



# Integrating Building Work in planning schemes

Guidance for local governments

*Updated November 2021*

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# Contents

<b>1</b>	<b>Purpose .....</b>	<b>2</b>
<b>2</b>	<b>Regulatory context.....</b>	<b>3</b>
<b>2.1</b>	<b>How planning schemes regulate development .....</b>	<b>3</b>
2.1.1	Regulating 'development' .....	3
2.1.2	What is the 'building work' aspect of 'development' .....	3
2.1.3	Regulating building work .....	3
2.1.4	Building assessment provisions (BAPs).....	4
<b>2.2</b>	<b>Matters a planning scheme may include .....</b>	<b>5</b>
<b>2.3</b>	<b>Matters a planning scheme cannot include .....</b>	<b>6</b>
2.3.1	Matters in the Building Code of Australia (BCA) .....	6
2.3.2	Matters in the Queensland Development Code (QDC) .....	6
<b>3</b>	<b>How to deal with specific matters in a planning .....</b>	<b>7</b>
<b>3.1</b>	<b>Sustainable and subtropical / tropical design .....</b>	<b>8</b>
<b>3.2</b>	<b>Accessible and adaptable housing design .....</b>	<b>9</b>
<b>3.3</b>	<b>Development for detached dwellings .....</b>	<b>9</b>
<b>3.4</b>	<b>Siting of duplex dwellings .....</b>	<b>10</b>
<b>3.5</b>	<b>Local character and design and amenity .....</b>	<b>11</b>
<b>3.6</b>	<b>Noise amenity .....</b>	<b>12</b>
<b>3.7</b>	<b>Lighting amenity .....</b>	<b>13</b>
<b>3.8</b>	<b>Filling and excavation, retaining walls and fences .....</b>	<b>13</b>
<b>3.9</b>	<b>Bushfire prone areas .....</b>	<b>14</b>
<b>3.10</b>	<b>Landslide.....</b>	<b>15</b>
<b>3.11</b>	<b>Land liable to flooding .....</b>	<b>16</b>
<b>3.12</b>	<b>Overland flow and stormwater management.....</b>	<b>18</b>
<b>3.13</b>	<b>Storm tide inundation .....</b>	<b>19</b>
<b>3.14</b>	<b>Water saving provisions .....</b>	<b>19</b>
<b>3.15</b>	<b>Transport noise corridors .....</b>	<b>20</b>
<b>3.16</b>	<b>End of trip facilities .....</b>	<b>21</b>
<b>3.17</b>	<b>Fire hydrants.....</b>	<b>22</b>
	<b>Appendix .....</b>	<b>23</b>
	<b>Appendix 1 - building classification or class of building .....</b>	<b>23</b>

# 1 Purpose

The purpose of this guidance is to support local governments when making or amending a planning scheme by:

- providing an overview of the relationship between planning schemes and the building assessment provisions (BAPs) under the *Building Act 1975* (Building Act)
- providing guidance on the role of planning schemes in regulating building work and providing examples of the types of matters a planning scheme should or should not be dealing with.

The guide is complemented by:

- the [Drafting a planning scheme – Guidance for local governments](#) that provides guidance to support local government when making or amending a planning scheme
- the [Minister's Guidelines and Rules \(MGR\)](#) that contains the guidelines and rules for the process of making and amending local planning schemes
- the [Integrating state interests in planning schemes – Guidance for local governments](#) to assist in the interpretation and integration of each of the [State Planning Policy's](#) (SPP) state interests when making or amending their planning scheme
- the [Delivery of state interests through the Planning Regulation 2017 – Guidance for local governments](#) that outlines how the Planning Regulation directly supports the delivery of state interests in development assessment and how local government should respond to those provisions when making or amending a planning scheme. This includes guidance on Schedule 9 of the Planning Regulation and building work made assessable under the *Planning Act 2016* (Planning Act).



## 2 Regulatory context

### 2.1 How planning schemes regulate development

#### 2.1.1 Regulating 'development'

Aspects of development include:

- a material change of use
- reconfiguration of a lot
- operational work, and
- building work.

In general, development is accepted, unless otherwise specified in the *Planning Regulation 2017* (Planning Regulation), or where a planning scheme makes the development assessable rather than accepted.

When applying requirements or assessment benchmarks to development, it is important to clearly specify the aspects of development to which the requirements or benchmarks apply.

