

## Christmas Time

The final dash to Christmas is upon us. We are still able to assist with preparation and lodgement of simple or RiskSMART applications with all supporting information attached. For more complex applications we would recommend a meeting be held now, before the Christmas break, to ensure your project commences first thing in the New Year.



This year has been extremely busy, with many great wins at Council, The Planning Place would like to wish all our clients a Merry Christmas and a happy and safe New Year.

The team thank you for your loyalty and support provided during 2016 and we look forward to working with you again in 2017.

Our office will be closing for the Christmas period from 4:00pm of Friday the 23<sup>rd</sup> of December 2016 and returning to work on Monday the 9<sup>th</sup> of January 2017.

Should you require any urgent assistance please send through an email as they will be checked intermittently through the Christmas break. From all the Team at The Planning Place, Merry Christmas!!!



## Newsletter Dec 2016 The Planning Place Town Planning & Development

### SealSMART Plan Sealing Approvals

The Planning Place are a unique team of fully accredited SealSMART & RiskSMART Town Planners, committed to quality customer service.

SealSMART accreditation allows us to provide another service to our clients with compliance assessment, project management and plan sealing for subdivision approvals.

The fast-tracked sealing of survey plans can save clients thousands in interest on their bank loans, by significantly reducing the length of time taken for titles to be issued and contracts of sale being settled.

#### 176 Chatsworth Road, Coorparoo

Another successful Plan Sealing (SealSMART) approval for 1 into 2 Lot Subdivision at 176 Chatsworth Road, Coorparoo.



#### 26 Montrose Pde, Wynnum West & 7 Claymeade St, Wynnum

For these sites at Wynnum our Town Planners assessed the compliance of survey plans with the approved Reconfiguring a Lot and ensured that all conditions of approval had been appropriately met. This process allowed for a fast-tracked outcome on behalf of the client.

### Testimonial

“Charlotte Alchin always provides excellent communication and advice among the project teams Ensuring projects run as smoothly and efficiently as possible. Always a pleasure to work with her and the team at The Planning Place.”

Harj Singh –Senior Engineer  
Pekol Traffic & Transport

### Queensland Government Planning Reform Planning Bill

In mid-2017 a new Planning System for Queensland is set to be implemented. The Planning Act 2016 will establish a new planning system for the state and will replace the *Sustainable Planning Act 2009 (SPA)*. It is heralded that the new planning laws are to deliver a transparent and efficient system that will contribute to investment and jobs, and will ultimately improve community engagement.

There will be new requirements on Council’s and the State Government to publish reasons for development decisions, there will be a greater say for the community with local governments now required to consult for longer on new planning schemes and mandatory consultation on state planning instruments.

The new planning system is designed to provide greater certainty through a ‘bounded’ code assessment, or categorised instrument that categorises development and assessment benchmarks (matters an assessment manager is to assess against), as well as exemption certificates for assessable development. This will mean development is assessed more strictly against criteria set out in the code, with the view to providing more rights for the community with the ability to appeal decisions without adverse cost orders.

Comprising of three main elements:

- ① plan making
- ② development assessment
- ③ dispute resolution;

State and local government will share the responsibility in its deliverance. The system will be performance based, which will supposedly allow for innovation and flexibility in how development can be achieved, which also responds to community needs and expectations.

# Preliminary Approval for Building Works Questioned

## Brisbane City Council V Gerhardt 2016

Gerhardt v Brisbane City Council 2015, judgment called into question planning scheme provisions which attempt to make building work assessable against a planning scheme where no material change of use is involved.

The Planning and Environment Court made declarations that there was no requirement for the private certifier to make a separate development application to Council and that the private certifier had become entitled to approve the owner's development application in the absence of Council's concurrence response.

Brisbane City Council's appeal against the judgment was rejected by the Court of Appeal. Council applied for leave to appeal on the basis that the Planning & Environment Court decision involved errors or mistakes in law. Leave to appeal was granted as the matter involved important questions regarding the proper interpretation of the SPA and the Building Act 1975 (Qld) (BA). However, ultimately Council's appeal was dismissed.

The recent Court decisions have resulted in a change to procedures in the acceptance of development applications by BCC being deemed as properly made. Council no longer require a development application for Material Change of Use to be filed with a Form 6 "Preliminary Approval for Building Works."

This requirement was out of step with all Council's throughout Queensland and has now been found not to be a requirement by the Councils. However, Brisbane City Council is still insisting on a Form 6 to accompany development applications that involve assessment against the Traditional Building Character Overlay Code.

## Testimonial

"Michael Harries at the Planning Place undertook a plan-sealing application for a 1 onto 2 subdivision for one of our recent projects. Michael's management and communication of the entire process allowed the project to be executed in a timely manner, cost effectively and on budget. We are grateful for Michael and The Planning Place. We look forward to our next project with him and the team." - Chris Boyle – Freedom Property Group



## Updates - Brisbane City Council

### QUEENSLANDERS New Protection for Queensland Homes



Own a Queenslander? BCC recently discovered 105-year-old survey map of early Brisbane sitting in archives. The 1911 Brisbane Survey map identifies previously unknown old 'timber and tin' homes now set for protection. Your Queenslander could be protected under the new Temporary Planning Instrument, with an additional 147 homes to be added to the register.

**Read more:**  
<http://www.brisbanetimes.com.au/queensland/1911-brisbane-survey-map-identifies-unknown-old-timber-and-tin-homes-for-protection-20161128-gszfsf.html>

### HERITAGE HOMES BCC to make owners maintain heritage homes

Brisbane City Council can now give you a fine if you don't maintain your heritage listed dwelling.



They can issue you a 'repair and maintenance' order over things like 'repairing walls, roof frames, roof boards, locks, doors, gutters and downpipes'.

An individual owner who refuses to follow the orders can be fined a maximum of \$9000, while a company can be fined up to \$190,000.

**Read More:**  
<http://www.brisbanetimes.com.au/queensland/brisbane-city-council-to-make-owners-maintain-heritage-homes-20161129-gt0ccq.html>

### Are Queenslanders or traditional character houses disappearing from the streets of Brisbane?



Pre-1946 dwellings in a Traditional Building Character Overlay still require Council approval under the Demolition Code.

- Building Certifiers or Concurrence Agency for a building development application, are not able to assess building development applications against the Demolition Code.
- Assessment against the Demolition Code requires a separate development application, rather than Council being a concurrence agency.

**Read more:**  
<http://www.mondaq.com/australia/x/543828/Building+Construction/Are+Queenslanders+or+traditional+character+houses+disappearing+from+Brisbane>