caloundra City Plan 2004.

DETACHED HOUSE CODE

Most of the Caloundra City Plan provisions applying to the building of a new house (or extensions of 50m² or greater to an existing house) are contained in the Detached House Code. The range of matters covered by this code includes:

- flooding;
- bushfire hazard;
- steep slopes;
- building height;
- siting and setback requirements;
- minimum floor areas; and
- rain water collection.

The Detached House Code is included as an attachment to this guide.

WHEN IS A DEVELOPMENT APPROVAL¹ NOT REQUIRED FOR A DETACHED HOUSE?

In the following precincts:

- Township Residential Precinct
- Low Density Residential Precinct
- Multi Unit Residential Precinct
- Mixed Use Residential Precinct
- Sub-precinct 1c (Business Centre Core) of the Regional Business Centre Precinct
- Sub-precinct 3b (Business Centre Frame) of the Regional Business Centre Precinct
- Rural Residential Settlement Precinct
- Rural Precinct
- Pelican Waters Emerging Community Precinct
- Bell Vista Emerging Community Precinct (if shown as “Permitted Uses” on Plans of Development No’s 43 and 59)
- Caloundra West Emerging Community Precinct

no development approval is required for a detached house provided that:

- (a) the Detached House Code is complied with;
- (b) the relevant Planning Area Code is complied with; and
- (c) the site is not affected by the Acid Sulfate Soils Overlay, Coastal Management Overlay or the Cultural Heritage and Character Areas Overlay.

Note 1:

In technical terms, material change of use for a detached house is “self-assessable” in the precincts listed above. Building approval under the Standard Building Regulation 1993 is still required.

WHEN IS A DEVELOPMENT APPROVAL REQUIRED FOR A DETACHED HOUSE?

Non-compliance with Codes

A development approval is required in the precincts listed above under the heading “**WHEN IS A DEVELOPMENT APPROVAL NOT REQUIRED FOR A DETACHED HOUSE?**” if the proposed detached house does not comply with one or more of the acceptable solutions identified with an asterisk (*) in the Detached House Code and the relevant Planning Area Code.

See the following section “**WHAT DOES COMPLIANCE WITH THE CODES INVOLVE?**” for more information about this.

Overlays

Material change of use for a detached house is code assessable and requires a development approval if the site is subject to one of the following overlays:

- Acid Sulfate Soils Overlay and certain filling or excavation amounts are exceeded²
- Coastal Management Overlay
- Cultural Heritage and Character Areas Overlay.

Building work associated with a detached house (that is not a material change of use) requires a development approval if the site is included within the area of one of the following overlays:

- Acid Sulfate Soils Overlay and certain filling or excavation amounts are exceeded²
- Cultural Heritage and Character Areas Overlay.

¹ For the purpose of this guide, the term “development approval” refers to an approval under the Caloundra City Plan.

² Refer to Table 4.2.4 (a) (Acid Sulfate Soils Overlay Development Assessment Table) of the Caloundra City Plan.

Other Precincts

In all other precincts not listed under the heading “**WHEN IS A DEVELOPMENT APPROVAL NOT REQUIRED FOR A DETACHED HOUSE?**”, material change of use for a detached house requires a development approval. In most of these cases a detached house will be “impact assessable”.

This does not necessarily mean that a detached house will not be approved. However it does mean that a more careful assessment of the suitability of the location and design of the house is required in these areas. This assessment will involve the full set of provisions contained in the Detached House Code and the relevant Planning Area Code, other sections of Caloundra City Plan including the Desired Environmental Outcomes in Part 2 and other matters specified in the IPA.

WHAT DOES COMPLIANCE WITH THE CODES INVOLVE?

Detached House Code

To be self-assessable, a detached house in any of the precincts listed under the heading “**WHEN IS A DEVELOPMENT APPROVAL NOT REQUIRED FOR A DETACHED HOUSE?**” needs to comply **only** with the acceptable solutions for self-assessable development. These are the statements marked with an asterisk (*) in the right-hand column of the Detached House Code.

The Detached House Code is included at the end of this guide.

Planning Area Code

Again, to be self-assessable, a detached house needs to comply **only** with the acceptable solutions for self-assessable development, marked with an asterisk (*) in the relevant Planning Area Code. This will in many cases be a building height limit only, but there may be other requirements in some Planning Areas.

Map CCC2 in Part 4 of the plan identifies the boundaries of the 16 Planning Areas. The Planning Area Codes are included in Part 6 of Caloundra City Plan. One of these codes will be relevant to any particular detached house site.

