

CONSTRUCTION INQUIRY INTERIM REPORT

FEEDBACK

Design of planning regulation



PRELIMINARY RECOMMENDATION 5 - DESIGN OF PLANNING REGULATION

To reduce uncertainty and unnecessary regulatory impost on building design, improve productivity and allow greater innovation, the Queensland Government should:

- commission an independent review to remove inconsistencies between the Planning Act and the Building Act (and associated regulations) to provide clarity regarding local government powers to regulate building matters and ensure that planning matters are implemented consistently with the Building Act
- ensure the requirements in local government planning schemes are consistent with the Queensland Development Code, including any variations due to climatic or other conditions
- require that any variations from the Queensland Development Code (the Code) in local and state government planning schemes have demonstrated net benefits to the community — consideration should be given to introducing a requirement for a formal regulatory assessment for any variations from the Code
- amend the Planning Act to standardise zoning types across all local plans.
- continue to progress standardised siting and design requirements for detached housing, secondary dwellings, and smaller townhouse and apartment buildings
- ensure that state and local government overlays are consistently applied across planning schemes.

The recommendations are supported.

Local government powers to regulate building matters under the NCC and QDC are clearly prescribed in legislation and are not contentious.

The problem is that planning schemes, which also have a role in determining the siting, form and appearance of buildings, do not provide consistent and clear guidance on required standards and approval processes. State codes for detached housing have been developed under building legislation to deal with this problem have been overridden in planning schemes, subdivision approvals and even by the State government planning agency which has developed its own codes.

Approval processes are also complex, with each local government having its own interpretation of the type of application required. Sometimes the information required by local governments is excessive.

In addition to QDC variations, all new planning scheme and amendments should be subject to formal regulatory impact assessment.



REQUEST FOR INFORMATION - DESIGN OF PLANNING REGULATION

The Commission would like to test its understanding of planning regulation, including:

- our understanding and framing of the issues with planning regulation, including the way it interacts with building regulation
- stakeholders' experience of complying with planning regulations, including how regulatory differences across Queensland impede construction productivity and innovation
- stakeholders' experience of interacting with regulators, i.e. how well regulators have performed and what factors contribute to better performance
- examples of where regulations have been applied flexibly to achieve better outcomes and conversely where an outcome was worse due to inflexibility.

How planning regulation interacts with building regulation

The current regulatory framework for detached housing is incomprehensible to most people and largely reflects a series of poorly made decisions by State planning and building agencies, and subsequent inconsistent interpretations by local governments.

The Planning Act allows planning schemes to regulate detached housing subject to the following:

1. Section 8(5) of the Planning Act prohibits a planning scheme from including building assessment provisions eg matters under the Building Act 1975 and the NCC. This has been an effective tool in preventing planning schemes from duplicating the NCC.

Despite this and while not widespread, there are some examples where planning schemes have included building work provisions which the NCC does not cover because they were not deemed as necessary,. Examples include requirements for photovoltaic cells, internet connections and accessibility (prior to the recent NCC amendments).

2. Building regulations have historically dealt with the design and siting of detached housing through a “one stop shop”. With planning schemes stepping into this space, the Building Regulation was amended to prescribe what building work matters a local government planning scheme can address, being:
 - Design and siting standards for single detached dwellings (see below); and
 - Designation of areas subject to bushfire and flooding (see below).
3. The Building Regulation calls up the design and siting standards (namely siting and site cover) contained in the QDC as a default standard across Queensland. Local governments can adopt their own design and siting standards in their planning schemes. Other QDC provisions relating to for example car parking and private open space are optional for a local government to adopt.

4. The QDC is a code for only *building work*¹, with additional planning requirements for *material change of use*¹ & *building work* being determined by the planning scheme.

Definitions in the Planning Act relating to *building work* and *material change of use* impact on how housing is assessed. Directions from the Department of State Development and Planning on how planning schemes should be drafted are contrary to the intended use of definitions in the Act and have created considerable uncertainty for the building industry (see below).

5. Planning schemes include housing standards in zoning codes, housing codes, local area codes and overlay provisions. Planning schemes are enormous documents overcrowded with planning acronyms and legalese, and even practiced professionals argue about how they should be interpreted. If you don't know how to read a planning scheme you could easily make a mistake as assessment triggers and standards for housing are scattered throughout a scheme.
6. Where a proposed single detached dwelling does not comply with the QDC or planning scheme standards, then approval of the local government is required before building work approval can be given by a private certifier. Given the complexity of the process, the certifier will generally make the application for the applicant. The approval processes and costs vary greatly for each local government.

It is not unusual for the type of application to be contentious eg referral, material change of use or building work or a combination thereof – each of which has their own approval process and fees.

7. The Planning Act also allows new residential subdivisions to have their own design and siting standards which override the planning scheme. These are colloquially known as “covenants” or “Plan of Developments (PODs)”. Where a proposed house does not comply with the “covenant” standards many local governments such as Gold Coast City Council will request an application to amend the original subdivision approval, which can then become a very complex exercise.

There are hundreds, if not thousands of PODs. They are generally poorly written and ambiguous, and quite often their legal status is unclear with some PODs

¹ Defined terms in the Planning and Building Acts



expiring, with questions about whether they override the planning scheme being interpreted differently from local government to local government.

It is not uncommon for designers and private certifiers to consult the POD, QDC and planning scheme when designing and assessing a house, and where there is a conflict, a costly application to the local government is the only way in which the uncertainty can be resolved.

8. Filling directly associated with a house is considered to be building work. However the legislation is unclear about how much land around a house can be filled ie when it is no longer building work. For example, the Sunshine Coast Regional Council requires a development application for more than 200 mm of fill within 1.5 metres of a boundary, so a private certifier is left in a quandary about whether fill associated with a house is building work or not.
9. The Planning Act contains other provisions which allow other design and siting codes for 37 State Development Areas throughout the State, which includes major residential growth areas such as Flagstone. These Areas contain their own design and siting standards for housing.
10. The Department of State Development and Planning recently released a draft Secondary Dwelling Code for public comment. This was to be a planning code under a separate legislative framework to the QDC.

The regulatory framework for other forms of housing such as dual occupancy dwellings and apartments is simpler as in most cases planning approval must be obtained prior to building approval being given. However other issues relating to design standards, timeliness, application costs, regulatory hurdles, performance based decisions and land supply continue to impact on the ability of the market to supply affordable and well located housing.

Bushfire and Flooding Overlays

Land subject to bushfire and flooding is shown in planning scheme maps, and this informs designers and certifiers about what additional measures under the NCC applies. This system works well though there have been many instances where land has been wrongly mapped, partly because local authorities may not have complete information and therefore map land as hazardous as a precaution.

Because land mapping is often incomplete, when land is subdivided for housing local governments will require detailed bushfire and flood mapping to be provided with the development application. Quite often the detailed mapping conflicts with the planning scheme, which remains unaltered. The detailed mapping is not readily available and often requires extensive and costly searches to locate. Then when found the mapping

may be ambiguous. A development application for a new house to resolve the matter then becomes an unwanted and unexpected cost.

Uncertainty about when a planning application is required for a building

Planning Schemes can regulate both *material change of use* and *building work* (excluding matters under the Building Act). This is because a new building does not necessarily involve a *material change of use* eg demolishing and rebuilding a house, minor works, extensions, pools and the like. Explanatory Notes to the Planning Bill provide a detailed explanation on what is *building work* and how it relates to *material change of use*. This is consistent with planning legislation in New South Wales and Victoria which defines development as both the use of land and the construction of a building. ie design and siting of housing.

Despite the Planning Act, accepted planning practice is to classify the design and siting of a house as a *material change of use*. As well as this being a nonsense it creates considerable uncertainty as the trigger for when development is “material” is subjective and an application required. Everyday examples of development considered to be a material change of use include:

- Demolishing and building a new house;
- Extensions;
- Swimming pools; and
- Siting variations.

Local governments also consider that even a new house on a newly created lot in a residential subdivision as a *material change of use*, which begs the question about why the lot was created if not for a house.

The problem for builders and certifiers is that if the housing codes are not read correctly, and there are many of them to check, a costly mistake can be made. As local governments have the resources to take legal action, most applicants succumb and lodge *material change of use* applications to avoid the costs and delays involved. There are also cases where houses have been demolished as a result.



Additional material

Attached to this submission is a presentation for a HIA breakfast about why a single housing code is required. While the presentation is dated, the issues raised are still current and includes numerous examples the Commission is looking for.

Also attached is an article about how the terms for *building work* and *material change of use* are causing considerable confusion which was recently published in the Planning Institute's Agenda magazine.

How the current regulatory framework for housing has evolved

Design and siting standards for detached dwellings have traditionally been included in building regulations as this provided a “*one stop shop*” for approvals. However new planning schemes and State planning legislation have also included additional design and siting standards for housing complicating the approval process, creating unnecessary delays and adding approval costs. Despite these problems being well known in the building industry, State building and planning agencies have failed to address these. They have mostly worked independently of each other eg writing their own housing codes; and sometimes their actions have often exacerbated these problems eg allowing matters such as building height to be included in planning schemes.

Further, successive governments have preferred not to undermine the autonomy of local governments. This is despite considerable benefits to the community and homeowners of a single housing code having been recognised and accepted in other Australian States.

The Commission is also seeking stakeholder views on the reform directions outlined above, including:

- if there are other reforms that would help to reduce regulatory complexity or inconsistency
- the extent to which developers and residents could be provided the flexibility to negotiate variations to existing regulation to reach mutual agreement on development in a neighbourhood, and what frameworks need to be established to make this work
- what other mechanisms could help to better align regulatory outcomes with community preferences
- any unintended consequences, implementation issues or other issues that should be considered.

Codes will streamline building approvals for housing

“Deemed approved” design and siting codes such as those contained in the Queensland Development Code, Priority Development Areas, local government planning schemes and preliminary approvals (better known as Plan of Developments (PODs)) are written

where the impact of a building is known. This means owners, designers, certifiers and builders can design, approve and construct buildings where they comply with relevant codes without any planning approvals being required from local governments. Such deemed approved codes for houses and associated structures are commonplace.

The current problem in Queensland is that there are too many of these codes, they are too complex, are poorly written and overlap.

NSW has mandatory Statewide complying codes for houses, secondary dwellings, dual occupancies and townhouses, as well as codes for some apartments.

Design codes can also be written for more larger buildings such as apartments however these, like other buildings, almost always require development approval. This is because local governments use the development approval process to assess off site impacts and negotiate specific outcomes with the developer.

Reduce the number of separate codes

There is no justification in having a regulatory system which has hundreds of housing codes, particularly where variations in these codes are minor.

Therefore the QDC should become a mandatory code which permits local variations only in circumstances where environmental conditions are critical. These should be referenced in the QDC so prospective owners, builders and certifiers can find them.

Further it is an absolute nonsense that the Department of State Development and Planning has its own detached housing codes for Priority Development Areas.

In respect of the unknown number of Plan of Developments, these should be all made redundant with any specific issues being managed by overlays or indexed variations to the QDC.

In other States regulatory impact assessment have identified considerable benefits in reducing the number of housing codes. For example, project home builders will be able reduce costs as housing designs offered to consumers will be compliant throughout the State, instead of the current situation where designs have to be amended to deal with minor and mostly non-sensical variations in local design and siting standards.

Overlays

Overlays identify potential environmental constraints but are never updated when detailed studies undertaken as part of land subdivision approvals identify site specific information. In these situations the local government should be required and allowed



amend its overlays immediately so prospective owners, buildings and certifiers can find them.

Complexity of Planning Schemes

Even professionals argue about how to interpret planning schemes. They have become unnecessarily wordy and full of jargon, complex and difficult to interpret correctly. A well written planning scheme should be accessible to the public.

Housing Diversity

There is a lack of suitable housing in many communities, particularly for older persons downsizing their homes who still wish to retain connection with their communities and families. Instead those seeking other forms of housing are offered little choice except high rise apartments mainly located in the inner city or larger suburban centres. Other housing types such as secondary dwellings, dual occupancies, townhouses and low rise apartments should be facilitated throughout our towns and cities through the development of Statewide zoning directions to local governments. For example, each local government should be required to demonstrate benchmarks for zoned land which permit these housing forms.

Performance Based Planning

Performance based planning provides flexibility and encourages innovation as applicants are able to apply for buildings which do not meet “deemed to comply” standards. There are however three issues with performance based planning as it:

1. leads to inconsistent outcomes for similar housing types;
2. means those with knowledge and resources are the primary beneficiaries as they are able to engage consultants to argue their proposals. Smaller designers and builders find it difficult to compete in this space and as a result distrust the system.
3. is open to being misused and potential corruption.

A review of how the current performance based system is operating could improve housing outcomes by making it more accessible. For example, where a local government accepts performance based solution for less car parking or private open space, the reasons should be published so that other applicants can utilise the solutions.

Amending applications

Where the design and siting of housing is being changed, the practice of many local governments is to require any underlying approvals to be changed. This is because section 73 of the Planning Act states that an approval attaches to the land. This is a nonsense as once a building is finished, only conditions relating to its use should attach



to the land. Further building work should be assessed as new work under the current rules, and not involve a re-assessment of the original application. It has led to the ludicrous situation on the Gold Coast where a minor application to vary the setback of a house requires the owner to lodge a more complex and costly application to amend the subdivision application, which in many cases involves hundreds of lots.

In Brisbane, owners wishing to enclose townhouse and apartment balconies have been required to lodge complex *material change of use* applications amending the original approval, instead of a minor *building work* application. As the application process was too complex, many owners have enclosed their balconies without the necessary approvals. As a result appropriate fire protection measures are not in place, and many apartments pose a fire risk and do not comply with the fire protection measures of the NCC.

A Single State Agency Responsible for Housing

There are two different agencies responsible construction and planning standards for housing. Neither of these agencies work together to resolve regulatory issues and conflicts between building and planning requirements for housing. The Commission should recommend combining responsibilities into a single agency tasked with developing streamlined housing codes, land supply and removing unnecessary red tape. To lobby for better housing outcomes this agency should be separate from the agency responsible for the Planning Act, which is inherently conflicted in the services it provides as it is dealing with the whole planning system.



PRELIMINARY RECOMMENDATION 6 - INFRASTRUCTURE CHARGING

The Queensland Government should commission an independent review of the infrastructure charging regime to ensure it provides:

- an efficient level of funding to support the necessary infrastructure to support development
- price signals that ensure that future development considers the efficient use and provision of infrastructure assets.

The review should consult widely, including with local governments and industry stakeholders.

The recommendation is supported as numerous studies undertaken by industry bodies have identified infrastructure charges as adding significant costs to a new dwelling, that such charges are being used to complement general taxes and rates, and that such charges are inequitable as they impose higher costs on new housing.

Approval processes



PRELIMINARY RECOMMENDATION 7 - PLANNING AND DEVELOPMENT APPROVAL PROCESSES

To streamline high priority development assessments, the Queensland Government should provide a streamlined alternative development assessment pathway for significant developments, including for housing. This alternative development assessment pathway should:

- use independent planning professionals
- have objectives consistent with maximising the welfare of Queenslanders
- should have clear guidelines on the definition of a significant development but should not be subject to any other requirements.

The recommendations are supported.

There is considerable research and evidence to support separating policy development and regulatory processes. Similarly, the planning system would benefit from separating planning processes and development control as it would improve the quality and transparency of decision making. Development assessment panels are successfully used in NSW and other States to improve and speed up decision making.



REFORM DIRECTION 5 - PLANNING AND DEVELOPMENT APPROVAL PROCESSES

There is a strong case for amending the Planning Regulation to reduce procedural complexity and make the approval process more accountable.

Stakeholders have suggested that this could be achieved by enhancing the role of building certifiers (or other suitable third parties) to manage the approval process. This could include changing requirements so that only a single development application is required for assessable developments and a third party becoming the prescribed assessment manager, with local government's role changing to a referral agency.

Private certifiers already undertake this role for detached housing where it requires referral to local government or a planning application. While the Planning Act places the obligation on applicants to make such applications, the process is too complex for most owners and home builders, and the application does not warrant engaging a planning consultant.

However, the scope of a private certifiers' role should be limited to relevant issues such as design, siting, flooding and bushfire matters. More complex applications will require the third party with broader skills and experience.



PRELIMINARY RECOMMENDATION 8 - PLANNING AND DEVELOPMENT APPROVAL PROCESSES

To improve approval processes, the Queensland Government should:

- review the Building Act and Planning Act to ensure statutory timeframes are adequate to allow for staged approval processes
- require local governments to publish their performance information, including approval outcomes, time taken to approve developments and outcomes from planning disputes taken to court
- require a suitable entity to consolidate and publish this local government performance information
- consider developing, in collaboration with local governments, a 'service guarantee' to ensure approval processes occur in an efficient and timely manner
- investigate digital planning and permitting technologies to improve the efficiency, accuracy and transparency of the approval process.

The recommendations are supported with the following qualifications:

1. Statutory Timeframes

The issue is not the timeframes but the complex procedures themselves. Requests for further information by public authorities stop the clock and where such requests are unreasonable they cause further delays while solutions are negotiated. The calculation of timelines is in itself very complex.

Timelines for building applications are regulated under the Planning Act and are not followed as they are not realistic and in any case the commercial arrangement between a Certifier and their client ensures work is completed within a reasonable time.

2. Performance Information

Local government performance information must be carried out independently as local governments will not want to publish information which highlights poor performance.





REQUEST FOR INFORMATION - PLANNING AND DEVELOPMENT APPROVAL PROCESSES

To assist the Commission to better understand how planning and development approval processes can be improved, we are seeking further evidence on where development approvals work well and where they do not, as well as examples that have been used successfully in other jurisdictions.

