

## DEVELOPMENT PERMITS

There are several types of development that require approval in the form of a Development Permit. A Development Permit gives you permission to carry out assessable development under the Townsville City Plan, *Planning Act 2016*, and the *Building Act 1975*. Council can confirm if it is necessary to obtain.

Development which may require an approval from council include:

- Carrying out Building work (e.g. renovating a house located within the Character Residential Zone)
- Carrying out Operational Work (e.g. placing an advertising device on a premises, landscaping, excavating or filling)
- Reconfiguring a lot (e.g. a subdivision, lease over 10 years or an access easement coming of a road)
- Making a Material Change of Use of premises (e.g., starting a new use, re-establishing a use that has been abandoned or changing the intensity or scale of the use).

Development that may require building approval (BP, Building Approval, Building Certification, building permit) from a private building certifier includes:

- Building work (e.g. construction of a dwelling house, shed, carport, extensions and certain renovations, rainwater tanks, shade sails).

The property owner is responsible for ensuring that the necessary permits are obtained prior to the commencement of any development on a property. If structures or development exist which are unlawful (no Building Permit or Development Permit) the owner may need to obtain a retrospective approval or remove the unlawful development.

### Private Building Certification

Most types of building works require a building permit. A building permit is issued by a private building certifier who will assess your proposed building works and determine if it meets the standards. Building certifiers must be 'appropriately licensed' and cannot design the building or carry out any work. The Building Certification Industry is governed by the Queensland Building and Construction Commission (QBCC) Townsville City Council does not employ any building certifiers therefore developers/ landowners must engage a building certifier privately at a cost negotiated with the certifier. The building certifier is required to give the owner of the property and council a copy of the decision notice (part of the building permit) and related documents upon issuing a decision.

For more information about the processes of building certification:

- visit the [Queensland Building and Construction Commission \(QBCC\) website](#)
- contact a private building certifier or building surveyor for building permit enquiries.

### Referral Agency Response

Some works require Council to provide a response to a proposed development as a Referral Agency. Council provides referral agency responses as determined by the *Planning Regulation 2017* and are provided mostly for siting variations/relaxations and for building over or adjacent to services.

A siting relaxation is a form of acceptance provided by Council when proposed building work does not achieve the siting requirements nominated under the Queensland Development Code (QDC). This can include the building being constructed closer than usually allowable to the front, side, or rear boundaries of a property, or exceeding the designated maximum height and/or site coverage. It is recommended you engage a private building certifier, who will advise on the requirements of obtaining a development permit for building works.

If building work is to be carried out for a building or structure that is over or near to relevant infrastructure (e.g. water or sewer pipes), the work is required to achieve compliance with the standards set out in the QDC. If these requirements are not met, an application seeking a referral agency response for building over or adjacent to services will need to be lodged with Council. It is recommended you engage a private building certifier or civil engineer, who will advise on the requirements of obtaining a development permit for building works.

# Planning and Development

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### Obtaining a Development Permit

Obtaining a Development permit from Council can be achieved by submitting a development application. Council planning assessment officers and Engineers assess applications against the Townsville City Plan and Queensland Development Code to ensure the proposed development is consistent with the legislative requirements and follows the development application process.

### Consultants

Consultants can be engaged by developers and landowners to assist in the preparation and management of a development application. A Town Planning consultant is usually employed by a town planning company, Council does not employ town planning consultants and is not able to recommend a particular consultant. While applicants are not required to engage a consultant these professionals are familiar with the development application process. A consultant can work with applicants and council to optimise the development, saving time and money.

### Council Planning Assessment Officers

Council Planning Assessment Officers assess applications against the Townsville City Plan and Queensland Development Code to ensure the proposed development is consistent with the legislative requirements and follows the correct development application process. As the Townsville City Plan is a performance-based planning scheme, consistency with the scheme does not necessarily mean that all of the Acceptable Outcomes are achieved however, the development can demonstrate compliance with the Performance Outcomes. The assessing officers will produce a report which demonstrates that the proposed development is appropriately located, designed, and can be operated to satisfy the intent of the legislation, and a Development Permit with conditions will be issued.



### Frequently Asked Questions

#### What happens if I don't get a permit?

Obtaining the necessary permits and approvals is not only a legal requirement but also ensures the safety of the occupants, visitors, the community, and the surrounding environment. Failure to obtain the necessary permits and approvals can result in fines, legal action, and potentially unsafe or non-compliant structures. It is recommended that property owners consult with a qualified Building Certifier or Council to determine the necessary permits and approvals required for their development.

#### Do I need a permit for maintenance or repair?

Depending on the extent of the maintenance or repair and the location of the property. If the property is within the Character residential zone or the Cultural heritage overlay even minor building work may require a permit. Contact a Building Certifier or Council to confirm.

#### Do I have to hire/engage a private Building Certifier?

Yes, to obtain a relevant Building Permit you must engage a private Building Certifier. Council does not provide this service.

**DISCLAIMER:** The contents of this information sheet have been prepared to assist in the understanding of Planning and Development in Townsville. The information sheet is an outline only.

**For more information please contact Planning and Development:** ☎ 13 48 10 ✉ [enquiries@townsville.qld.gov.au](mailto:enquiries@townsville.qld.gov.au) 🌐 [townsville.qld.gov.au](http://townsville.qld.gov.au)