WHAT HAPPENS IF A DETACHED HOUSE DOESN'T COMPLY WITH THE CODES?

Detached House Code

Usually, where self-assessable development does not comply with an acceptable solution, the development becomes **code assessable** and requires a development approval. However, the Detached House Code contains a number of provisions which are identified as a “*Standard Building Regulation 1993 alternative provision*”.

In these cases, a proposed detached house that does **not** comply with an acceptable solution can be referred to the Council by a private certifier under **section 20 of the Standard Building Regulation 1993**. This includes the requirements for setbacks to canals (acceptable solution S5.1*), frontage setbacks in the Rural Precinct (acceptable solutions S6.1* and S6.2*) and parking requirements (acceptable solution S10.1*). Section 20 referral is a simpler process than the code assessment process and is intended to keep the majority of housing construction in Caloundra City out of the development approval system.

However this arrangement does **not** apply to **all** of the acceptable solutions in the Detached House Code. There are a number of acceptable solutions for which non-complying development would become code assessable and require a development approval. An example of this is the requirement for a minimum floor area of 60m² (acceptable solution S7.1*).

In addition, there is one acceptable solution for which non-complying development would become impact assessable (acceptable solution S3.1* for building height – see note 2 immediately below).

Note 2:

The acceptable solution for building height (acceptable solution S3.1) is identified as a “Standard Building Regulation 1993 alternative provision”. However the section 20 referral arrangement does **not** apply to this acceptable solution. This is because the development assessment tables in Part 4, section 4.2 of Caloundra City Plan state that **development** identified as self-assessable or code assessable **that exceeds the height limits specified in a Planning Area Code** applicable to the site **is impact assessable**.*

Note 3:

*Where a proposed detached house becomes code assessable because it does not comply with one or more acceptable solutions that are not a “Standard Building Regulation 1993 alternative provision”, it is assessed against the specific outcome(s) for the acceptable solution(s) with which it does not comply, and against the overall outcomes of the Detached House Code. The detached house is **not** assessed against the specific outcomes for the acceptable solutions with which it complies.*

Note 4:

*A proposed detached house may not comply with one or more acceptable solutions that are a “Standard Building Regulation 1993 alternative provision” **and** one or more that are not. In this case the preferred approach is for a development application to be lodged with the Council for code assessment of all of the relevant matters (because under section 20(1)(d) of the Standard Building Regulation 1993 section 20 applies if the local government has not already given advice about the matter).*

However, if the detached house does not comply with acceptable solution S3.1 for building height the entire proposal is subject to impact assessment.*

Special note to building certifiers:

There are a number of specific outcomes in the Detached House Code that are identified as a “Standard Building Regulation 1993 alternative provision”.

Specific outcomes identified as a “Standard Building Regulation 1993 alternative provision” are to be used by the Council in deciding referrals under section 20, for non-compliance with a corresponding acceptable solution of the Detached House Code identified as a “Standard Building Regulation 1993 alternative provision”.

Planning Area Code

The Development Assessment Tables in Part 4 of Caloundra City Plan state that development identified as self-assessable or code assessable that exceeds the height limits specified in a Planning Area Code applicable to the site is impact assessable.

This means that a detached house that exceeds the height limit specified in an acceptable solution in the relevant Planning Area Code becomes impact assessable and requires a development application to be lodged with the Council. The Council will assess the application against a range of matters, including relevant codes, the Desired Environmental Outcomes for Caloundra City stated in Part 2 of the plan and other matters specified in the IPA.

Public notice of an impact assessable application must be given. The application is open to submissions from members of the public, and an appeal to the Planning and Environment Court may be made by a submitter dissatisfied with the Council’s decision on the application.

WORKS ON SITE

“Operational work” associated with a detached house, including any driveway, kerb crossover, internal path or outbuildings is covered by Caloundra City Plan’s definition of “minor operational work”. This activity is “exempt development”. It is not regulated by and requires no development approval under the plan, except as outlined below under the heading “**Steep Driveways**”.

BUILDING IN BUSHFIRE HAZARD AREAS

Land in Caloundra City that has been identified as being in a bushfire hazard area is included in the Bushfire Hazard Management Overlay on the Planning Area Overlay Maps in Part 4 of Caloundra City Plan.

Building work for Class 1 and 10 buildings on land affected by this overlay must comply with the Detached House Code, and in particular acceptable solution S2.1* for bushfire hazard management. If it does so, it is self-assessable (i.e. does not require a development approval). If it does not, it becomes code assessable and a development approval is required.