The Commission is seeking evidence and views on:

- on what types of development and what criteria should be set for assessing whether a development is sufficiently significant to qualify for an alternative development assessment pathway, and which body should be responsible for coordinating and making assessments
- whether there are opportunities to engage third parties such as building certifiers to take more of a role in the planning and building approval process, including whether this would help to streamline approvals and whether it would introduce unintended consequences, and how these could be mitigated
- what performance information would be useful to collect and make public
- the merit of a 'service guarantee' and what form it might take
- possible housing designs or services where pre-approval could be given or the need for approval could be removed
- whether and how technology could be used to help improve approval processes.

Criteria for Alternate Development Pathway

Local government should be responsible for making most development decisions in their areas unless matters are of State interest. If a local government fails to meet its legislative obligations to assess development proposals on time, particularly for housing, then it does become a matter of State interest. Therefore the alternate assessment pathway could be requested by the applicant where:

- legislated timelines and processes are not followed; and
- information requests are unreasonable.

The decision about whether the criteria are met should be made by an independent expert body. Building and Development Tribunals have an excellent reputation for dealing with disputes quickly and cost effectively. Their jurisdiction could be expanded to include deciding whether the criteria are met, and also appointing an independent panel to assess the application.

A key benefit of this proposal is that it will improve accountability and transparency of local governments in decision making, as the responsibility for making the development will be taken from them where they fail to comply with legislated requirements.

The Use of Third Parties to make Development Decisions

Private certifiers already undertake this role for detached housing where it requires referral to local government or a planning application. While the Planning Act places the obligation on applicants to make such applications, the process is too complex for most owners and home builders, and the application does not warrant the costs of engaging a planning consultant.

However the scope of a private certifiers' role should be limited to relevant issues such as design, siting, flooding and bushfire matters. More complex applications will require the third party to have broader planning expertise. Therefore an approved pool of suitable experts should be used. Building and Development Tribunals provide a model for how this can work, and their role could be broadened to include a experts appointed to make development decisions.

Pre approval of housing

Every site is different, each having their own encumbrances with soils, wind, easements, drainage, slopes and external threats such as flooding and bushfire. Pre approval is therefore not likely to be possible.

However having well written and Statewide compliance codes will streamline the process so that building designers and housing companies can prepare designs which require only minimal checking.



Zoning regulations and land supply



PRELIMINARY RECOMMENDATION 9 - ZONING REGULATIONS AND LAND SUPPLY

To increase the supply of housing and improve housing construction productivity and affordability, the Queensland Government should introduce measures to ease zoning restrictions in well-located areas. To do this it should:

- identify well located areas near activity centres and surrounding transport hubs in South East Queensland and regional cities where housing densities could be increased
- institute a rigorous process that includes open consultation on how and where greater densities should be achieved to improve housing affordability and maximise net benefits to the broader community
- increase the allowable densities in appropriate areas by amending local planning schemes or setting rules for locations that local governments must implement in their planning schemes.

The recommendations are supported however the Commission also needs to consider whether the land supply market is competitive.

The complexity of the development approval system means that only those individuals and companies with sufficient resources and skills can successfully subdivide land into housing lots. In addition, public bodies, especially at the State level, prefer to deal with large scale proposals which are able to fund required infrastructure and provide a more acceptable integrated development. Small land owners and developers are becoming less evident in this market.

As a result, broad hectare land suitable for development is tied up with a handful of land development companies and there have been suggestions that supply is deliberately withheld to maximise returns. Broad hectare land monitoring must also include information about ownership patterns to ensure that the market is competitive.

Within urban areas, the information required to make a development application is extensive and requires numerous environmental, traffic and other reports.

Even where land is zoned for a specific purpose such as medium density housing, applicants are asked to undertake various assessments even though such investigations should have been undertaken by the local government before the land was rezoned. For example, traffic impact assessments are always required even though the ability of the local roads to carry additional traffic should have been undertaken before the local government zoned the land.

Land that is zoned for a particular purpose should be able to be developed without the need for costly studies.



PRELIMINARY RECOMMENDATION 10 - ZONING REGULATIONS AND LAND SUPPLY

To ensure that local governments have sufficient incentives to deliver new housing supply in well-located areas, the Queensland Government should set annual targets for the supply of construction-ready land and for the construction of new housing for each local government area and hold local governments accountable for meeting these targets.

To enact this, the Queensland Government should:

- set targets that include desired outcomes for low, medium and high-density housing, and include short- and long-term targets to zoned supply, development rights, approvals and new land and dwelling supply
- require local governments to report against these targets in their annual reports, including whether targets have been met, and, where they have not been met, the reason
- require reporting on development and building approval outcomes, including acceptance/refusal, time taken to complete approvals and outcomes for cases brought to the planning court
- improve monitoring and reporting on the implementation and performance of housing supply targets across Queensland
- regularly consolidate local and state planning performance information and publish this in a public report
- consider applying financial incentives and/or penalties to local governments to incentivise them to meet any new land and housing targets.

The recommendations are supported with the following qualifications.

Housing Targets

The proposed targets should go beyond zoned land. Local governments should identify targets for specific housing types and locations based on the demographics of their community. As well, local governments must have appropriate development codes which allow such housing to be built. These provisions should be signed off by an independent panel comprising of housing experts and local representatives.

Reporting

The danger of performance reporting is that it can become an “end” rather than a “means”, absorbing resources which could otherwise be utilised for more productive purposes. Further it would need to be carried out independently as local governments will not want to publish information which highlights poor performance.

If there are good state wide housing codes, streamlined decision making processes, adequate supplies of appropriately zoned land and measures to deal with poor decision making (eg third party panels and more accessible appeal mechanisms), then extensive reporting should not be necessary.

Planning Schemes

Planning schemes should be subject to robust regulatory impact analysis to test whether they will achieve net community benefits, especially in regard to housing targets.



REQUEST FOR INFORMATION - ZONING REGULATIONS AND LAND SUPPLY

To assist in further developing recommendations in relation to zoning reform, the Commission is seeking stakeholder views on:

- the adequacy of current reporting on land supply
- where zoning reforms should be targeted, particularly those aimed at increasing density, and whether there should be exceptions or exemptions within regions targeted for zoning reform
- how consultation on zoning reforms should be conducted
- whether and how land and housing targets should be set for individual local governments
- whether there are likely to be significant costs with the public reporting of local government performance in achieving any targets
- whether monitoring and reporting of land supply targets should be undertaken by an independent body
- the efficacy of any financial incentives or penalties for improving performance, and how they could be applied
- other factors the Commission needs to consider.

The Commission is also interested in whether it is possible to enable more local control over land use, and what arrangements might align local and broader community interests.

The Commission would like to encourage stakeholders to provide quantitative evidence on the impacts, costs and benefits of planning reforms to further inform the Commission's analysis.

Land Supply Reporting

Land supply reporting should also include land ownership patterns to ensure land supply initiatives are not compromised by poor market competition.

Zoning Reforms

These should be targeted across the board as most areas of Queensland are suffering from housing issues, and if not should be ensuring it does not become an issue.

Housing Targets and Local Control

Local governments should identify targets for specific housing types and locations based on the demographics of their community. As well, local governments must have appropriate development codes which allow such housing to be built. These provisions should be signed off by an independent panel comprising of housing experts and local representatives. This would also address the Commission's question about enabling more local control over land use while aligning local and broader community interests.

Reporting

The danger of performance reporting is that it can become an "end" rather than a "means", absorbing resources which could otherwise be utilised for more productive purposes.

If there are good state wide housing codes, streamlined decision making processes, adequate supplies of appropriately zoned land and measures to deal with poor decision



making (eg third party panels and more accessible appeal mechanisms), then extensive reporting should not be necessary.

Increasing support for zoning reforms



REFORM DIRECTION 6 - COMMUNITY SUPPORT FOR HOUSING DEVELOPMENT AND REFORM

The Commission is considering how governments can better assess and build community support for housing development and reform. Options include:

- building the case for development and reform
- engaging earlier and better with the community on proposed developments
- enacting provisions to enable more local involvement in the way development occurs
- improving consultation approaches so community views are better understood and represented
- sharing the benefits of development with the community by enhancing local neighbourhoods and enacting reforms to allow greater negotiation between developers and residents on the conditions of development.

Community concerns about housing have changed and there is much greater acceptance of increased density and housing types within established areas.

In established urban areas large multi-story developments which overshadow existing urban areas and generate significant traffic attract community objection because of their scale. Increasing density does not have to always involve twenty story buildings. Higher densities can also be achieved with buildings of a lesser height having a more respectful interface with existing housing. In Brisbane for example, most housing comprises detached housing or multi story apartments. Other forms of housing ie the missing middle are not as evident.

Developing land on the urban fringe is more complex as removal of native habitats for housing also impacts on the amenity of nearby residents. Expert consultation is required in these circumstances to deal with real and perceived issues, as well as political ones.



REQUEST FOR INFORMATION - COMMUNITY SUPPORT FOR HOUSING DEVELOPMENT AND REFORM

To assist in further developing the reform direction, the Commission is seeking further information and evidence on:

- community views and preferences on housing development and the need for reform and mechanisms that can be used to ensure consultation mechanisms are representative of broader community views
- how outcomes can be shaped so that communities are more accepting of change, including of higher densities
- whether there are practical measures that can be taken to allow more local involvement in shaping how development, including those aimed at increasing density, occurs in neighbourhoods
- whether there are options that would enable or facilitate more direct negotiations between developers and neighbours (for example trading off height restrictions for greenspace) without compromising development costs or timeframes
- how the benefits of development can be shared with the community.

No comments offered.

Building regulations



PRELIMINARY RECOMMENDATION 11 – IMPACTS ARISING FROM NCC 2022

Unless it is demonstrated through consultation that energy efficiency and accessibility standards made as part of NCC 2022 provide a net benefit to the Queensland community, the Queensland Government should amend the Queensland Development Code to opt-out of these provisions (that is, make them voluntary).

Each of the provisions should be reviewed as some of them are necessary eg width of accessways, while others are not practical eg reinforced bathroom walls in case fittings are added in the future.

Energy efficiency standards deserve closer scrutiny as Queensland's milder climate means that the benefits of some measures are minimal. The utility of previous increases in star ratings across climate zones in the NCC appears inequitable as for example star rating increases for heating in Queensland have less benefit than in Victoria.



PRELIMINARY RECOMMENDATION 12 – FUTURE REGULATORY CHANGES TO BUILDING CODES

The Queensland Government should:

- only adopt future NCC changes in Queensland codes where these have been through robust regulatory impact analysis to demonstrate they provide net benefits to the community
- only adopt other building code changes where these have been assessed as providing a net benefit under the Queensland Government Better Regulation Policy
- advocate for improved regulatory processes at the national level, including for NCC.

The recommendations are supported. It is noted that the NCC has been subject to robust regulatory impact analysis in the past.



REQUEST FOR INFORMATION – IMPACTS ARISING FROM NCC 2022

Changes to the NCC are agreed upon through a process involving public consultation, review by expert committees and assessment of costs and benefits. Only those changes that have a demonstrated net benefit to the community are supposed to be adopted. The Commission would like to understand if stakeholders agree that this is a reasonable process, and if not, what changes should be made.

This is agreed.



REQUEST FOR INFORMATION – STOCK REVIEW OF BUILDING REGULATIONS AND STANDARDS

To finalise any recommendation for a review of the stock of building regulations and standards, including how they are administered, the Commission would like to understand if there are particular areas a review should focus on, and how the review should be conducted.

Energy efficiency and accessibility requirements warrant review. Other standards are in the main well accepted by industry.

The structure of the NCC is complex and rewriting it would make it more accessible for users.

Implementation of changes to the NCC are always contentious. While the ABCB provides information sessions these are primarily directed at certifiers. The State building agency does provides minimal information and training to builders and this is left to industry bodies and certifiers.



One Housing Code for Queensland

Why we need a single code



October 2016

Presented by Ain Kuru
Director | Professional Certification Group

Our Credentials

- ⦿ Based in Chermside and Kingscliff (NSW)
- ⦿ Largest domestic Certifier in Queensland
- ⦿ Issued over 6,000 building approvals in 2015
- ⦿ 4,000 were for new homes in Queensland
- ⦿ Renowned for our professionalism and integrity
- ⦿ Employ 41 staff including 14 Certifiers and 3 Cadets

“The Integrated Planning Bill delivers to Queensland state-of-the-art planning legislation. It will provide our State with the **best performing development assessment system of any State** in Australia—best performing in terms of its **efficiency and the quality** of the decisions it delivers.”

Integrated Planning Bill Second Reading

Hon. D.E. McCauley, 30 October 1997



Why do we need a single housing code?

“An efficient planning system will help the state’s economy to respond to the global financial crisis, achieved through ...

*... streamlining at plan-making and development assessment levels leading to **simpler, clearer and better integrated planning** that produces more certain development assessment, and this **results in greater certainty, faster processing, and reduced costs** for both applicant and council, **improving housing affordability**”*

Sustainable Planning Bill Second Reading

Hon. SJ Hinchliffe, 19 June 2009



Why do we need a single housing code?



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Planning Bill Second
Hon. J.A. Trad, 11 Mo



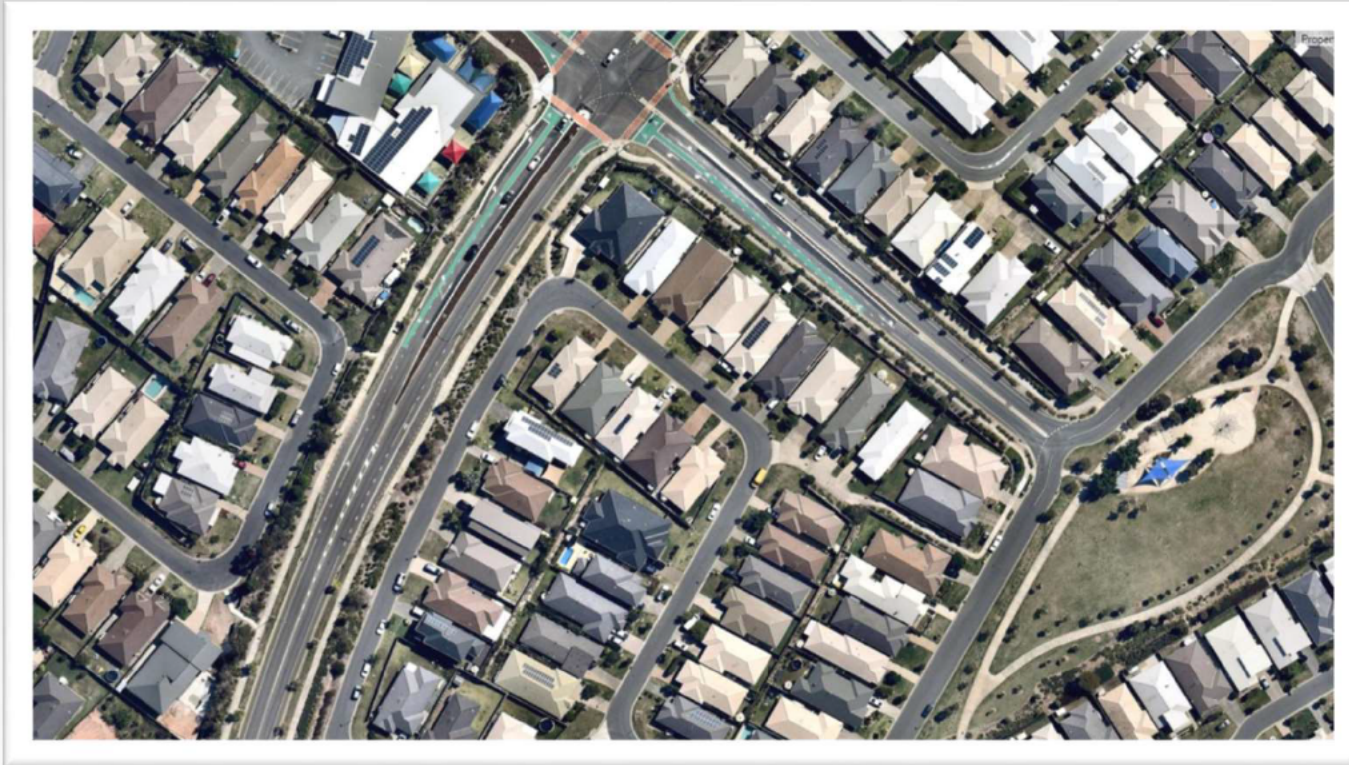
Town Planners

framework that
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Why do we need a single housing code?

Why do we need a single housing code?

1. Hundreds of housing codes across Queensland
2. Most are poorly written and inflexible
3. Can add wasted thousands to the cost of a new home



Why do we need a single housing code?