#### 2.1.2 What is the 'building work' aspect of 'development'

Building work is defined in Schedule 2 of the Planning Act and includes<sup>1</sup>:

1. building, repairing, altering, underpinning (whether by vertical or lateral support), moving or demolishing a building or other structure (for example, building a retaining wall) and excavating or filling incidental to these activities, or supporting (vertically or laterally) premises for these activities, or
2. works regulated under the building assessment provisions, or
3. excavating or filling that may adversely affect the stability of a building or other structure, whether on the premises on which the building or other structure is situated or on adjacent premises.

However, building work does not include undertaking works for reconfiguring a lot, tidal works or operations of any type and all things constructed or installed that allow taking or interfering with water under the *Water Act 2000*.

#### 2.1.3 Regulating building work

Building work is regulated differently from other aspects of development. In summary, the following is how building work is regulated in Queensland:

The *Building Act 1975* (Building Act) regulates building work and requires that buildings be constructed in accordance with the [building assessment provisions \(BAPs\)](#).

**Under Section 8(5) of the Planning Act a planning scheme<sup>2</sup> must not:**

- a. include provisions about building work to the extent the building work is regulated under [BAPs](#)<sup>3</sup>
- b. be inconsistent with the effect of [assessment benchmarks](#)<sup>4</sup> identified in the Planning Regulation or change the effect of a [BAP](#)<sup>5</sup>.

***The primary purpose of these provisions is to avoid any duplication in assessment processes between building work and another aspect of development.***

<sup>1</sup> Refer to Schedule 2 of the Planning Act for full definition, including details of additional aspects that comprise building work where for a Queensland heritage place.

<sup>2</sup> Or a temporary local planning instrument or a planning scheme policy.

<sup>3</sup> Unless allowed under Sections 32 and 33 of the Building Act – refer section 8(5) of the Planning Act and section 31(4) of the Building Act.

<sup>4</sup> These assessment benchmarks are identified in section 17(B) of the Planning Regulation and include the BAPs stated in sections 30(a) to (d), (f) and (g) of the Building Act. Section 31 of the Building Act also provides that the BAPs stated in section 30 of the Building Act are assessment benchmarks for the Planning Act for the carrying out of building assessment work or building work that is accepted development subject to any requirements.

<sup>5</sup> Unless allowed under Sections 32 and 33 of the Building Act – refer section 43(5)(c) of the Planning Act and section 31(3) of the Building Act.

Schedule 9 of the Planning Regulation makes certain building work assessable development under the Planning Act. Schedule 9 of the Planning Regulation also prescribes the category of assessment for this building work, applicable assessment benchmarks for the assessment manager and matters a referral agency is to use in its assessment. The [Delivery of state interests through the Planning Regulation 2017 – Guidance for local governments](#) provides information to a local government on each of the Schedule 9 provisions.

## 2.1.4 Building assessment provisions (BAPs)

The BAPs are the provisions against which a building development application<sup>6</sup> is assessed. They are identified in section 30 of the Building Act, and include:

1. the [Building Code of Australia](#) (BCA). The BCA comprises Volume One and Volume Two of the [National Construction Code](#) (NCC) and is a uniform set of technical provisions for the design and construction of buildings and other structures throughout Australia. It is produced and maintained by the Australian Building Codes Board on behalf of all state and territory governments.
2. subject to section 33 of the Building Act, the [Queensland Development Code](#) (QDC), which is published by the Department of Housing and Public Works, is a set of mandatory codes which are unique to Queensland. The QDC contains provisions which are in addition to the BCA, or provisions which do not fit within the scope of the BCA. Under section 35 of the Building Act, if there is an inconsistency between the BCA and the QDC, the QDC prevails.
3. any relevant planning scheme [resolution made under section 32](#) or any relevant [provision under section 33](#) of the Building Act.
4. chapters 3 and 4 of the Building Act.
5. the [fire safety standards](#) for budget accommodation buildings and residential care buildings. The fire safety standards are defined in Chapter 7 of the Building Act. The fire safety standards include part MP 2.1 of the QDC and any other standard prescribed under a regulation for ensuring that all the occupants of a budget accommodation building may be safely evacuated in the event of a fire in the building.
6. any provisions of a regulation made under the Building Act relating to building assessment work<sup>7</sup> or accepted building work.

The BAPs commonly relate to different building classifications or 'classes' of buildings, these are listed in **Appendix 1**. It is important to understand the building types that the BAPs apply to when drafting planning scheme provisions, to ensure the provisions work as permitted and intended.

The following parts of this guidance explore in more detail:

- how a planning scheme may implement the provisions of section 32 and 33 of the Building Act
- the types of BAPs that may inadvertently be addressed as part of development assessment provisions in planning schemes
- what types of provisions may or may not be included in a planning scheme – that complement and avoid duplicating matters already addressed by the BAPs.