BUILDING IN AREAS LIABLE TO FLOODING

Land in Caloundra City that has been identified as liable to flooding is included in the Flood Management Overlay on the Planning Area Overlay Maps in Part 4 of Caloundra City Plan.

Building work for Class 1 and 10 buildings on land affected by this overlay must comply with the Detached House Code, and in particular acceptable solutions S1.1* to S1.3* for flood management. Acceptable solution S1.1* requires that a detached house not be located in land subject to the Flood Management Overlay. Any proposal to do so becomes code assessable and a development approval is required.

Note 5:

Acceptable solutions S1.2 and S1.3* of the Detached House Code apply to material change of use for a detached house in all cases, including where the site is outside the Flood Management Overlay.*

BUILDING ON STEEP OR UNSTABLE LAND

Land in Caloundra City that has been identified as steep or potentially unstable is included in the Steep Slope / Stability Overlay on the Planning Area Overlay Maps in Part 4 of Caloundra City Plan.

Building work for Class 1 and 10 buildings on land affected by this overlay must comply with the Detached House Code, and in particular acceptable solutions S17.1* to S17.4* for steep or unstable land. If it does so, it is self-assessable (i.e. does not require a development approval). If it does not, it becomes code assessable and a development approval is required.

Note 6:

Acceptable solutions S17.1 to S17.4* of the Detached House Code apply to material change of use for a detached house in all cases, including where the site is outside the Steep Slope / Stability Overlay.*

Steep Driveways

Generally, constructing a driveway for a detached house is not regulated by and requires no approval under Caloundra City Plan. However acceptable solution S17.2* of the Detached House Code establishes a standard for driveway gradients. If the gradient of a proposed driveway for a detached house does not comply with acceptable solution S17.2*, the detached house itself becomes a code

assessable material change of use and requires a development approval.

Once the development approval for the detached house has been issued, no separate or further approval under the plan is required for the driveway.

HOW ARE EXTENSIONS TO EXISTING DETACHED HOUSES DEALT WITH?

Caloundra City Plan includes a definition of “minor building work”. Minor building work (on a site not affected by the Acid Sulfate Soils Overlay) is “exempt development”: It is not regulated by and requires no approval under the plan. For a detached house, “minor building work” is building work not controlled by the *Standard Building Regulation 1993* or that does not increase gross floor area by more than 50m².

At the other end of the scale, a substantial expansion or extension of an existing use is covered by the IPA definition of “material change of use” and is treated as though it were a new use.

To ensure that extensions and renovations to existing development comply with basic standards that apply to new development, building work that is more than “minor building work”, but is not associated with a “material change of use” is regulated by the Building Work Development Assessment Table (Part 4, Section 4.2.3 of the Caloundra City Plan).

For a detached house, such building work does not require a development approval if it complies with the acceptable solutions of:

- (a) the Detached House Code;
- (b) the relevant Planning Area Code; and
- (c) the Parking and Access Code.

If the building work does **not** comply with the acceptable solutions of the Detached House Code it may require referral under section 20 of the *Standard Building Regulation 1993*, may be code assessable or may be impact assessable (depending on the particular acceptable solution involved – see “**WHAT HAPPENS IF A DETACHED HOUSE DOESN’T COMPLY WITH THE CODES?**”).

If it does not comply with the acceptable solutions for building height in the Planning Area Code it will be impact assessable.

If it does not comply with the acceptable solutions of the Parking and Access Code it will be code assessable.

If it is code assessable or impact assessable, a development approval is required.

Note 7:

*An extension to a detached house that exceeds the height limit specified in a Planning Area Code applicable to the site is considered to be a material change of use (i.e. in terms of the IPA definition of “material change of use”, it is a **material change in the scale** of the use of the premises). **This is the case even if the extension otherwise meets the Caloundra City Plan definition of “minor building work”.** Accordingly, such development is an impact assessable material change of use under the Precinct Class Development Assessment Tables.*

TYPES OF APPROVALS AND RELEVANT APPLICATION FORMS

The IPA provides for a number of different types of approvals, more than one of which may be relevant to a detached house. These are outlined below, together with the Integrated Development Assessment System (IDAS) application forms to be used:

Development permit for material change of use for a detached house

This is required where a detached house is code assessable or impact assessable under the plan.

Parts A and D of IDAS Form I are used.

Development permit for building work

This is required where building work is code assessable or impact assessable under the plan.

Parts A and E of IDAS Form I are used.

Building approval under the *Building Act 1975* and *Standard Building Regulation 1993*

This will be required whether or not approvals are required under Caloundra City Plan.

Parts A and B of IDAS Form I are used.

IDAS application forms can be downloaded from www.ipa.qld.gov.au