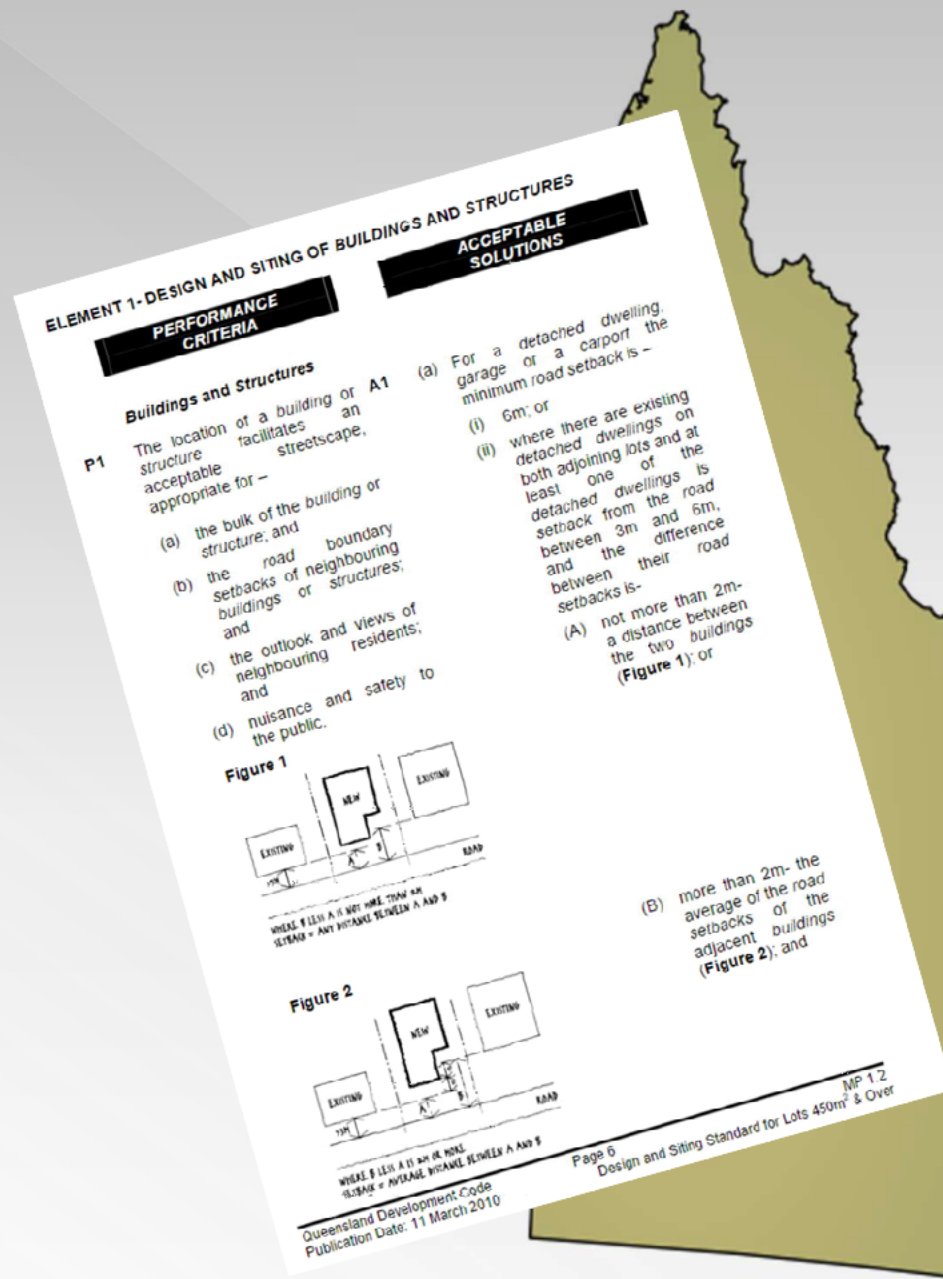
Why do we need a single housing code?

1. **Hundreds of housing codes across Queensland**
2. Most are poorly written and inflexible
3. Can add wasted thousands to the cost of a new home



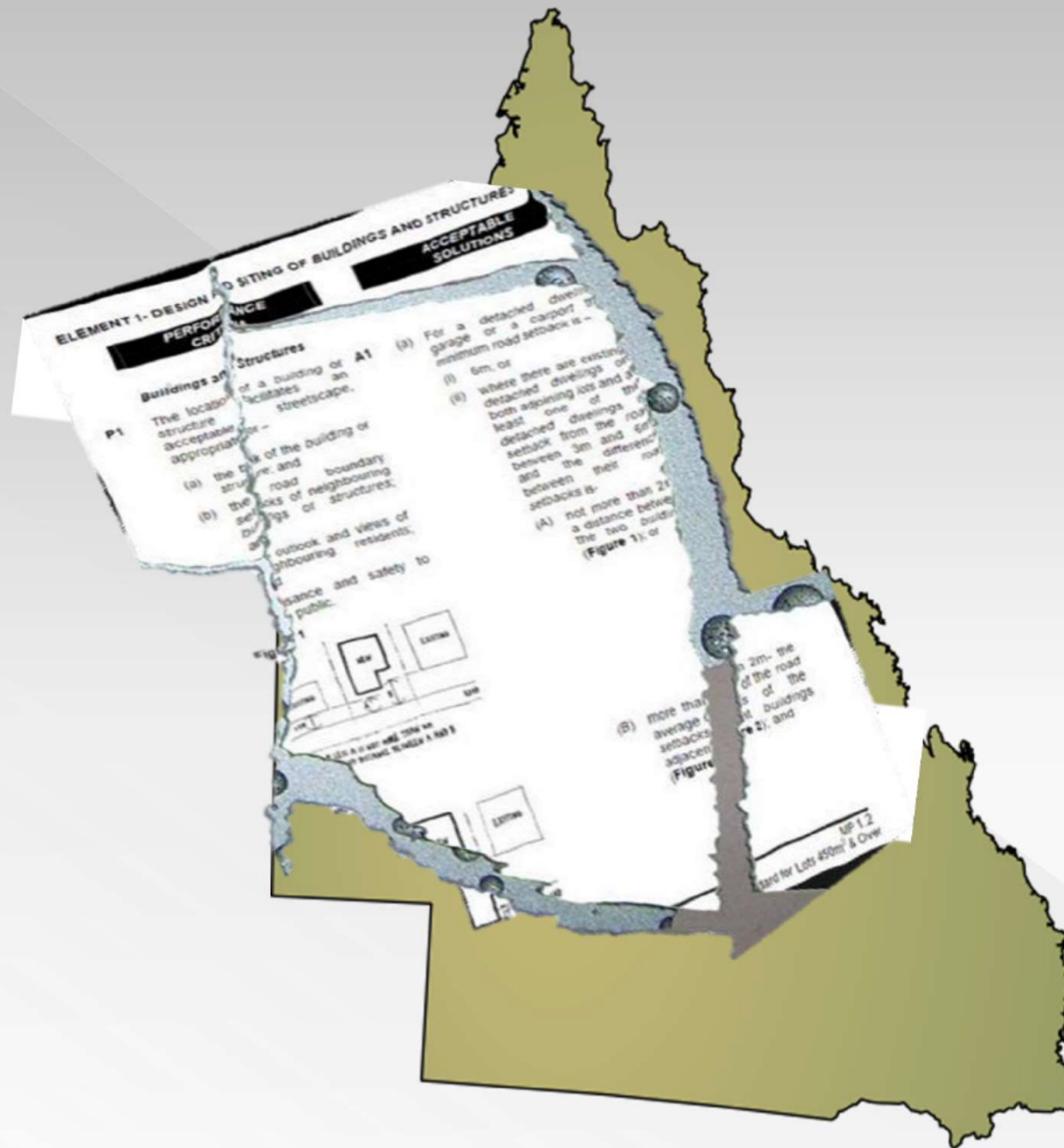
Why do we need a single housing code?

Queensland has a State Wide Housing Code - QDC



Why do we need a single housing code?

However that code is not mandatory



Why do we need a single housing code?

This is a detailed map of South Australia, illustrating its administrative divisions into regions and shires. The map uses a variety of colors to distinguish between different areas. Key locations labeled include:

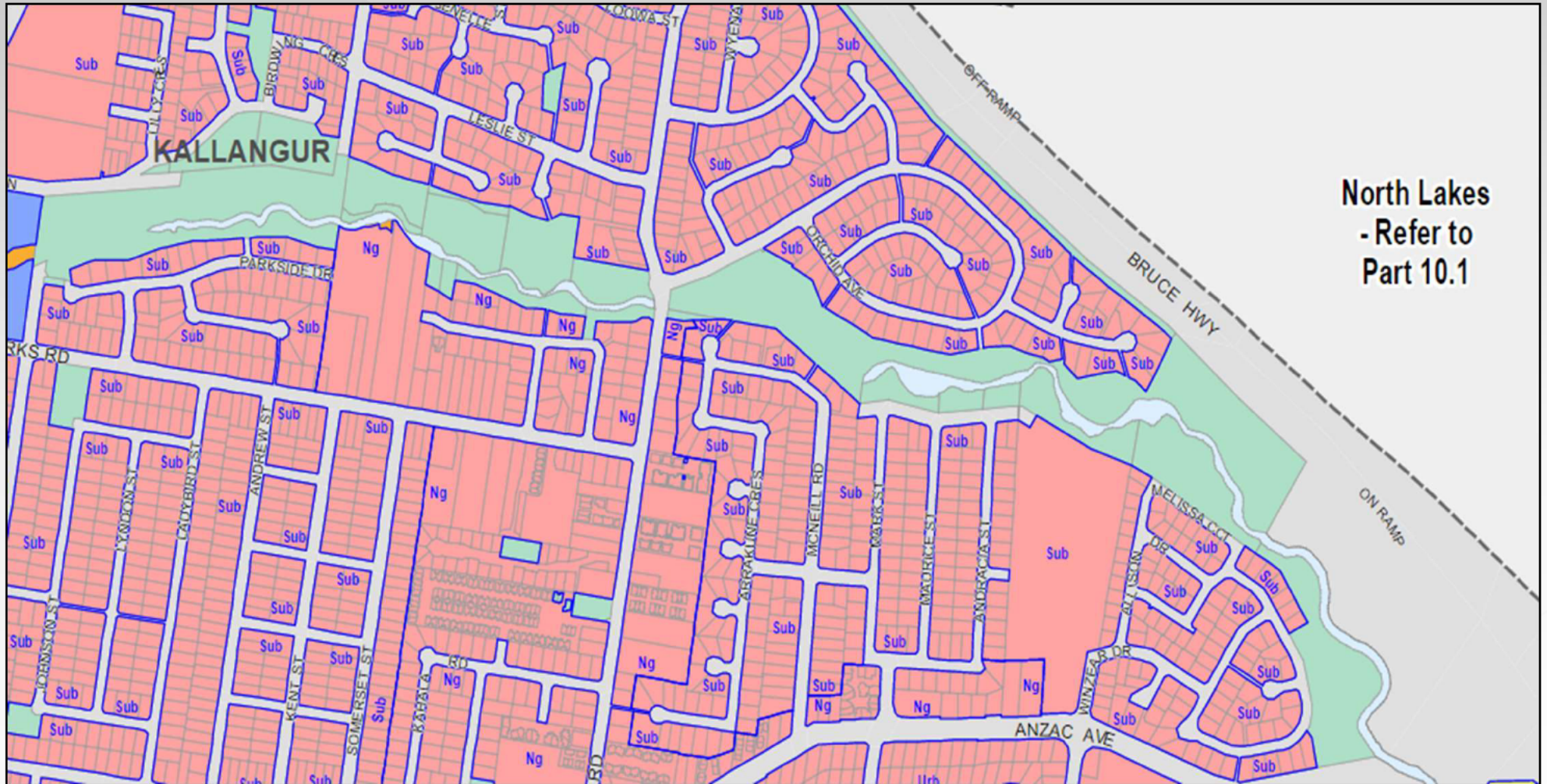
- Adelaide**: The capital city, located in the southeast.
- Mount Lofty**: A major urban area north of Adelaide.
- Barossa Valley**: A prominent wine-producing region in the northeast.
- Eyre Peninsula**: The large peninsula extending west from the main body of the state.
- Murray-Darling**: A large agricultural region in the south and southwest.
- Flinders Ranges**: A mountainous region in the central-eastern part of the state.

The map also includes an inset in the bottom right corner showing the outline of Australia, with South Australia highlighted to show its position relative to the rest of the continent. Numerous smaller labels identify individual shires and localities throughout the state.



Why do we need a single housing code?

Each Local Government has residential zones, often containing numerous precincts



Why do we need a single housing code?

Each zone has a set of standards, usually a house code

9 Development codes

SA056	PO56
SA057	PO56

Where self-assessable development cannot comply with one or more of the acceptable solutions for self-assessable development listed as concurrence agency issues, Council will be a Concurrence Agency for assessment of those aspects of a Development Application for Building Works. Non-compliance will be assessed by Council against the corresponding applicable performance outcomes in Part B Assessment criteria for assessable development. Non-compliance with an acceptable solution for a concurrence agency issue does not change the level of assessment. Where the Dwelling house⁽²²⁾ does not comply with one or more of the acceptable solutions for self-assessable development relating to a constraint, the development becomes code assessable and an application will be required to be lodged with Council in accordance with the section 5.3.3(1)(a)(ii).

Part A-Criteria for self-assessable development

Table 9.3.1.1 Criteria for self-assessable development

Acceptable outcomes	
General criteria(All lots - Traditional lot, Narrow lot, Row lot and Laneway lot)	
Building height	
SAO1	<p>Building height does not exceed that mapped on Overlay map – Building heights:</p> <p>Note - Minimum's mapped on Overlay map - Building heights, do not apply to Dwelling houses.</p> <p>Note - The above does not apply to domestic outbuildings. Refer to assessment criteria for Domestic outbuildings for requirements.</p> <p>Note - This is a quantifiable standard that is an alternative provision to the QDC, part MP1.1, A4 and part MP1.2, A4. Non-compliance with this provision for a Dwelling house⁽²²⁾ requires a concurrence agency response from Council.</p>
SAO2	<p>The height of tall structures (e.g. antennas, aerial, chimney, flagpole or the like) projects no more than 6.5m above the level of natural ground and transmission and receiving dishes are no larger than 1.2m diameter.</p> <p>Note - This is a quantifiable standard that relates to matters identified in section 26, table 1 schedule 7 of the Sustainable Planning Regulation. Non-compliance with this provision for a Dwelling house requires a concurrence agency response from council.</p>
Setbacks	
SAO3	<p>Setbacks (excluding built to boundary walls) comply with:</p> <p>a. Emerging community zone:</p> <ol style="list-style-type: none">Transition precinct (developed lot) Morsfield South urban area identified in 'Figure 9.3.1.1 Morsfield South - Urban area' - Table 9.3.1.6 'Setbacks'Transition precinct (developed lot) all other areas - Table 9.3.1.5 'Setbacks' <p>b. General residential zone:</p> <ol style="list-style-type: none">Coastal communities precinct - Table 9.3.1.3 'Setbacks'Suburban neighbourhood precinct - Table 9.3.1.4 'Setbacks'Next generation neighbourhood precinct - Table 9.3.1.5 'Setbacks'Urban neighbourhood precinct - Table 9.3.1.6

Moresfield Regional Council Planning Scheme Commenced 1 February 2016 - 3723

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Why do we need a single housing code?

Each zone has a set of standards, usually a house code

9 Development codes	
c.	Caboolture West local plan:
	i. Urban living precinct - Next generation sub-precinct - Table 9.3.1.5 'Setbacks'
d.	Redcliffe Kippa-Ring local plan:
	i. Interim residential precinct - Table 9.3.1.3 'Setbacks'
<p>Note - This is a quantifiable standard that is an alternative provision to the QDC, part MP1.1, A1 (a), (b) and (c), A2 (a), (b) and (c) and part MP1.2, A1 (a), (b) and (c), A2 (a), (b) and (c). Non-compliance with this provision for a Dwelling house⁽²⁸⁾ requires a concurrence agency response from Council. (Note - Greater setbacks may be required if the lot adjoins an environmental corridor or area (Refer to values and constraints for details).</p> <p>Note - The above setbacks apply only to Class 1a and Class 10a buildings/structures.</p>	
SA04	<p>Built to boundary walls are:</p> <ul style="list-style-type: none"> a. provided on lots with a frontage less than 15m, in accordance with a plan of development approved by council as part of a previous development approval applying to the land or as subsequently amended by council in writing; OR b. for all other built to boundary walls refer to Table 9.3.1.7 'Built to boundary walls' (mandatory/optional) c. of a length and height in Table 9.3.1.7 'Built to boundary walls'; d. setback from the side boundary: <ul style="list-style-type: none"> i. not more than 200mm; or ii. if a plan of development shows only one built to boundary wall on the boundary, not more than 200mm; e. on the low side of a sloping lot. <p>Editor's note - Lots containing built to boundary walls should also include an appropriate easement to facilitate the maintenance of any wall within 600mm of a boundary. For boundaries with built to boundary walls on adjacent lots a 'High Density Development Easement' is recommended; or for all other built to boundary walls a 'easement for maintenance purposes' is recommended.</p> <p>Note - The above setbacks apply only to Class 1a and Class 10a buildings/structures.</p> <p>Note - This is a quantifiable standard that is an alternative provision to the QDC, part MP1.1, A1 (a), (b) and (c), A2 (a), (b) and (c) and part MP1.2, A1 (a), (b) and (c), A2 (a), (b) and (c). Non-compliance with this provision for a Dwelling house⁽²⁸⁾ requires a concurrence agency response from Council.</p> <p>Editor's note - A wall is not to be built to the boundary if it has a window or if a wall of a building on an adjoining lot</p> <ul style="list-style-type: none"> a. is within 600mm of that boundary; b. is within 1.5m of that boundary and has an opening/window to a habitable room; c. is not constructed from masonry or other material fire rated in accordance with the Building Code of Australia.
Site cover	

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Why do we need a single housing code?



Each zone has a set of standards, usually a house code

9 Development codes

SA05

Site cover (excluding eaves, sun shading devices, patios, balconies and other unenclosed structures) does not exceed:

- Emerging community zone:
 - Transition precinct (developed lot) - in accordance with the table below
- General residential zone:
 - Coastal communities precinct - 50%
 - Suburban neighbourhood precinct - 50%
 - Next generation neighbourhood precinct - in accordance with the table below
 - Urban neighbourhood precinct - in accordance with the table below
- Caboorture west local plan:
 - Urban living precinct - Next generation sub-precinct - in accordance with the table below
- Redcliffe Kippa-Ring local plan:
 - Interim residential precinct - 50%

Building height	Lot size				
	300m ² or less	301-400m ²	401-500m ²	501-1000m ²	Greater than 1000m ²
8.5m or less	75%	70%	60%	60%	60%
>8.5m - 12.0m	50%	50%	50%	50%	50%
>12.0m	N/A	N/A	N/A	50%	40%

Note - This is a quantifiable standard that is an alternative provision to the QDC, part MP1.1, A3 and part MP1.2, A3. Non-compliance with this provision for a Dwelling house⁽²²⁾ requires a concurrence agency response from Council.

Car parking

SA06

Car parking spaces are provided in accordance with the table below.