<sup>6</sup> A building development application is an application for development approval under the Planning Act to the extent it is for building work.

<sup>7</sup> Building assessment work is the assessment, under the BAPs, of a building development application for compliance with those provisions.

## 2.2 Matters a planning scheme may include

Sections 32 and 33 of the Building Act and the *Building Regulation 2021* (Building Regulation) provide for matters a planning scheme may include. These matters take three (3) forms:

### 1. Designations for the BCA or the QDC of matters prescribed under a regulation

Examples of designations that may be prescribed include:

- designating a bushfire prone area
- designating a natural hazard management area (flood), being land liable to flooding.

### 2. A provision or a resolution about an aspect or matter related to building work prescribed under a regulation

Examples of aspects that may be prescribed include:

- minimum habitable floor levels for land liable to flooding
- additional water saving targets to those in stated in part MP 4.2 of the QDC.

### 3. Alternative provisions for relevant work that are alternative or different to the QDC

Examples of alternative provisions include:

- variations to boundary clearance and site cover provisions for a single detached class 1 building or a class 10 building or structure located on the same allotment as a single detached class 1 building contained in parts MP 1.1 and MP 1.2 (and potentially MP 1.3<sup>8</sup>) of the QDC
- providing quantifiable standards and qualitative statements for matters provided for under performance criteria 4, 5, 7, 8 and 9 of QDC part 1.1 or QDC part 1.2 2 and performance criteria 10 of QDC part 1.3
- additional end-of-trip facilities provided in certain classes of buildings in designated local government areas to those contained in MP 4.1 of the QDC.

In addition, section 246X of the Building Act allows a local government to designate land as a transport noise corridor for part MP 4.4 of the QDC.

Refer to Section 3 below for further detail on how these BAPs may be included in a planning scheme.

Refer to the [Delivery of state interests through the Planning Regulation – Guidance for local governments](#) for details on the regulatory provisions in the Planning Regulation that directly support the delivery of state interests in development assessment.

<sup>8</sup> Part MP 1.3 of the QDC applies to 'duplex buildings' and is only triggered if a local government 'opts in' pursuant to Schedule 6 of the Planning Regulation. If a local government 'opts in', the provisions of MP 1.3 become BAPs and are subject to the referral requirements of the Planning Regulation.

## 2.3 Matters a planning scheme cannot include

The primary BAPs that a planning scheme cannot include are matters covered by the BCA and parts of the QDC. It is important to understand the scope of matters dealt with in the BCA and QDC to ensure planning scheme provisions do not inadvertently duplicate these matters and otherwise only include BAPs in a manner permitted by the Building Act.

### 2.3.1 Matters in the Building Code of Australia (BCA)

Generally, the following matters in the BCA are BAPs and cannot be included in a planning scheme unless permitted by the Building Act:

- the structural stability of the building (e.g. footings). This includes the structural resistance that materials and forms of construction (e.g., slab on ground) must achieve to withstand floods, cyclones, landslip, earthquakes, etc
- fire safety and fire resistance of a building including the separation distances between buildings, fire protection to external walls (including any openings such as windows) and the splitting up of the internal spaces of the building into separated fire compartments
- fire safety equipment that must be installed in a building including firefighting equipment (e.g., fire hydrants, hose reels, portable fire extinguishers, etc), smoke hazard management (e.g., smoke detectors and alarms) and emergency lighting and signs
- lift installations for emergency egress, disability access etc
- the provision of access and facilities for people with disabilities from the point of entry of a site up to, and within, a building. This includes the number and design of accessible parking spaces on a site
- damp and weatherproofing, sanitary facilities, room sizes, light and ventilation, sound insulation and the ability to resist the effects of termites
- structures that are ancillary to the main use of the building including minor structures (swimming pools, vaults, cool rooms), heating appliances (fireplaces, flues and chimneys), and atrium construction
- energy efficiency standards that apply to the construction of a building. For example, standards that specify the thermal resistance (star rating) of a building or material, ventilation requirements, orientation of the building, the provision of shading devices (where not for privacy) etc
- telecommunications facilities within a building
- the maintenance of equipment in buildings.



#### DRAFTING TIP

There should be no duplication of BAPs with planning scheme provisions other than those provisions permitted by Sections 32 and 33 of the Building Act.

