



# Building Newsflash

## **'ISSUING DEVELOPMENT PERMITS FOR BUILDING WORK' ANSWER SHEET FOR ASSIGNMENT 2**

### **Purpose**

To advise you that the answer sheet for assignment 2 for the training course 'Issuing Development Permits for Building Work' is now available.

### **Background**

You will recall that since 14 December 2004, a private certifier who wishes to issue a development permit for building work, must have licence endorsement obtained by successfully completing the course.

To successfully complete the course, participants are required to submit two pieces of written work, one piece submitted before course attendance and other after the course.

Assignment 2 requires candidates to demonstrate that they have the necessary competencies gained through having completed the course.

Candidates must successfully complete all assessment requirements in order to be deemed competent and be issued with a statement of attainment.

If you attended a training course in 2005 and have not submitted assignment 2, a statement of attainment will not be issued. For a statement of attainment, you will need to attend another training course and submit both assignments.

For courses offered in 2006 a new assignment will be set.

### **Upcoming training**

The next training course will be held in Brisbane on 16-17 February 2006.

## Registration details

For more information about the course, please contact Ms Leslie Mackee, Principal Consultant, AssentTECS by phone on (07) 3871 2539 or by email on [atecs@bigpond.net.au](mailto:atecs@bigpond.net.au)

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## Assignment 2 – Answer Sheet

### Step 1: Identify Proposed Use

Proposed use is defined in the scheme as a home office. Specifically:-

- It forms part of a dwelling
- It is used as an office by a resident of the dwelling
- It does not employ more than one non-resident employee
- The area occupied by the office does not exceed the greater of 50m<sup>2</sup> or 1/3 of the GFA of the dwelling.

It is not a home occupation which allows for two non-resident employees.

It is not ancillary to a detached dwelling based on the best fit principle and because it involves clients visiting the premises. The latter is implied as a feature distinguishing between a home occupation and a detached dwelling.

The development proposal is not a minor change in the scale or intensity of an existing use as it involves the commencement of a new use. It is also outside the scope of the definition of minor building work as it exceeds 10% of the existing GFA.

### Step 2: Identification of Spatial Classifications

Site is identified on the various maps as:

- Local Plan Domain
- Beenleigh Town Centre Local Plan
  - Precinct 11 – Town Centre Residential Precinct
  - LAP1.7 Streetscape Character - Formal
- Overlay map OM15 - Pacific Motorway Service Roads
  - Future Link
- Overlay Map OM16 – Unstable Soils
  - Site not designated as unstable soils

### Step 3: Level of Assessment

Table A identifies home office in precinct 11 as self assessable development.

Assuming the site does not adjoin a heritage place or is the subject of a native title claim (as conveyed in providing the assignment to certifiers) Table B does not apply.

Table D will apply if an advertising device is required. (But not the subject of the question.)

Tables C, E, F & G do not apply.

Clause 7.7.1 of the scheme identifies that proposals requiring self assessment and which do not comply with the acceptable solutions of the relevant code or codes default into requiring code assessment. Therefore an assessment against the relevant codes is required.

#### **Step 4: Identify all relevant Codes**

Table 7.1 In Beenleigh Town Centre LAP identifies the relevant codes for self assessable development as:-

- Beenleigh Town Centre LAP Place Code
- Working From Home Code
- Carparking, Access & Transport Integration Code
- Service Roads (Pacific Motorway) Code

#### **Step 5: Assess Compliance with Relevant Codes**

Beenleigh Town Centre Code: Compliance with acceptable solutions AS1 – AS12 has to be ascertained. Many are not applicable being restricted to other precincts or to other circumstances. Amongst those that are applicable is the following:

AS4.1.1 The building is located close to, or abutting frontages, to streets and other urban spaces, for all or most of these frontages so that they create a continuous, or essential continuous, edge of built form. This includes, with reference to the Beenleigh Town Centre LAP Map 1.7 – Streetscape Character:

- (a) a minimum of 80% of the façade of the building abutting or being located within three metres of a frontage to a formal streetscape; .....

Step 2 identified the site as having a frontage to a formal streetscape and accordingly the above provision applies. The development maintains the existing setback of 15m and accordingly does not comply with the acceptable solution.

Working from Home Code: Compliance with acceptable solutions AS1 – AS8 has to be ascertained. Generally the proposal clearly complies however there may be concerns regarding compliance with AS2.1.2 (appearance of the building) as no explicit details concerning this aspect of the development were provided.

Carparking Access & Transport Integration Code: Compliance with acceptable solutions AS1 – AS16 has to be ascertained. Generally the proposal clearly complies however it would be desirable to note that the use of a home office requires the provision of one additional carparking space as set out in the Table to AS16. (Three spaces in total required.) The new carparking space required may have to be designed to enable vehicles to turn on site to comply with AS12.6. This is feasible on the site.

Service Roads (Pacific Motorway) Code: Compliance with acceptable solutions AS1 – AS8 has to be ascertained. Many are not applicable being restricted to other Types of service roads. AS2.2 requires a 3m landscaped buffer to the street frontage. This is achievable. Other relevant criteria are able to be satisfied.

## **Step 6: Assessment**

Section 5.3.4(2) of the Integrated Development Act states: If the application the private certifier is assessing relates to self-assessable development that may affect the position, height or form of building work, the private certifier must not approve the application if it is inconsistent with a local planning instrument declaring the development to be self-assessable development.

AS4.1.1 of the Beenleigh Town Centre Code is a provision relating to the position of the work. As the proposal is inconsistent with this requirement for self assessable development the certifier cannot issue an approval until a development permit for the MCU is issued by the local authority. The proposal for the MCU is code assessable.