Location	Minimum number of car spaces to be provided
General residential zone: <ul style="list-style-type: none">Coastal communities precinctSuburban neighbourhood precinct	3 per Dwelling house ⁽²²⁾
Redcliffe Kippa-Ring local plan: <ul style="list-style-type: none">Interim residential precinct	
Emerging community zone:	1 per Dwelling house ⁽²²⁾

Morison Bay Regional Council Planning Scheme Commenced 1 February 2016 3725

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Why do we need a single housing code?

Each zone has a set of standards, usually a house code

9 Development codes

- Transition precinct (developed lot)

General residential zone:

- Next generation neighbourhood precinct
- Urban neighbourhood precinct

Cardoture west local plan code:

- Urban living precinct - Next generation sub-precinct

Note - Does not include the parking of Heavy Vehicles or Heavy Machinery.

Note - This is a quantifiable standard that is an alternative provision to the QDC, part MP1.1, A6 and per MP1.2, A6. Non-compliance with this provision for a Dwelling house⁽¹²⁾ requires a concurrence agency response from Council.

SAO7 Garage and carport openings are in accordance with the table below:

Primary or Secondary frontage	Covered car space opening(s) per street frontage
Greater than 10m	Not specified
Greater than 12.5m to 18m	6m wide maximum
12.5m or less	Single storey: 3.0m wide maximum; Two storey: 0.0m wide maximum and recessed 1.0m behind the front wall or balcony of upper level.

Editor's note - Front wall is to have a minimum length of 40% of the adjoining frontage.

OR

For a laneway lot (Single or two storey): no maximum

Note - For a laneway lot, vehicle access and parking must be provided via the laneway.

Note - Refer to Planning scheme policy - Residential design for details and examples.

Note - This is a quantifiable standard that is an alternative provision to the QDC, part MP1.1, A1 (b). Non-compliance with this provision for a Dwelling house⁽¹²⁾ on a lot under 450m² requires a concurrence agency response from Council.

Note - This is a quantifiable standard that relates to the amenity and aesthetic impacts of the building or structure. Non-compliance with this provision for a Dwelling house⁽¹²⁾ on a lot over 450m² requires a concurrence agency response from Council.

Access and driveways

SAO8 Crossover widths are a maximum of 40% of the frontage access is being obtained from, or 4.8m whichever is the lesser, or for a laneway lot no maximum.

Note - This is a quantifiable standard that relates to matters identified in section 26, table 1 schedule 7 of the Sustainable Planning Regulation. Non-compliance with this provision for a Dwelling house requires a concurrence agency response from council.

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3730 Commenced 1 February 2016 Morston Bay Regional Council Planning Scheme

Why do we need a single housing code?

Each zone has a set of standards, usually a house code

9 Development codes	
SAO9	<p>Where there is a plan of development, driveway crossovers are located in accordance with a plan of development approved by Council as part of a development approval or as otherwise amended by Council in writing.</p> <p>Note - This is a quantifiable standard that relates to matters identified in section 26, table 1 schedule 7 of the Sustainable Planning Regulation. Non-compliance with this provision for a Dwelling house²²⁹ requires a concurrence agency response from council.</p>
SAO10	<p>Driveways do not include a reversing bay, manoeuvring area or visitor parking spaces (other than tandem spaces) in the front setback.</p> <p>Note - This is a quantifiable standard that relates to matters identified in section 26, table 1 schedule 7 of the Sustainable Planning Regulation. Non-compliance with this provision for a Dwelling house²²⁹ requires a concurrence agency response from Council.</p>
SAO11	<p>Site access and driveways are designed and located in accordance with:</p> <ol style="list-style-type: none"> where for a Council-controlled road, AS/NZS2690.1, section 3; where for a State-controlled road, the Safe Intersection Sight Distance requirements in AustRoads and the appropriate IPWEAQ standard drawings, or a copy of a Transport Infrastructure Act, section 62 approval. <p>Note - This is a quantifiable standard that relates to matters identified in section 26, table 1 schedule 7 of the Sustainable Planning Regulation. Non-compliance with this provision for a Dwelling house²²⁹ requires a concurrence agency response from council.</p>
Casual surveillance	
SAO12	<p>The Dwelling house (or the primary dwelling if including a secondary dwelling) must address primary frontages (excluding motorway and arterial roads) with a minimum of a front door, window(s) and pedestrian entrance.</p> <p>Note - If an acoustic fence has been conditioned as part of a reconfiguring a lot approval this provision does not apply to that frontage.</p> <p>Note - Refer to Overlay map - Road hierarchy for road classification.</p> <p>Note - This is a quantifiable standard that relates to matters identified in section 26, table 1 schedule 7 of the Sustainable Planning Regulation. Non-compliance with this provision for a Dwelling house²²⁹ requires a concurrence agency response from council.</p>
SAO13	<p>A minimum of one habitable room window having an area of at least 1m² on each level overlooks each adjoining public space (street, public open space or laneway).</p> <p>Note - This is a quantifiable standard that relates to matters identified in section 26, table 1 schedule 7 of the Sustainable Planning Regulation. Non-compliance with this provision for a Dwelling house²²⁹ requires a concurrence agency response from council.</p>
Waste	
SAO14	<p>Each dwelling (primary and secondary) includes a bin storage area that:</p> <ol style="list-style-type: none"> is not visible from public areas or screened from public areas; is not located in the primary frontage setback, unless the dwelling is built to boundary on both sides of the lot with only one frontage; is not located in an enclosed garage;

Why do we need a single housing code?

Each zone has a set of standards, usually a house code

Table 9.3.1.3 Setbacks

Coastal communities precinct and Redcliffe Kippa-Ring local plan - Interim residential precinct										
Height of wall	Frontage Primary			Frontage Secondary to street			Frontage Secondary to lane	Side To OMP and wall	Rear To OMP and wall	Canal To OMP and wall
	To wall	To OMP	To covered car parking space	To wall	To OMP	To covered car parking space	To OMP, wall and covered car parking space			
			Note - These requirements apply to all Class 10a buildings and structures as defined by the Building Code of Australian.			Note - These requirements apply to all Class 10a buildings and structures as defined by the Building Code of Australian.				
Less than 4.5m	Min 6m	Min 4.5m	Min 5.4	Min 3m	Min 2m	Min 5.4	Min 0.5	As per QDC	As per QDC	Min 4.5m
4.5m to 8.5m	Min 6m	Min 4.5m	N/A	Min 3m	Min 2m	N/A	Min 0.5	As per QDC	As per QDC	Min 4.5m
Greater than 8.5m	Min 6m	Min 4.5m	N/A	Min 3m	Min 2m	N/A	Min 0.5	As per QDC	As per QDC	Min 4.5m

Why do we need a single housing code?

Each zone has a set of standards, usually a house code

Table 9.3.1.4 Setbacks

General residential zone - Suburban neighbourhood precinct and Township zone - Residential precinct										
Height of wall	Frontage Primary			Frontage Secondary to street			Frontage Secondary to lane	Side Non-built to boundary wall To OMP and wall	Rear To OMP and wall	Canal To OMP and wall
	To wall	To OMP	To covered car parking space <small>Note - These requirements apply to all Class 10a buildings and structures as defined by the Building Code of Australian.</small>	To wall	To OMP	To covered car parking space <small>Note - These requirements apply to all Class 10a buildings and structures as defined by the Building Code of Australian.</small>	To OMP, wall and covered car parking space			
Less than 4.5m	Min 4.5m	Min 3m	Min 5.4	Min 3m	Min 2m	Min 5.4	Min 0.5	As per QDC	As per QDC	Min 4.5m
4.5m to 8.5m	Min 4.5m	Min 3m	N/A	Min 3m	Min 2m	N/A	Min 0.5	As per QDC	As per QDC	Min 4.5m
Greater than 8.5.	Min 4.5m	Min 3m	N/A	Min 3m	Min 2m	N/A	Min 0.5	As per QDC	As per QDC	Min 4.5m

Why do we need a single housing code?

Each zone has a set of standards, usually a house code

Table 9.3.1.5 Setbacks

Emerging community zone - Transition precinct (developed lot), General residential zone - Next generation neighbourhood precinct and Caboolture West local plan - Urban living precinct (Next generation neighbourhood sub-precinct)										
Height of wall	Frontage Primary			Frontage Secondary to street			Frontage Secondary to lane	Side Non-built to boundary wall To OMP and wall	Rear To OMP and wall	Canal To OMP and wall
	To wall	To OMP	To covered car parking space	To wall	To OMP	To covered car parking space	To OMP, wall and covered car parking space			
			Note - These requirements apply to all Class 10a buildings and structures as defined by the Building Code of Australia.			Note - These requirements apply to all Class 10a buildings and structures as defined by the Building Code of Australia.				
Less than 4.5m	Min 3m	Min 2m	Min 5.4m	Min 2m	Min 1m	Min 5.4m	Min 0.5	As per QDC	As per QDC	Min 4.5m
4.5m to 8.5m	Min 3m	Min 2m	N/A	Min 2m	Min 1m	N/A	Min 0.5	As per QDC	As per QDC	Min 4.5m
Greater than 8.5m	Min 6m	Min 5m	N/A	Min 3m	Min 2m	N/A	Min 0.5	As per QDC	As per QDC	Min 4.5m

Why do we need a single housing code?

Each zone has a set of standards, usually a house code

Table 9.3.1.6 Setbacks

General residential zone - Urban neighbourhood precinct, and Emerging community zone - Transition precinct (developed lot) and identified in the Morayfield South urban area on Figure 9.3.1.1										
Height of wall	Frontage Primary			Frontage Secondary to street			Frontage Secondary to lane	Side Non-built to	Rear To OMP and wall	Canal To OMP and wall
	To wall	To OMP	To covered car parking space Note - These requirements apply to all Class 10a buildings and structures as defined by the Building Code of Australia.	To wall	To OMP	To covered car parking space Note - These requirements apply to all Class 10a buildings and structures as defined by the Building Code of Australia.	To OMP, wall and covered car parking spaces	boundary wall To OMP and wall		
Less than 4.5m	Min 1m	Min 1m	Min 5.4m	Min 1m	Min 1m	Min 5.4m	Min 0.5	As per QDC	As per QDC	Min 4.5m
4.5 to 8.5m	Min 1m	Min 1m	N/A	Min 1m	Min 1m	N/A	Min 0.5	As per QDC	As per QDC	Min 4.5m
Greater than 8.5m	Min 5m	Min 3m	N/A	Min 2m	Min 1m	N/A	Min 0.5	As per QDC	As per QDC	Min 4.5m

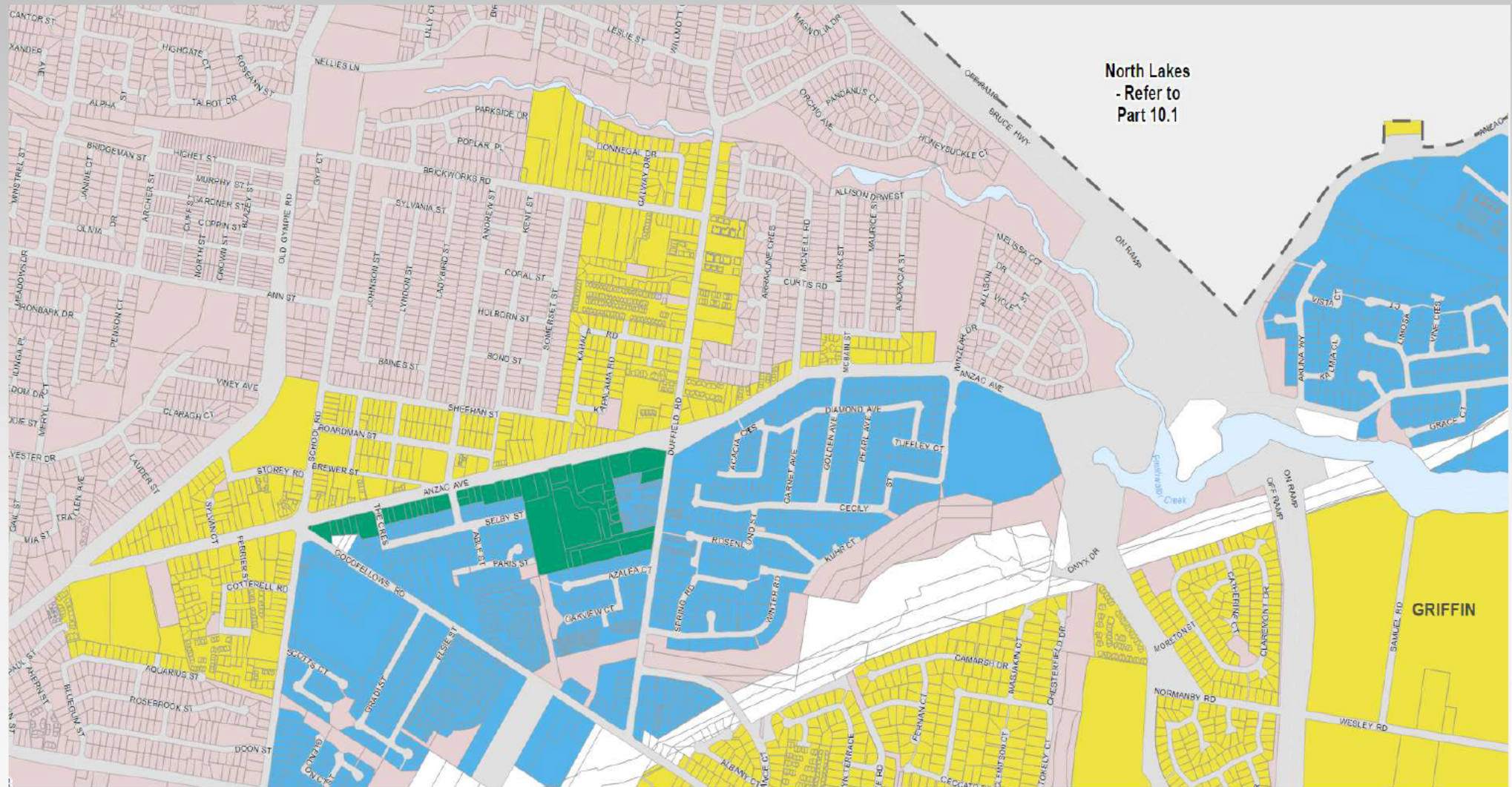
Why do we need a single housing code?

Table 9.3.1.7 Built to boundary walls

Lot frontage width	Mandatory / Optional	Length and height of built to boundary wall		
		General residential zone:	Emerging community zone:	Emerging community zone:
		<ul style="list-style-type: none"> Coastal communities precinct Suburban neighbourhood precinct <p>Redcliffe Kippa-Ring local plan:</p> <ul style="list-style-type: none"> Interim residential precinct 	<ul style="list-style-type: none"> Transition precinct (Developed lot) <p>General residential zone:</p> <ul style="list-style-type: none"> Next generation neighbourhood precinct <p>Caboolture West local plan:</p> <ul style="list-style-type: none"> Urban living precinct (Next generation sub-precinct) 	<ul style="list-style-type: none"> Transition precinct (Developed lot) if within the Morayfield South urban area on Figure 9.3.1.1 <p>General residential zone:</p> <ul style="list-style-type: none"> Urban neighbourhood precinct
7.5m or less	Mandatory - both sides unless a corner lot	Not permitted*	Max Length: 80% of the length of the boundary Max Height: 7.5m	Max Length: 80% of the length of the boundary Max Height: 8.5m
More than 7.5m to 12.5m	Mandatory - one side	Not permitted*	Max Length: 60% of the length of the boundary Max Height: 7.5m	Max Length: 70% of the length of the boundary Max Height: 10.5m
More than 12.5m to 18m	Optional: i. on 1 boundary only; ii. where the built to boundary wall adjoins a lot with a frontage less than 18m. Not permitted - Otherwise	Not permitted*	Max Length: the lesser of 15m or 60% of the length of the boundary Max Height: 7.5m	Max Length: the lesser of 15m or 60% of the length of the boundary Max Height: 10.5m
Greater than 18m	Not permitted*	Not permitted*	Not permitted*	Not permitted*

Why do we need a single housing code?

And then laid over the top of this are overlays



Why do we need a single housing code?

In addition to the Planning Schemes , there are special development areas



Why do we need a single housing code?

Priority Development Areas

<http://www.dilgp.qld.gov.au/>

Priority Development Areas (PDAs) are parcels of land within Queensland, identified for specific accelerated development with a focus on economic growth.

Declared PDAs

Andergrove PDA, Mackay

Blackwater PDA

Blackwater East PDA

Bowen Hills PDA, Brisbane

Caloundra South PDA

Central Queensland University (CQU)

Rockhampton PDA

Clinton PDA, Gladstone

Greater Flagstone PDA

Fitzgibbon PDA, Brisbane

Maroochydore City Centre PDA

Moranbah PDA

Northshore Hamilton PDA, Brisbane

Oonoonba PDA, Townsville

Parklands PDA

Queen's Wharf Brisbane PDA

Ripley Valley PDA

Roma PDA

Southport PDA

Tannum Sands PDA

The Mill at Moreton Bay PDA

Toolooa PDA

Toondah Harbour PDA

Toowoomba Railway Parklands PDA

Townville City Waterfront PDA

Weinam Creek PDA

Woolloongabba PDA, Brisbane

Yarrabilba PDA



Why do we need a single housing code?

