

RJD0603310915

## JOHNSTONE SHIRE COUNCIL Building repair work - Cyclone Larry

Building law relating to reconstruction and repair of buildings of Class 1a & 10 damaged by the effects of Cyclone Larry

### 1.0 APPROVAL FOR BUILDING WORK:

#### **Integrated Planning Act section 1.3.5:**

*Building work is defined as development and includes building, repairing, altering, underpinning (whether by vertical or lateral support), moving or demolishing a building or other structure.*

#### **Integrated Planning Act section 3.1.4:**

*A development permit is required for all assessable development.*

#### **Integrated Planning Act Schedule 10 part 1 clause 1:**

*All building work is assessable development unless the building work is self-assessable or exempt. Schedule 5 of the Standard Building Regulation lists self-assessable and exempt development.*

#### **Standard Building Regulation - Schedule 5 development - self-assessable and exempt work (no application required) is listed:**

Under clause 8 - repairs, maintenance or alterations to an existing building or structure is **self assessable** if the repairs, maintenance or alterations:-

- Do not change the floor area or height of the building or structure; and
- Do not affect a structural component, other than a minor structural component if the repairs, maintenance or alterations do not affect more than 20% of the total number of the type of minor structural component in the building or structure (eg less than 20% roof to be replaced)

Example of minor structural component -

- A verandah post
- A roof beam or lintel supporting not more than 5m<sup>2</sup> of roof area
- Metal connectors or bracing members.

Generally class 10 buildings (garden sheds) are not listed as self-assessable in a wind region C area. This means they are assessable development and a development permit is required.

Class 10 buildings used as hay sheds etc or similar on land where the building is 200m from property boundaries is exempt development irrespective of the wind region. This means that a development permit is not required for such buildings.

**Conclusion:**

Most of the building work for repair to buildings will be assessable development because structural damage is generally more than 20% of the building and therefore a development permit (building approval) will be required. The process for assessment and approval of the application for approval of building work is the IDAS process as detailed in the Integrated Planning Act.

**Requirement 1.1:**

Applications for **total reconstruction** of buildings (ie new buildings) are to use the IDAS application process and forms A and B and are to be accompanied by the details specified in the Standard Building Regulation eg site plan, floor plans, elevations and specification of work to be effected detailed on the plans or in a separate specification.

**Requirement 1.2:**

Applications for **alterations (ie repair)** of existing buildings are to use the IDAS application process and forms A and B and are to be accompanied by at least a site plan showing the location of the building work on the site of the building and specification of works to be carried out in the form of words or words accompanied by sketches. In all cases the details are to be legible and neatly prepared for the purpose of assessment.

A general example of tie-downs for **roof resheating** could include the following:

- 1) Battens to be screwed to rafters with 75mm No 14 Type 17 screws and roof sheeting to be fixed to battens with roof screws - 5 screws per batten per sheet.
- 2) Truss/Rafter tie-down - 1.8mm x 50mm strap over the rafter with 75mm No 14 Type 17 screw each side with nail through strap to top of rafter.
- 3) Cyclone bolts 12mm to be located in load bearing walls at each side of door/window opening and at maximum 1200 mm centre. Bottom of cyclone bolts to be fixed to 50x100 hardwood batten fixed under joist. *Discuss with building certifier if this is considered impractical in particular circumstances.*

**Requirement 1.3:**

Approval of other development such as **plumbing and drainage** will be required from Council if it is new work. Repair of buildings with continuing use of existing effluent disposal system will not require approval.

## 2.0 ASSESSMENT OF BUILDING WORK:

### **Standard Building Regulation section 4:**

The carrying out of building work (assessable development) is assessable against the Standard Building Regulation.

### **Standard Building Regulation section 8:**

The Building Code of Australia forms part of and is to be read as one with the Standard Building Regulation.

### **Standard Building Regulation section 11 - *alterations to safe existing work* and section 12 - *alterations to unsafe existing work*:**

In both sections the person approving the application for adding to or altering a building or other structure may require the proposed building work to be in accordance with the current standard building regulation or a local law or building regulation in force in a local government area at a particular time before the application for approval was made.

### **Standard Building Regulation section 17 - Development approval may require entire building or structure to conform:**

This section requires inter alia that a development approval may require that a part of a building, or the entire building to conform with all or part of the Standard Building Regulation as though the building were a new building if the proposed alterations together with any previous alterations completed within the previous 3 years represents more than half the total volume of the original building measured overall the roof and the external walls or the safety of persons accommodated in or using the building warrants the requirement.

### **Conclusion:**

A person approving alterations to a building (eg repairs to a building) may require the building to comply with the current provisions of the Standard Building Regulation including the Building Code of Australia or Standard Building Regulations applicable in the area at some other time.

### **Requirement 2.1:**

It is appropriate to require **partly damaged buildings** to provide for tie down and bracing of a standard that meets the current requirements for the particular wind area (in particular tie down from the roof sheeting to the floor of the building and bracing to walls and roofs). However, the extent of tie down and bracing will depend

on access to provide the additional tie down and bracing and the type of existing linings of the building.

**Requirement 2.2:**

It is appropriate to require **completely demolished buildings** to comply with the current provisions of the Standard Building Regulation including floor heights in flood areas, energy efficiency, sustainable housing requirements and the acceptable construction provisions of the Building Code of Australia taking into account the performance provisions of the code. Some alternate solution may be required however such alternate solutions may be determined considering the performance provisions of the code.

**Requirement 2.3:**

It is not necessary for **completely demolished houses** to comply with current **plumbing and drainage** requirements unless it is not planned to connect to the existing effluent disposal system. If the structure was/is over a **sewer line** then provisions to prevent surcharge on the line must be incorporated in the redesign.

**Requirement 2.4:**

Buildings can be replaced in the location of the demolished building without reference to the **siting** provisions of the Standard Building Regulation or shire planning scheme requirements.