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BRISBANE

Bridgeman Downs – Aston Grove
Bridgeman Downs – The Hideaway
Brighton – Brighton Landing
Carindale – Astenbrook
Carindale – Hilltop
Carseldine - Carseldine Chase
Carseldine – Limestone Park
Carseldine – Somerset
Doolandella – Forest Park
Doolandella – Outlook on Forest
Doolandella – Treeline
Durack – The Village
Ferny Grove – Outlook Estate
Fig Tree Pocket – Serene Place
Fitzgibbon – Fitzgibbon Chase
Gaythorne – Botanic
Gumdale – Nichols St
Heathwood – Heathwood Avenues
Heathwood – Parkwood
Heathwood – River Quarter

Inala – Eugenia Street
Inala – Eugenia Street
Inala – Richlands Tafe
Kuraby – Pioneer Valley
Mackenzie – Mackenzie Gardens
Mackenzie – Oak St
Moggill – The Sanctuary
Oxley – Douglas St
Oxley – Douglas St
Oxley – Park Vue
Pallara – Broadbent Road
Rochedale - Arise
Rochedale – Gardiner Rd
Rochedale – Rochedale Estates
The Gap – Kilbowie Rise
The Gap – Vinter Place
Upper Kedron – Jarrah
Upper Kedron – Parksedge
Upper Kedron - The Palisades
Wakerley – Baychester

GOLD COAST CITY COUNCIL

Biggera Waters – Harbour Quays
Carrara – Aqua Vista
Carrara – Boonaroo Views
Coomera – Big Sky
Coomera – Coomera Springs
Coomera – Coomera Waters
Coomera – Ferndale
Coomera – Genesis
Elanora – Palm Beach Heights
Gilston – Banksia Ridge
Gilston – Gilston Green
Gilston – Longhill Parks
Helensvale – River Links
Hope Island – Cova
Jacobs Well – Calypso Bay
Kingsholme – Montego Hills
Maudsland – Huntington Downs
Maudsland – Huntington Rise
Maudsland – Huntington Rise
Ormeau – Jacobs Ridge

Ormeau – Ormeau Ridge
Ormeau – Pimpama Rivers
Ormeau – Stewarts Road
Oxenford – Park Central
Pacific Pines – Pacific Pines
Pimpama – Arcadia Woods
Pimpama – Gainsborough Greens
Pimpama – Oakwood Rise
Pimpama – Pacific Cove
Pimpama – Ridgeline
Pimpama – The Meadows
Pimpama – Watersun Rise
Reedy Creek – Kingsmore
Reedy Creek – The Observatory
Upper Coomera – Coomera Retreat
Upper Coomera – Highland Reserve
Upper Coomera – Riverstone Crossing
Upper Coomera – Stone Creek
Varsity Lakes – Varsity Lakes
Willow Vale – Waverley Park

IPSWICH

Augustine Heights – Augustine Heights
Augustine Heights – Brentwood Rise
Augustine Heights – Parkway Green
Augustine Heights – The Springs
Bellbird Park – Brentwood Forest
Bellbird Park – Brentwood Rise
Black soil – Blue Star Park
Chuwar – Dan St
Chuwar – Rivendell
Chuwar – Stanton Park
Deebing Heights – Deebing Gardens
Deebing Heights – Sovereign Pocket
Goodna – Cunningham Rise
Karalee – Park Village
Leichardt – Heritage Links
North Booval – Riverwoods
Pine Mountain – Crestwood
Raceview – Parklands
Redbank Plains – Cedar View
Redbank Plains – Edens Crossing

Redbank Plains – Fernbrook Bridge
Redbank Plains – Mountainview
Ripley – Providence
Silkstone – Thompson St
Springfield – Springfield Lakes

LOGAN CITY COUNCIL

Bahrs Scrub – Windaroo Outlook
Buccan – Aspect
Cornubia – California Creek
Cornubia – Cornubia Heights
Daisy Hill – Sanctuary Park
Greenbank – Teviot Downs
Hillcrest – Yogananda
Holmview – The Ridge
Holmview – The Vale
Jimboomba – Flagstone
Logan Reserve – Stoneleigh Reserve
Logan Village – Gaylehaven

Logan Village – My Home & The River
Loganlea – South Quarter
Mount Warren Park – The Heights
Mundoolun – The Mundoolun Estate
Park Ridge – The Rise
Underwood – Arrivia
Underwood – Cascade Green
Underwood – The Grove
Underwood – The Rise
Waterford – Woodland
Yarrabilba – Yarrabilba

MORETON BAY REGIONAL COUNCIL

Banksia Beach - Dux Creek
Banksia Beach – Pacific Harbour
Bongaree – Bribie Lakes
Burpengary – North Harbour
Burpengary – The Village
Burpengary – Woodvale
Caboolture – Central Lakes
Caboolture – Pumicestone Park
Caboolture – Riverbank
Caboolture - The Reserve
Cashmere – Hacker Rd
Dakabin – Alma Heights
Dakabin – Alma Park Rd
Dakabin – Essencia
Dakabin – Hughes Road East
Dayboro – Homestead Cct
Everton Hills – Creekside
Ferry Hills – Woolshed Grove
Griffin – Freshwater
Griffin – Griffin Heights
Griffin – Griffin Quest
Griffin – Pine Rivers
Griffin – River Breeze
Joyner – Riva Estate
Kallangur – Applewood Ct
Kallangur – Bridgeway
Kallangur – Glenwood

Mango Hill – Capestone
Mango Hill – Crest
Mango Hill – Halpine Lakes
Mango Hill – Mariana Court
Mango Hill – Park Vista
Morayfield – Allyra
Morayfield – Anderson Grove
Morayfield – North Harbour
Murrumba Downs – Castle Hill
Murrumba Downs – Murrumba Rise
Murrumba Downs – Northquarter
Murrumba Downs – Pine River Cove
Narangba – Creekside
Narangba – Forest Ridge
Narangba – Narangba Heights
Narangba – Panorama
Narangba – Stone Ridge
Newport – Isle of Newport
Ningi – Sandstone Lakes
North Lakes – Bridgehaven North
North Lakes – North Lakes
North Lakes – The Niche
Ocean View – Ocean Vista
Samford – Samford Skies
Warner – Defence Housing Australia
Warner – Warner Lakes

Why do we need a single housing code?



NOOSA

Noosa – Doonella

Noosa – Elysium

Noosa – North Rise

REDLAND CITY COUNCIL

Capalaba – Era

Mount Cotton – Cotton Ridge

Mount Cotton – Treeline

Mount Nathan – Nathanvale

Thornlands – Kinross

Thornlands – Langdon Chase

SUNSHINE COAST REGIONAL COUNCIL

Birtinya – Under Kawana Masterplan

Bli Bli – Cutters Ridge

Caloundra – Bellvista

Caloundra – Creekwood

Caloundra – Pelican Waters

Caloundra West – Bells Reach

Forest Glen – Forest Pines

Kawana – Oceanside

Little Mountain – Ivadale Lakes

Maroochydore – Sunshine Cove

Mountain Creek – Brightwater

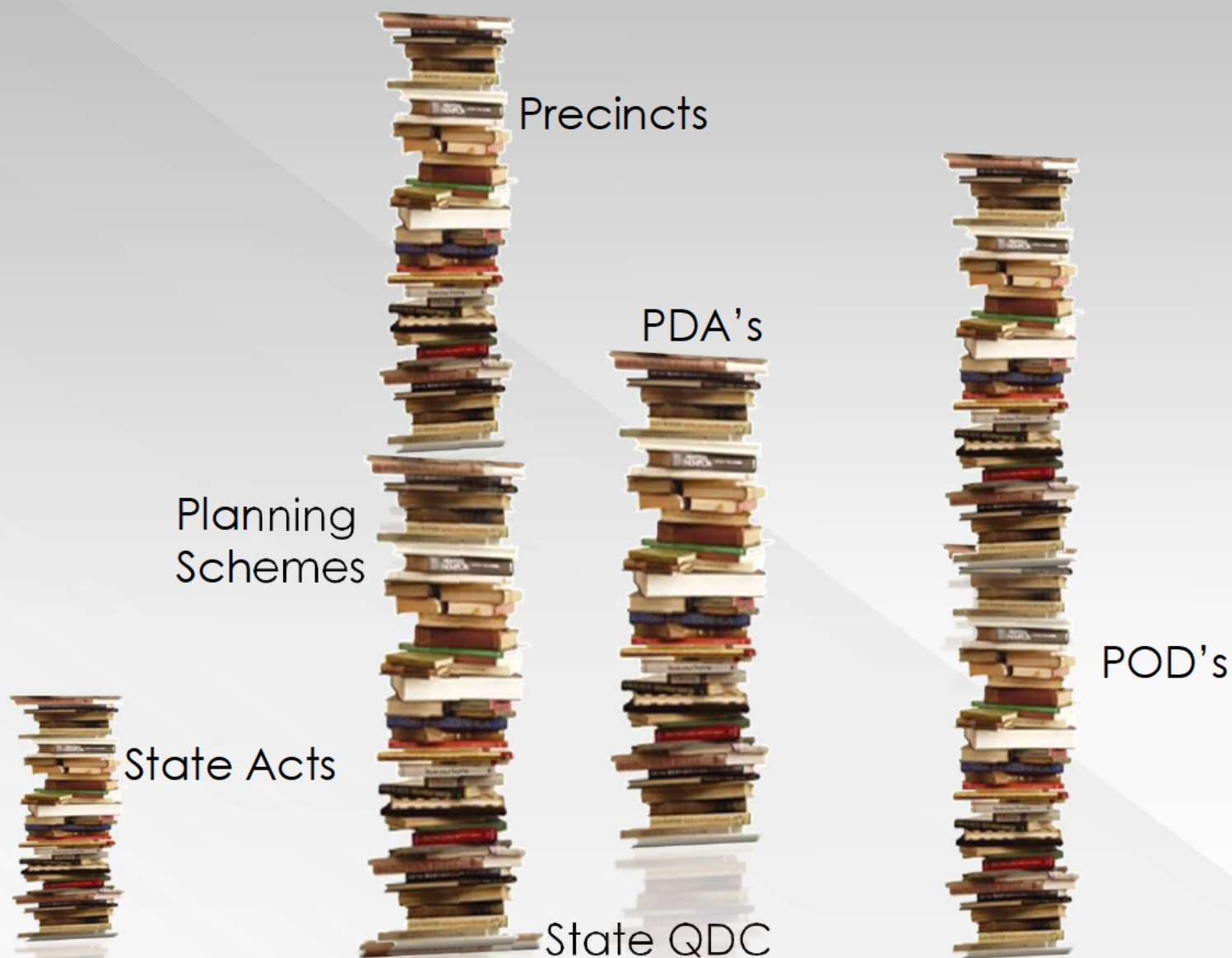
Palmview – Palmview Forest

Peregian Beach – Peregian Springs

Yaroomba – Palmer Coolum



Why do we need a single housing code?



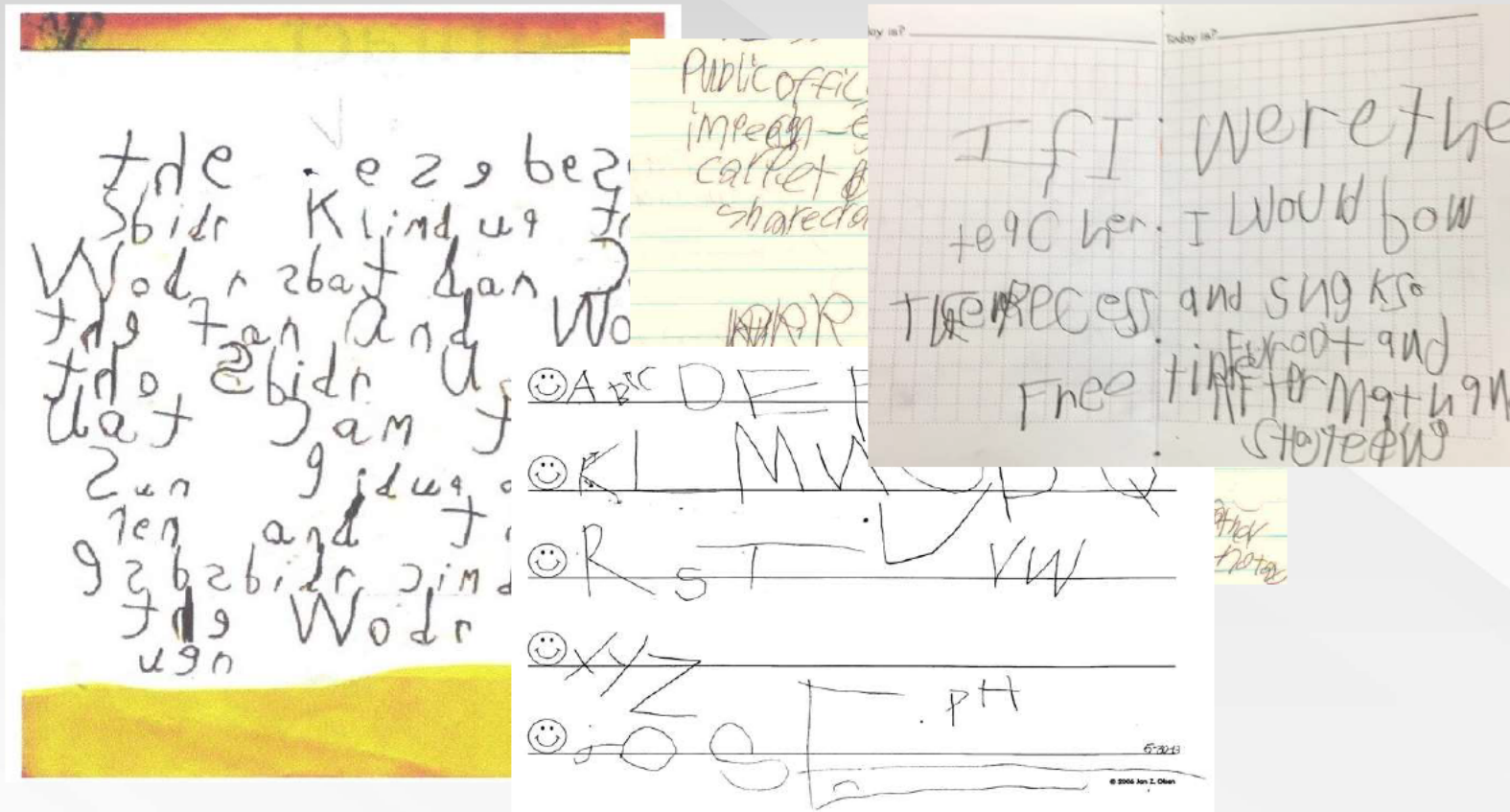
Why do we need a single housing code?



Why do we need a single housing code?

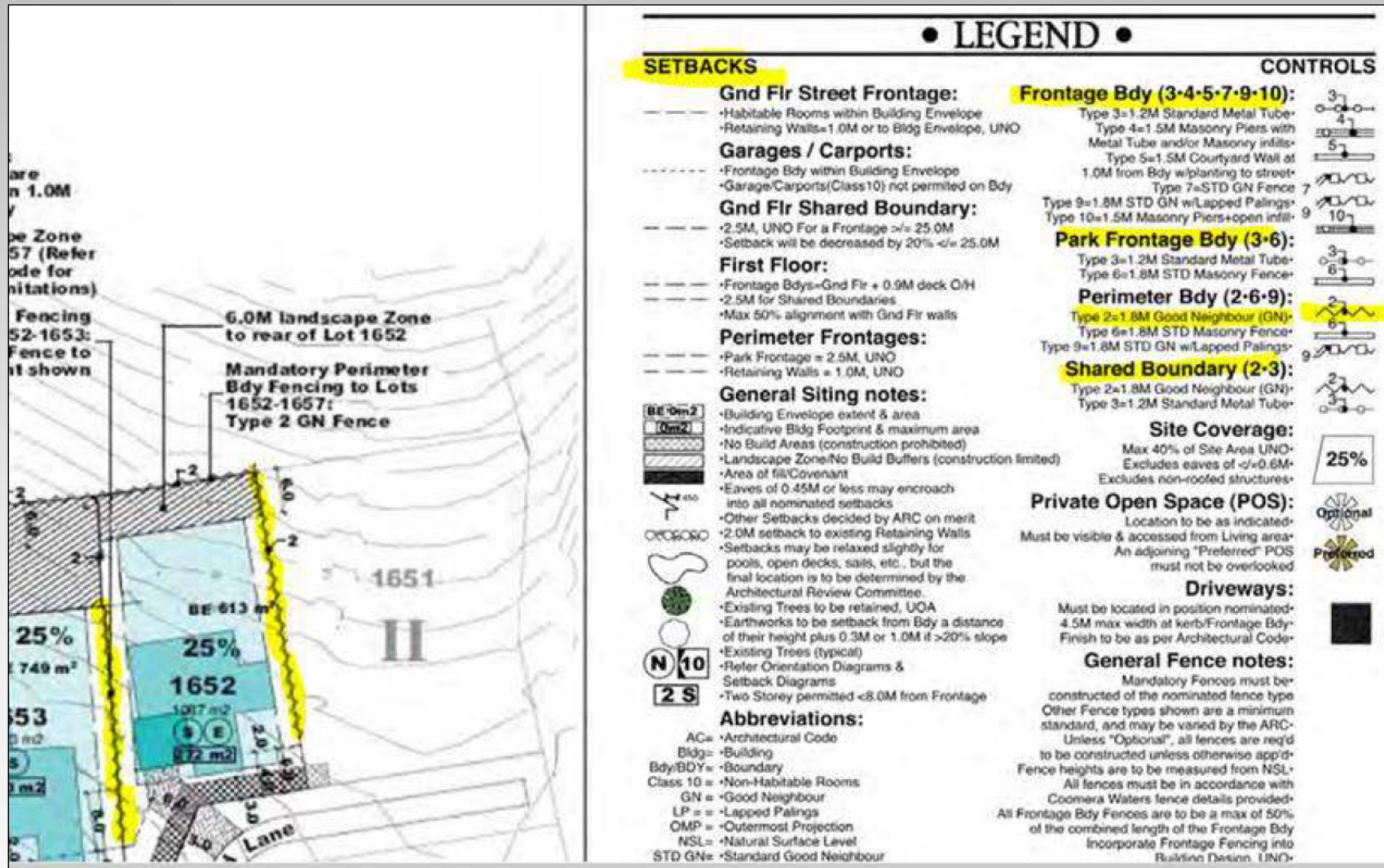
Why do we need a single housing code?

1. Hundreds of housing codes across Queensland
- 2. Most are poorly written and inflexible**
3. Can add wasted thousands to the cost of a new home



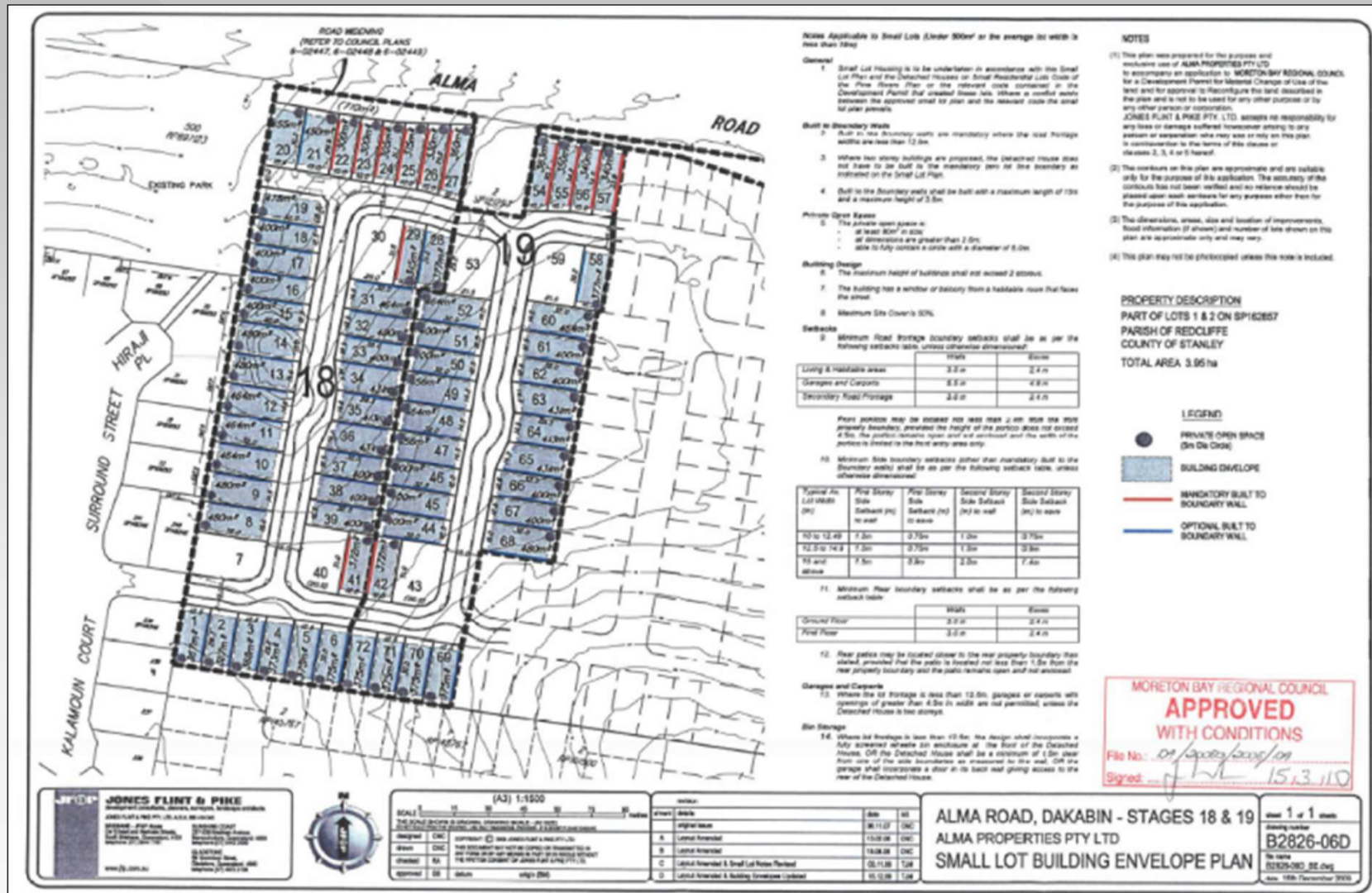
Why do we need a single housing code?

The Quality of Codes



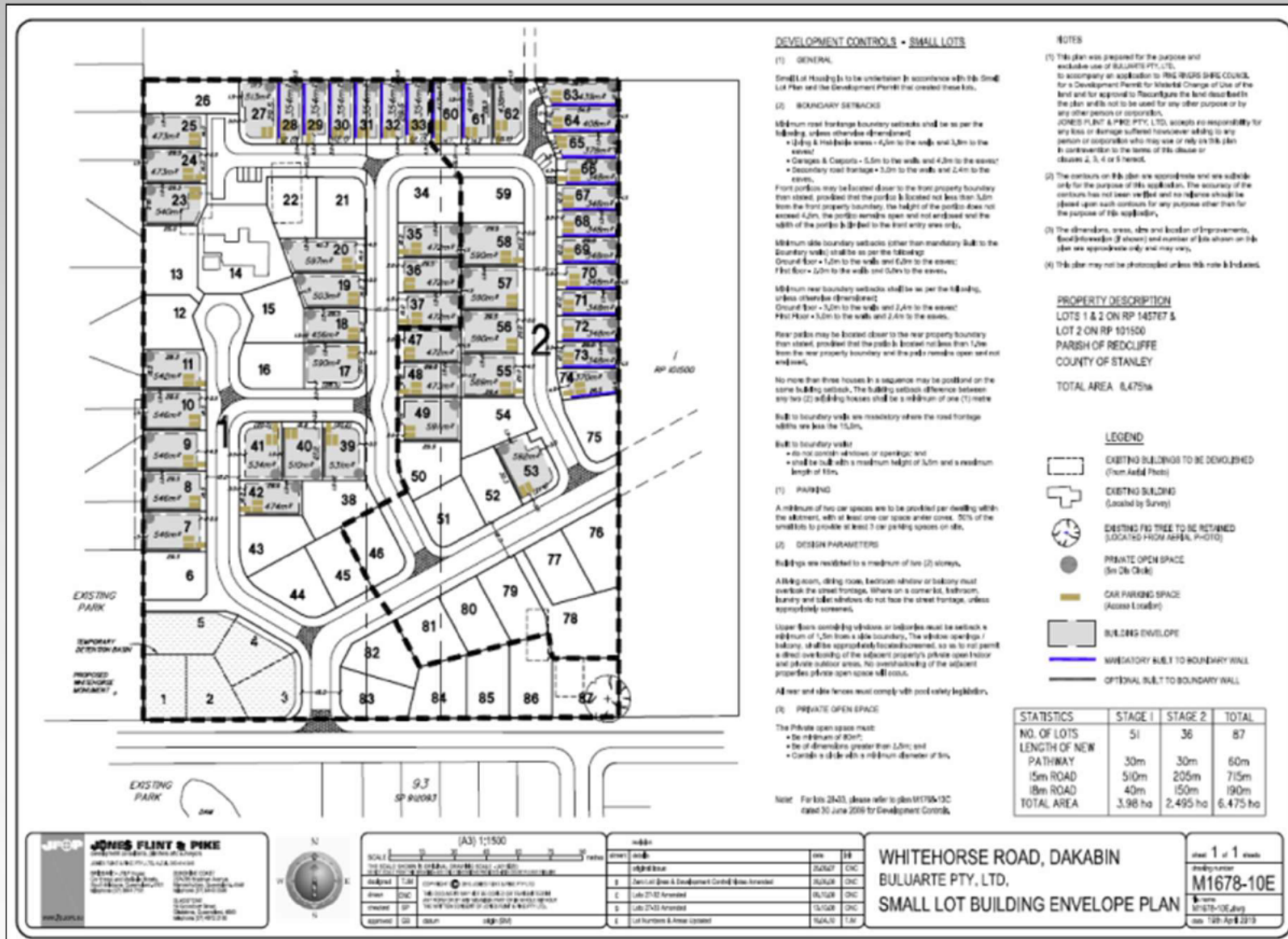
Why do we need a single housing code?

The Quality of Codes



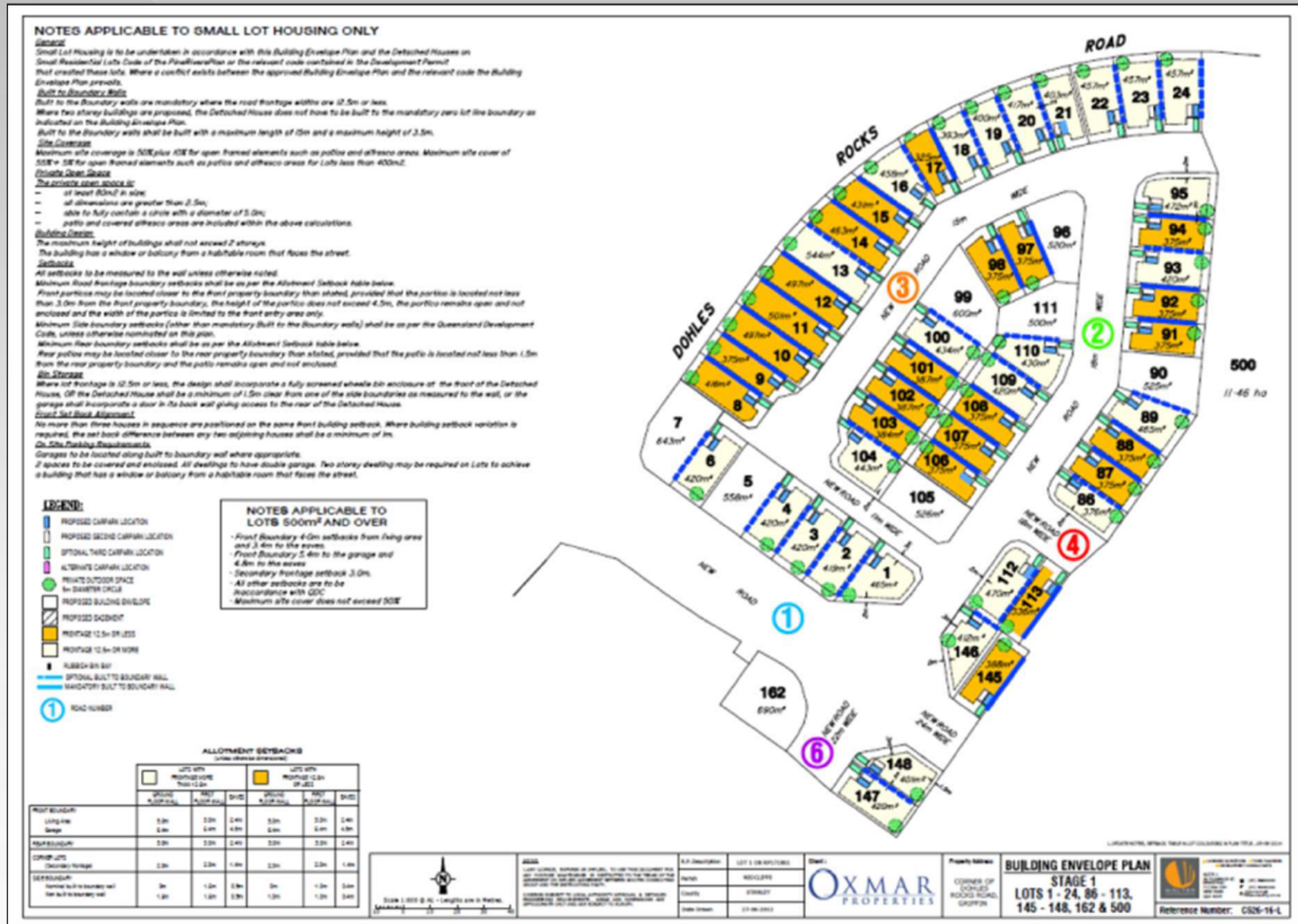
Why do we need a single housing code?

The Quality of Codes



Why do we need a single housing code?

The Quality of Codes



The Quality of Codes

Orientation, Building envelope and Setback Requirements

Pimpama Rivers - Stages 13a - 15.

Locality Plan
Not to Scale

All dwelling must face a principle street and have an identifiable entrance to the street.

Dwelling heights and Eaves

- The dwelling height on all allotments is to be a maximum of 8.5m (two storeys) inclusive of roof form.
- Eaves shall be a minimum of 450mm wide over all habitable rooms.

Site Coverage

- Maximum site coverage is 50%, with at least 20% of the site not covered by impervious surfaces.
- Each detached dwelling has a defined outdoor living space which must have:
 - An area of at least 15m²
 - Has no dimension less than 4m
 - Has access from a living area
 - Provides visual privacy from another outdoor living space by a window/factory screen.

Front setbacks

- Allotments less than 500m² a minimum 3m setback is permitted.
- Allotments greater than 500m² a minimum 6m setback is permitted.

Garage Setbacks

- A minimum of 5.5m setback from the front boundary.
- In addition all garages are to be setback a minimum of 0.5m behind the main building line.
- Garages in alignment with the main building line may be approved if the dwelling incorporates a veranda or portico which projects forward from the main face of the dwelling.

Rear Setbacks

- A minimum 3m rear setback is required.

Corner Allotments

- Dwellings on corner allotments to address both street frontages.
- Minimum side setback of 2m from the street with the articulated facade.

Side setbacks

- On allotments with 15m frontage or more there must be a minimum of 1.5m side setback from at least one side for the first storey (or 4.5m high) and at least 2m for the second storey (or 8.5m high).
- On Small lots (lots with frontages 15m or less), side setbacks as per the table below:

Road Frontage (in metres)	Side Boundary Clearances (in metres)	
	4.5 or less	4.5 to 7.5
14-501 - 15-0	1.425	1.9
14-001 - 14-5	1.35	1.8
13-501 - 14-0	1.275	1.7
13-001 - 13-5	1.2	1.6
12-501 - 13-0	1.125	1.5
12-001 - 12-5	1.05	1.4
11-501 - 12-0	0.975	1.3
11-001 - 11-5	0.9	1.2
10-501 - 11-0	0.825	1.1
10-50 or less	0.75	1

** Minimum side boundary setbacks to apply as marked in red*

Porches and Verandas

- Porches and verandas that are less than 3.6m high may encroach no more than 2m into front setback.

Built to Boundary Walls

- For all allotments, walls built to boundary are permitted to a maximum length of 6m
- All built to boundary walls must be for non-habitable rooms only.
- Walls built to boundary shall have an average height of 3m (max 3.5m)

dtis urban planning, surveying & development

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Tel: 07 3214 1400
www.dtis.com.au

Notes

This plan has been prepared by DTIS as a proposed plan and should not be used for any other purpose. The information contained on this plan is approximate only, and no person shall rely on it. The information is provided for information only and does not constitute a guarantee of accuracy. The information is provided for information only and does not constitute a guarantee of accuracy.

Client: CUSTODIAN PIMPAMA RIVERS SYNDICATE

Plan of: PLAN OF DEVELOPMENT - PIMPAMA RIVERS STAGES 13a to 15

Scale: N.T.S.

Drawn: BOM

Design: Kila

Date: 06/12/2012

Drawing File: A10447044.dwg

Project No: A10447

Drawing No: 4272-1301

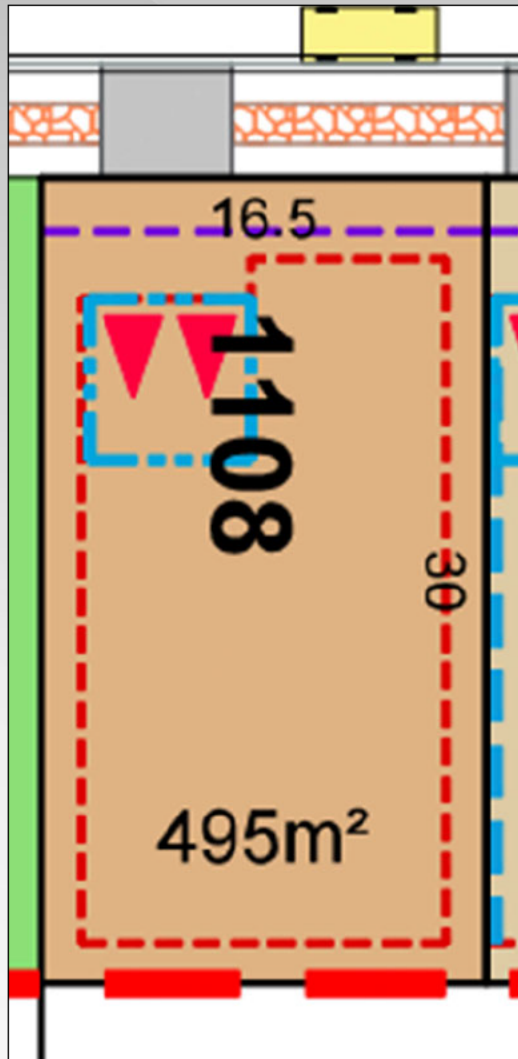
Rev: A



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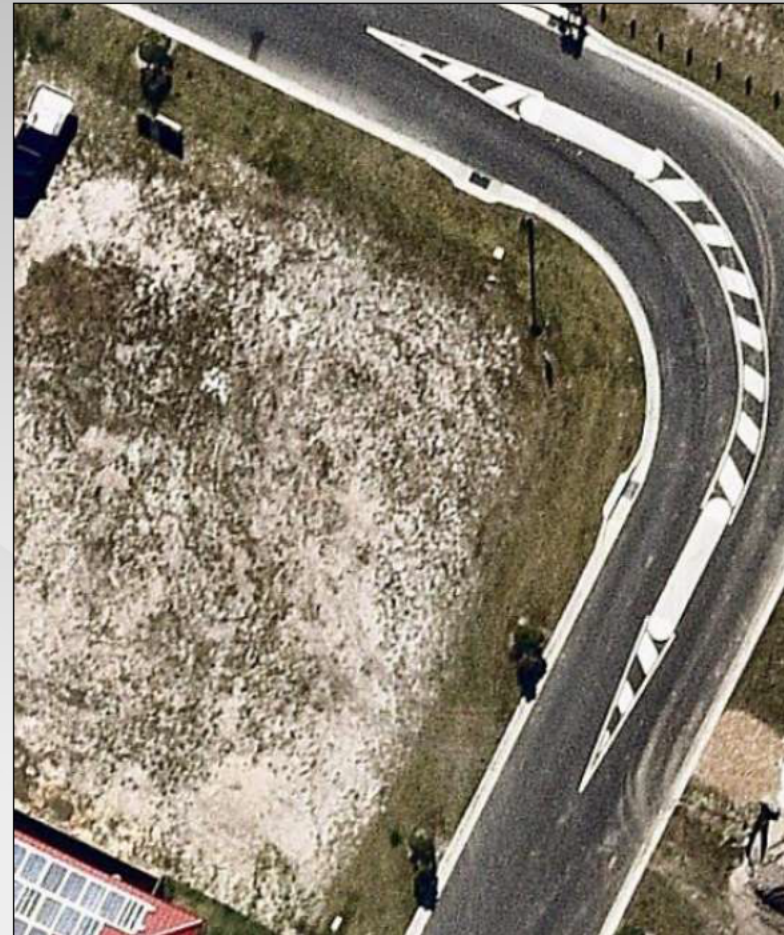
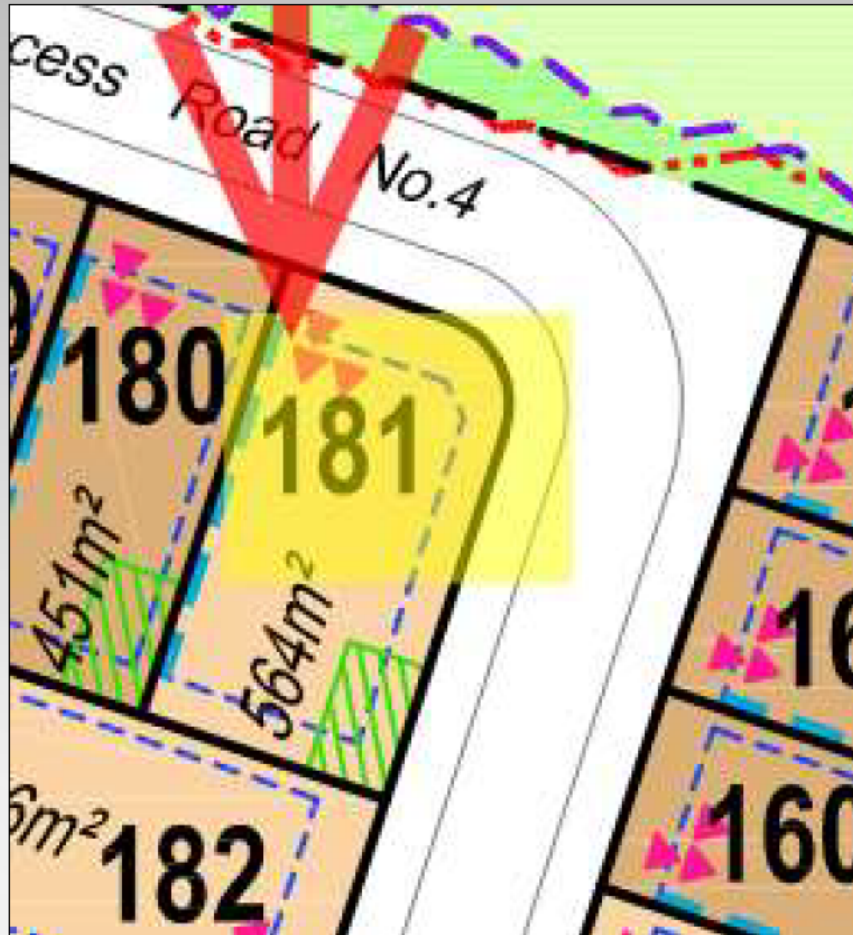
Why do we need a single housing code?

The Quality of Codes



Why do we need a single housing code?

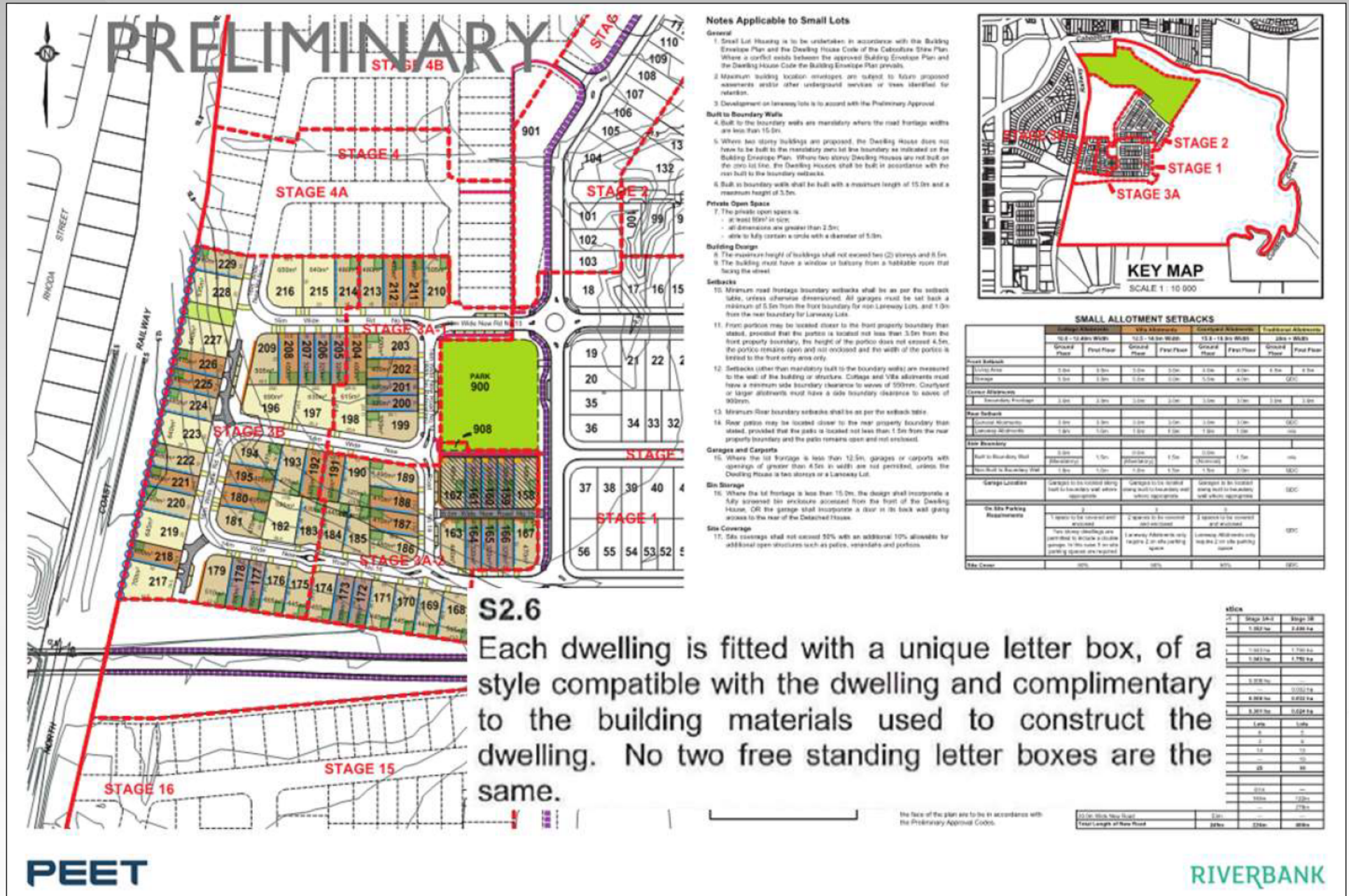
The Quality of Codes



The proposed development does not comply with the requirements to address the primary frontage and will require a Generally In Accordance application to council. Alternatively address the Northern road boundary in accordance with the MBRC planning scheme and provide a minimum of a front door, window(s) and pedestrian entrance. For a GIA Additional fees of \$753 plus a \$125 referral fee will apply. Please advise how you wish to proceed. Please note Council fees are subject to change as at 1 July.

Why do we need a single housing code?

The Quality of Codes



Why do we need a single housing code?

The Quality of Codes



Why do we need a single housing code?



Why do we need a single housing code?

Why do we need a single housing code?

1. Hundreds of housing codes across Queensland
2. Most are poorly written and inflexible
3. **Can add wasted thousands to the cost of a new home**



Why do we need a single housing code?

New Home Approval Costs – QLD Example

- ◉ September 2016 - 322 new homes approved by PCG
- ◉ 104 required Council approval as house did not meet design & siting standards
- ◉ The average cost of each Council approval was \$1014, with the total cost of compliance being much higher
- ◉ 70 to 80 percent of time taken by a certifier goes into checking whether the house complies with one or more codes
- ◉ Of those that did not require Council approval, the builder in many cases had to re-design the house
- ◉ All were approved by Council

New Home Approval Costs - QLD

September 2016

Our Fees

Building Approval*	\$ 183k
Certification Component (30%)	\$ 55k
Design and Siting (assessing house plans - 70%)	\$ 128k
Administration Fees (cost of preparing and submitting applications to Council)	\$ 52k
Inspections	\$ 107k
Sub Total	\$ 342k

Council Fees

Design and Siting Approvals	\$ 82k
Driveway Approvals	\$ 19k
Plumbing Approvals	\$ 266k
Document Archiving	\$ 50k
Sub Total	\$ 417k

Total	\$ 759k
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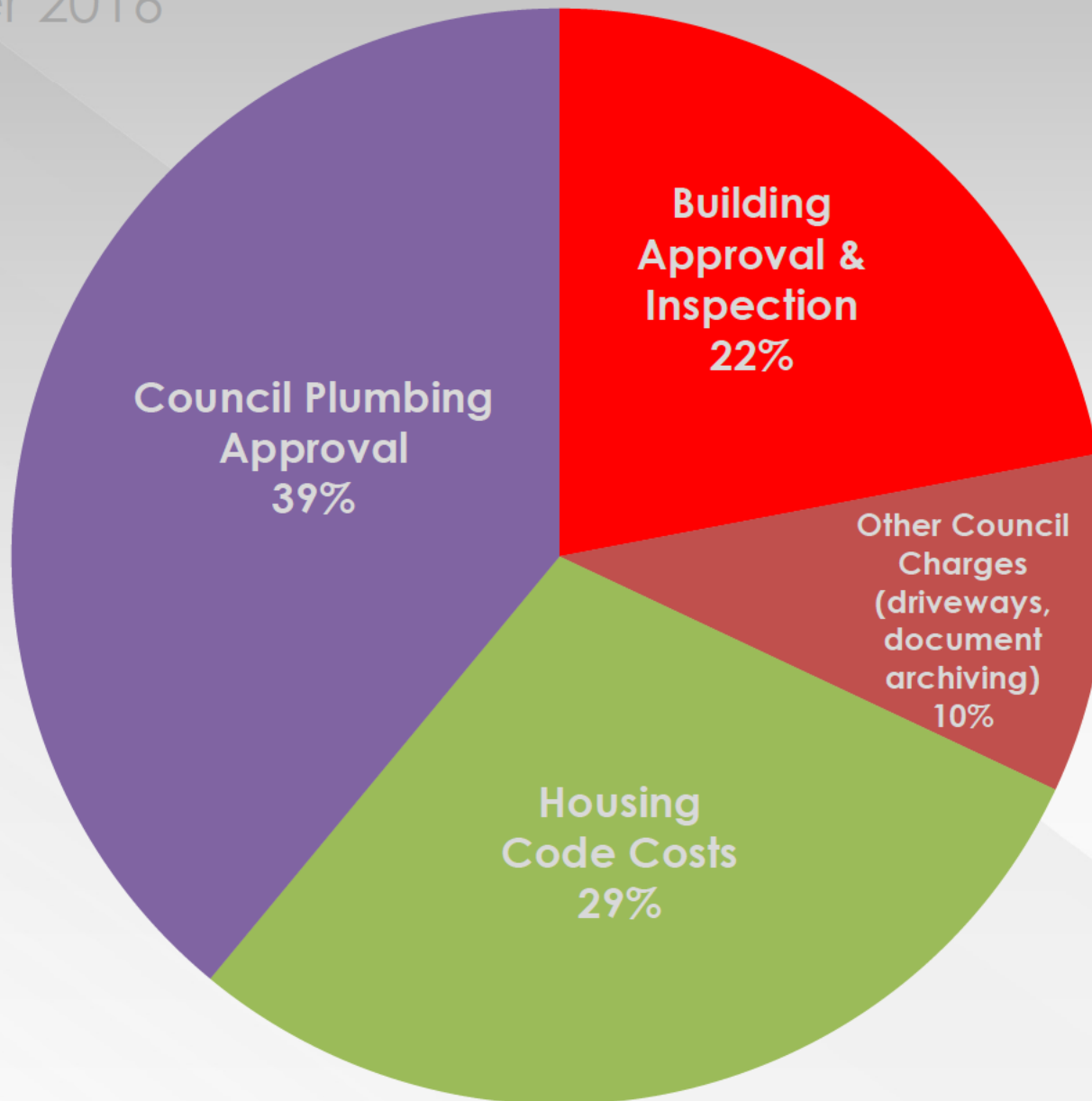
* Includes Council Search Fees

Does not include water and sewerage connection fees

Why do we need a single housing code?

New Home Approval Costs - QLD

September 2016



Why do we need a single housing code?

New Home Approval Costs - QLD

September 2016 | Per House

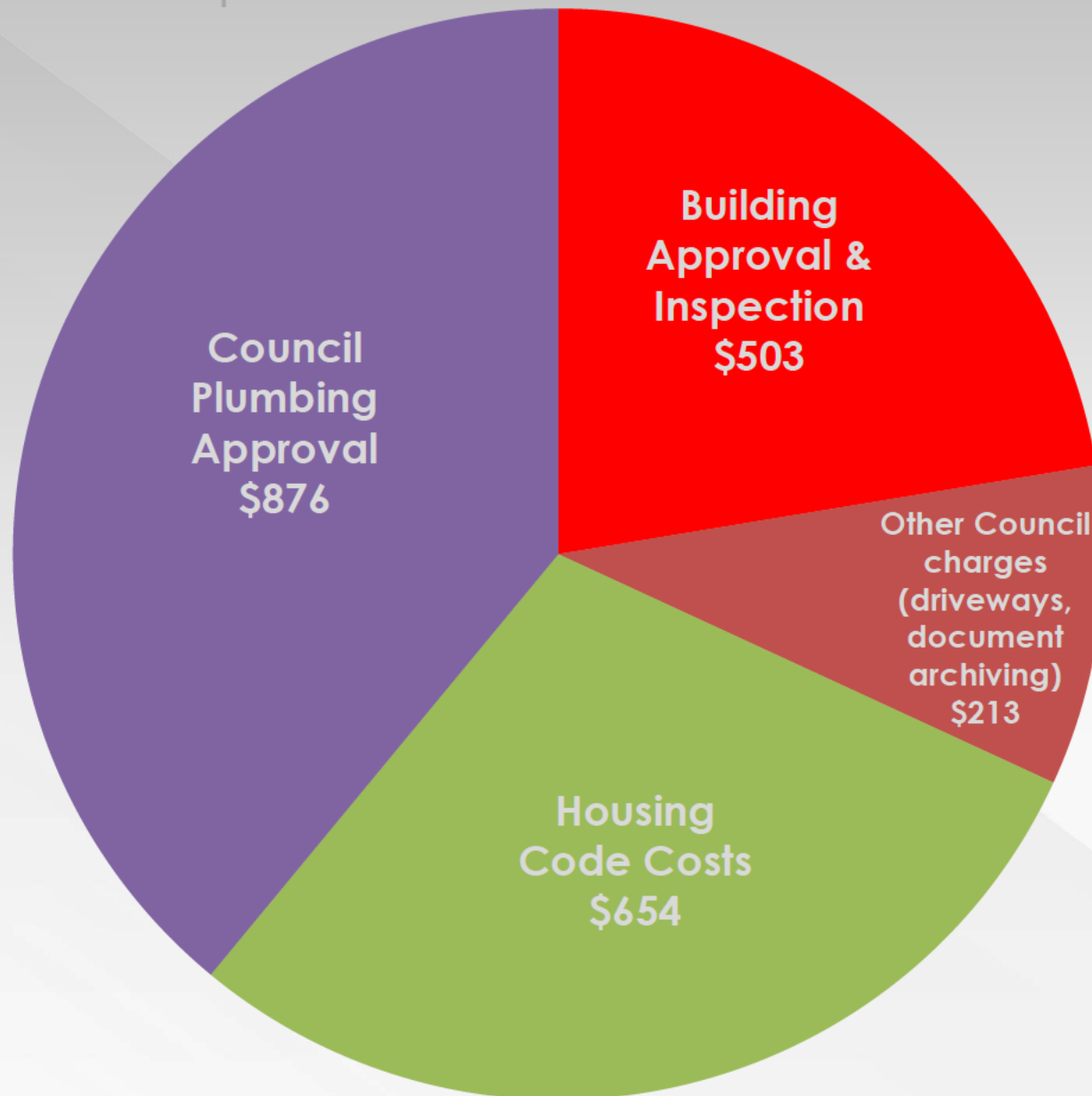


\$2246

Why do we need a single housing code?

New Home Approval Costs - QLD

September 2016 | Per House



Unknown: Builder redesign costs

Why do we need a single housing code?

Design / Siting Assessment Times

Council	Assessment Times
Brisbane	4 weeks
Moreton Bay	4-6 weeks
Gold Coast	5-6 weeks
Logan	
Redland	
Ipswich	4 weeks



DELAYED

Administration Issues

To lodge an application, Council requires the DA amendments, Master Plan, Area Codes and Setback tables to be sent with the usual paperwork. We also need to provide Council's Property Number as the GIA won't be processed by Council without it. Council's assessment time is at least 4 weeks - usually we have to call to check on the progress, wait for call backs, then wait a week or two more for the approval.

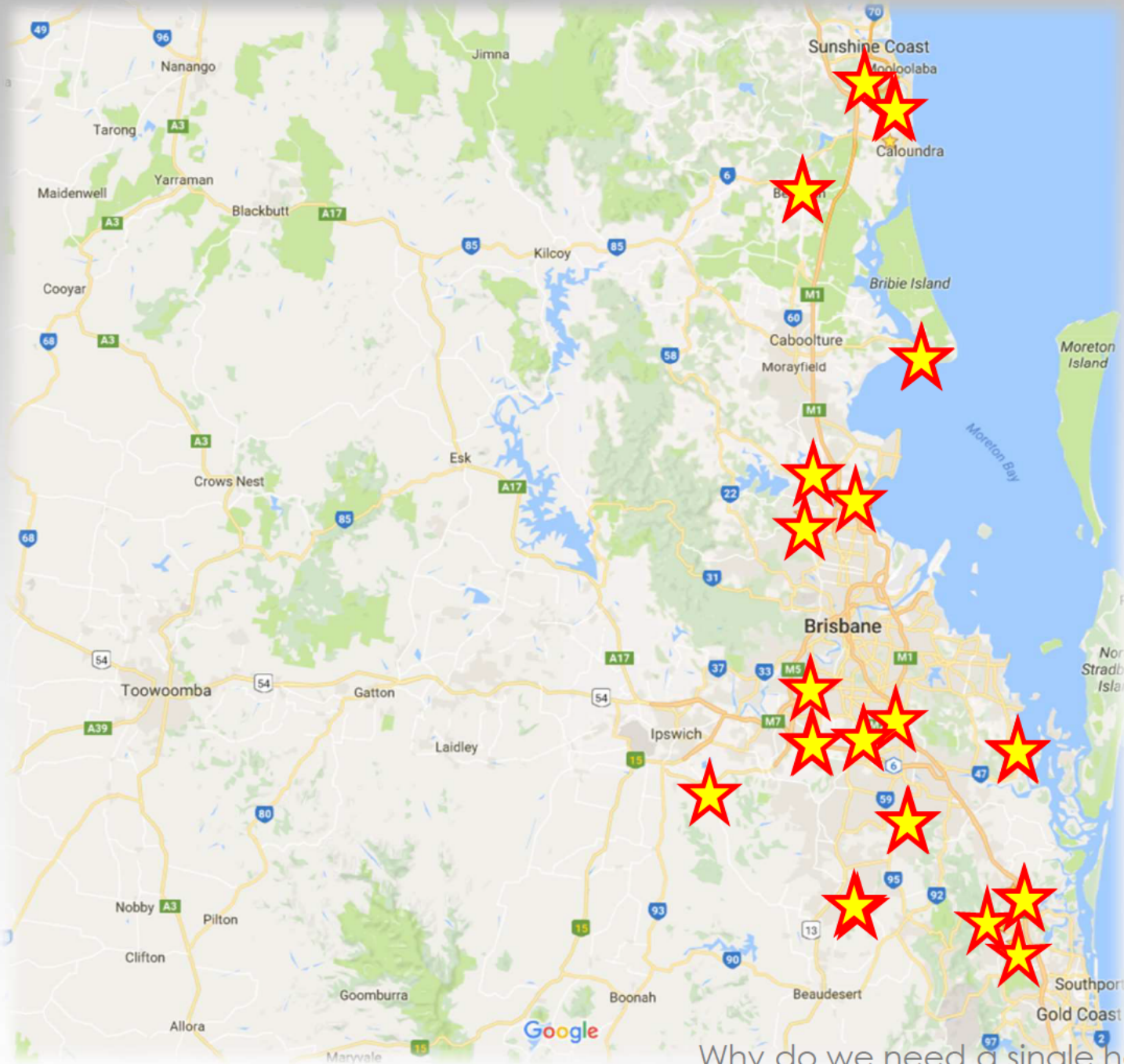
- AttG-Precinct-5.2-5.5-Building-Controls-v1.1.pdf
- Current DA Decision Notice.pdf
- DA approved Lot Type Plan.pdf
- DA Approved Reconfig Plan.pdf
- PIMPAMA - Gainsborough Greens - Acoustics report.pdf
- PIMPAMA - Gainsborough Greens - As constructed stormwater.pdf
- PIMPAMA - Gainsborough Greens - As constructed sewer.pdf
- PIMPAMA - Gainsborough Greens - BLE (precinct 2).pdf
- PIMPAMA - Gainsborough Greens - BLE.pdf
- PIMPAMA - Gainsborough Greens - Building lot type plan (precinct 2).pdf
- PIMPAMA - Gainsborough Greens - Built form code (cottage and patio lots).pdf
- PIMPAMA - Gainsborough Greens - Built form code (courtyard and cottage lots).pdf
- PIMPAMA - Gainsborough Greens - Built form code (courtyard, cottage, patio - superseded).pdf
- PIMPAMA - Gainsborough Greens - Built form code (premium villa and courtyard lots).pdf
- PIMPAMA - Gainsborough Greens - Built form code (tradition and duplex lots).pdf
- PIMPAMA - Gainsborough Greens - Built form code (tradition, duplex - superseded).pdf
- PIMPAMA - Gainsborough Greens - Built form code (villa and premium villa lots).pdf
- PIMPAMA - Gainsborough Greens - Built form code (villa, premium villa - superseded).pdf
- PIMPAMA - Gainsborough Greens - Bushfire report, landscape plan, stormwater report.pdf
- PIMPAMA - Gainsborough Greens - DA amended.pdf
- PIMPAMA - Gainsborough Greens - DA decision notice (superseded).pdf
- PIMPAMA - Gainsborough Greens - DA decision notice 6-5-13.pdf
- PIMPAMA - Gainsborough Greens - DA decision notice 8-12-10.pdf
- PIMPAMA - Gainsborough Greens - DA decision notice amended.pdf
- PIMPAMA - Gainsborough Greens - GIA letter (lot 385 & 399).pdf
- PIMPAMA - Gainsborough Greens - Master plan incl setback plans.pdf
- PIMPAMA - Gainsborough Greens - Plan of development.pdf

- PIMPAMA - Gainsborough Greens - Staging and lot type plan (superseded).pdf
- PIMPAMA - Gainsborough Greens - Stormwater report addendum, acid sulphate soil report.pdf
- PIMPAMA - Gainsborough Greens - Town area code 10 specific house plans.pdf
- PIMPAMA - Gainsborough Greens - Town area code Pt 3.pdf
- PIMPAMA - Gainsborough Greens - Town area code Pt 4.pdf
- PIMPAMA - Gainsborough Greens - Town area code Pt 5.pdf
- PIMPAMA - Gainsborough Greens - Town area code Pt 6 specific house plans.pdf
- PIMPAMA - Gainsborough Greens - Town area code Pt 7 specific house plans.pdf
- PIMPAMA - Gainsborough Greens - Town area code Pt 8 specific house plans.pdf
- PIMPAMA - Gainsborough Greens - Town area code Pt 9 specific house plans.pdf
- PIMPAMA - Gainsborough Greens - Town area code Pt 11 specific house plans.pdf
- PIMPAMA - Gainsborough Greens - Town area code Pt 12 specific house plans.pdf
- PIMPAMA - Gainsborough Greens - Town area code Pt 13 specific house plans.pdf
- PIMPAMA - Gainsborough Greens - Town area code Pt 14.pdf
- PIMPAMA - Gainsborough Greens - Townhouse area code Pt 1.pdf
- PIMPAMA - Gainsborough Greens - Townhouse area code Pt 2.pdf
- PIMPAMA - Gainsborough Greens - Zero lot wall plan (stage 1-2).pdf
- PIMPAMA - Gainsborough Greens - Zero lot wall plan (stage 5).pdf
- POD Part 1 - Masterplan.pdf
- POD Part 2 building controls.pdf
- POD Part 3 building controls.pdf
- POD Part 4 building controls.pdf
- POD Part 5 Setback Table.pdf
- POD Part 6 Setback Table and BLE.pdf
- POD Part 7 BLE Plans.pdf
- Precinct 1.2 Bushfire estate report.pdf

Why do we need a single housing code?



Case Study Examples from 15 October 2015



Why do we need a single housing code?

Case Study Examples from 15 October 2015


Example 1



- ☐ Carbrook
- ☐ Warner
- ☒ Little Mountain

Case Study Examples from 15 October 2015

Example 1



3 Bearded Tce, Little Mountain
QDC Referral to Council

5 day delay

Application Fee \$854

Why do we need a single housing code?

Case Study Examples from 15 October 2015

Example 2



- ☒ Beerwah
- ☐ Springfield
- ☐ Ripley

Case Study Examples from 15 October 2015

Example 2



17 Bilenda Close, Beerwah
RAP Application to Council

7 day delay

Application Fee \$588

Case Study Examples from 15 October 2015

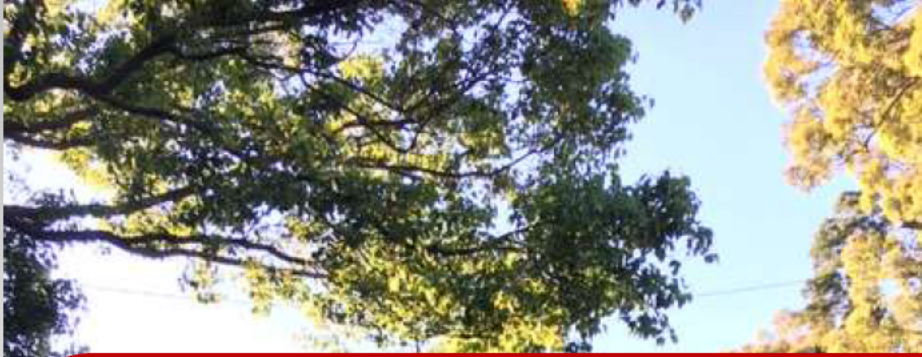
Example 3



- ☒ Bongaree
- ☐ Camp Mountain
- ☐ Redland Bay

Case Study Examples from 15 October 2015

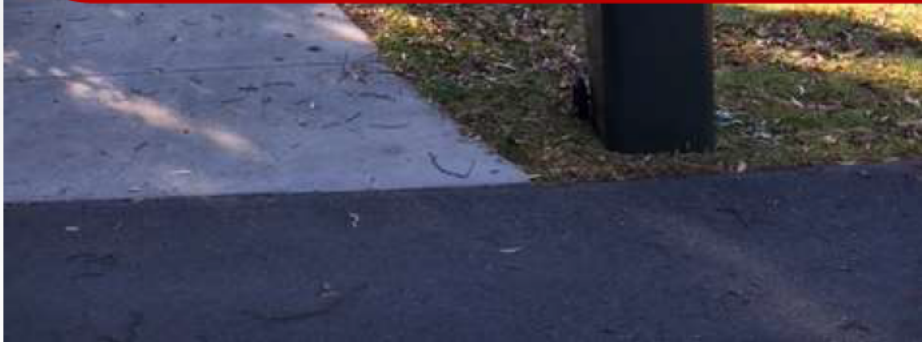
Example 3



4 Brake Street, Bongaree
QDC Referral to Council

5 day delay

Application Fee \$585



Why do we need a single housing code?

Case Study Examples from 15 October 2015

Example 4



☐ Ormeau Hills

☒ Kuraby

☐ Mango Hill

Case Study Examples from 15 October 2015

Example 4



14 Adventurer Street, Kuraby
QDC Referral to Council

16 day delay

Application Fee \$798

Case Study Examples from 15 October 2015

Example 5




- ☐ Yarrabilba
- ☐ Redbank Plains
- ☒ Heathwood

Why do we need a single housing code?

Case Study Examples from 15 October 2015

Example 5



9 Regal Close, Heathwood
QDC Referral to Council

12 day delay

Application Fee \$798

Why do we need a single housing code?

Case Study Examples from 15 October 2015

Example 6



- ☐ Underwood
- ☒ Redland Bay
- ☐ Mango Hill

Case Study Examples from 15 October 2015

Example 6



3 Europa Court, Redland Bay
QDC Referral to Council

28 day delay

Application Fee \$649

Why do we need a single housing code?

Case Study Examples from 15 October 2015

Example 7



- ☒ Stretton
- ☐ Bellbird Park
- ☐ Augustine Heights

Case Study Examples from 15 October 2015

Example 7



60 Elderbury Place, Stretton
QDC Referral to Council

16 day delay

Application Fee \$798

Why do we need a single housing code?

Case Study Examples from 15 October 2015

Example 8



- ☐ Flinders View
- ☐ Springfield Lakes
- ☒ Upper Coomera

Case Study Examples from 15 October 2015

Example 8

22 Butcher Bird Circuit, Upper Coomera
GIA Application to Council

23 day delay

Application Fee \$729

Case Study Examples from 15 October 2015

Example 9



- ☐ Rochedale
- ☐ Regents Park
- ☒ Oxenford

Case Study Examples from 15 October 2015

Example 9



7 Bass Court, Oxenford
GIA Application to Council

11 day delay

Application Fee \$779

Why do we need a single housing code?



Why do we need a single housing code?

Conclusion

Why the mess?

- ⦿ Current State Code (QDC) is out of date and not mandatory
- ⦿ Government and development planners across all levels of government have filled the space left by the QDC
- ⦿ As a result new homes are more costly

Also note...

- ⦿ Victoria and New South Wales have State Codes
- ⦿ New South Wales code reported to have stimulated housing industry



Why do we need a single housing code?

Conclusion

Why have a State Housing Code?

- ◉ Housing is more affordable
- ◉ New home owners have to borrow less
- ◉ Convert that money into bricks and mortar, and real industry jobs



Why do we need a single housing code?



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Is it really a material change or just plain building work?

MCU vs Building Work in Qld Planning

Ain Kuru MPIA

There is potential for confusion about the meanings of Material Change of Use (MCU) and Building Work (BW) under the Planning Act 2016. The uncertainty has caused costly disputes and litigation in development assessment. Efforts by the State Government to clarify the respective meanings of these terms has exacerbated the situation.

When the Integrated Planning Act 1997 introduced the concepts of MCU and BW, it was accepted practice that BW was also regulated by planning schemes provided it did not conflict with the Building Act 1975. However more recent State guidelines have narrowed the use of BW in planning schemes to demolition and heritage, and some overlays. Not all construction involves MCU, and therefore local governments are faced with a hiatus in their planning schemes if there are insufficient assessment triggers for BW. To address this gap, many are wrongly interpreting MCU to ensure development applications are made. As local governments have the resources to take legal action, most applicants succumb and lodge MCU applications to avoid the costs and delays involved.

Meaning of MCU and BW

The definition of BW in the Planning Act includes:

- (i) *building, repairing, altering, underpinning ... moving or demolishing a building or other structure; or*
- (ii) *works regulated under the building assessment provisions; or ...*

BW may be assessable under a planning scheme or building codes referenced by the Building Assessment Provisions under the Building Act. These comprise the Queensland Development Code and the National Construction Code.

A MCU is defined as:

- (a) *the start of a new use of the premises;*
- (b) *the re-establishment on the premises of a use that has been abandoned;*

(c) *a material increase in the intensity or scale of the use of the premises.*

Explanatory Notes to the Planning Bill 2016 provide a detailed explanation of what constitutes an MCU including the relationship with Building Work including:

- *A change in building set- back for a residential allotment, a change in building height, or an extension to a residential dwelling is building work, not a material change of use. The use was and remains residential with no material change in the intensity of the use ...*
- *A lawn bowls club erects a shade structure over its bowling greens. There is no associated change in the intensity or scale of the use. The development is building work only.*

Misuse of MCU

The Explanatory Notes explain how MCU is to be applied:

Characterising building work under a planning scheme as a material change of use does not turn the building work into a material change of use. The test of whether something is a material change of use is an objective test under the Bill, and cannot be changed under a planning scheme.

Most construction includes BW and is only an MCU if the above test is satisfied, despite what might be written in a planning scheme. Where there is doubt about whether there is an MCU it becomes a subjective argument with the local government.

Because many BW triggers have been removed from planning schemes, the following are common examples of development which local governments trigger MCU assessment:

- Demolishing and rebuilding a house;
- House extensions including increased height, pools etc;
- Enclosing a unit balcony; and

Extensions to commercial and industrial premises for replacement equipment or amenities.

While the Planning Regulation 2017 prohibits schemes from making some residential work MCU assessable, the State Government has turned a blind eye to local governments placing MCU triggers in overlays.

There are two arguments used by practitioners to justify MCU applications:

1. A larger building increases the scale of the use - this is not correct unless the use of the premises also changes; and
2. Because an overlay applies there is a material impact - this is inconsistent with the Explanatory Notes as it is BW and not MCU which is impacting the overlay.

Why did this happen?

Early Integrated Planning Act planning schemes included extensive assessment triggers for both MCU and BW. This made sense as construction of a new building always includes BW and may include an MCU. In addition code provisions relating to building form, aesthetics, overlooking, privacy and the like are firstly BW matters.

Consequently there was never any doubt as to whether BW was assessable under the planning scheme if there was no MCU.

However it appeared that practitioners did not fully understand the respective meaning of MCU and BW. To clarify these meanings, guidelines advise planning schemes should apply BW triggers by exception. Current advice in Drafting a planning scheme – Guidance for local governments (Queensland Government, March 2022) states:

... a planning scheme is not to include provisions about building work unless permitted and justified.

These changes received support from industry bodies as they also thought it would provide greater clarity and certainty for practitioners.

What Happens in Other States?

Legislation in New South Wales and Victoria defines development as both the use of land and the construction of a building. All development is assessable unless listed otherwise, with complying codes used to streamline common forms of development such as housing.

Queensland planning schemes prescribe what is assessable and as a result, poorly drafted planning schemes will contain gaps and cause uncertainty. Not including triggers for BW exacerbates this.

Where to from here?

The State Government should review its advice about how BW is addressed in planning schemes or review the definitions of MCU to bring it into line with current practice.