### 2.3.2 Matters in the Queensland Development Code (QDC)

**The planning scheme is not to regulate provisions found in the QDC unless specifically permitted** (as discussed in Section 2.2 above, and Section 3 below). Parts of the QDC include:

- Part 1.3 Design and siting standard for duplex housing, where a local government has by resolution, decided to apply Schedule 6, Part 2, Section 3 of the Planning Regulation (prohibiting a local categorising instrument from making a material change of use for certain dual occupancies assessable development)
- Part 1.4 Building over or near relevant infrastructure (sewers, water mains, stormwater drains and combined sanitary drains)
- Part 2.0 Fire safety
- Part 3.0 Special buildings
- Part 4.0 Building sustainability
- Part 5.0 General health, safety and amenity
- Part 6.0 Maintenance of buildings.



### 3 How to deal with specific matters in a planning

The following sections provide detail and examples to:

- include permissible building assessment provisions in planning schemes
- deal with common planning matters that interrelate with or may inadvertently impinge upon building matters.

These sections are not exhaustive and represent common planning and building matters only.

When considering the relationship between BAPs and a planning scheme, it is important to:

- comply with the Planning Act rules described in Section 2 above.
- apply the drafting principle of minimising regulation and duplication.
  - planning schemes should only regulate building work if it is permissible and achieves a local policy outcome. If there is no value in adding a BAP in a planning scheme, it should not be included. For example, it is not necessary to include siting provisions for housing in the planning scheme if they duplicate the policy outcomes of MP 1.1, MP 1.2 or MP 1.3 of the QDC.
- where varying the effect of BAPs (either through identifying the QDC as additional or alternative requirements), clearly identify where BAPs are included so assessment managers may easily locate this information within the planning scheme. This content would generally be in the administrative section of a planning scheme.

An example of the range of matters and how a planning scheme may designate or identify alternative BAPs is provided in the table below:

Building Act 1975 (BA) and Building Regulation 2021 (BR) reference	Description	Planning scheme part
<b>Section 32(c) and 33(2) BA</b>	Alternatives to the QDC parts MP 1.1 and MP 1.2 site cover and boundary clearance provisions	<insert>
<b>Section 32(b) BA and Section 6(2) BR</b>	Alternatives to the QDC parts MP 1.1 and MP 1.2: <ul style="list-style-type: none"> <li>• building height provisions (performance criterion 4)</li> <li>• rear and side boundary privacy provisions (performance criterion 5)</li> <li>• height of structures on corner lots (performance criterion 7)</li> <li>• on-site parking provisions (performance criterion 8)</li> <li>• outdoor living space provisions (performance criterion 9)</li> </ul>	<insert>
<b>Section 32(a) BA and Section 7 BR</b>	Designation of a bushfire prone area for the BCA or the QDC	<insert>
<b>Section 32(a) BA and Section 8 BR</b>	Designation of a flood hazard area for the QDC	<insert>
<b>Section 32(b) BA and Section 8 BR</b>	Declare of the following for all or part of a flood hazard area: <ul style="list-style-type: none"> <li>• the defined flood level</li> <li>• the maximum flow velocity of water</li> <li>• an inactive flow or backwater area</li> <li>• a freeboard that is more than 300mm</li> <li>• the finished floor level of class 1 buildings built in all or part of the flood hazard area</li> </ul>	<insert>



#### DRAFTING TIP

To determine whether a provision is a BAP, the general rule is if the provision relates to the physical or structural construction of a building (particularly internal spaces), it is not appropriate to control through a planning scheme.

The planning scheme provisions should not duplicate, or address matters already addressed by the BCA or QDC.

## 3.1 Sustainable and subtropical / tropical design

Example relevant BAPs	Applicable building class/es	Can be modified or dealt within a planning scheme
<a href="#">NCC – Volume 1, Section J and Volume 2, Part 3.12</a>	All	No
<a href="#">QDC, MP 4.1 – Sustainable buildings</a>	1 and 2 (and 5 in relation to electricity sub-metering)	No

### 3.1.1 Planning scheme cannot include

The BCA and QDC MP 1.4 regulate:

- thermal performance (called the R-Value)
- ventilation and daylight to habitable rooms
- the aspect of habitable rooms
- shading of windows or rooms
- reflectivity and heat absorption of roofing and cladding
- internal layout and window placement
- water efficiency of fixtures.

Built form provisions in a planning scheme should not, and do not need to, deal with the above matters.

### 3.1.2 Planning scheme may include

A planning scheme may consider sustainability at the lot layout stage and include built form provisions that deal with subtropical and tropical design from an amenity and aesthetic perspective.

For example, a planning scheme may encourage:

- a subdivision layout that facilitates lot orientation to maximise potential for future dwellings to be oriented to take advantage of climate responsive design such as prevailing breezes
- lot configurations and spaces between buildings to facilitate sunlight and breeze permeation to streets and public spaces whilst avoiding excessive overshadowing
- built form solutions (such as podiums, set back towers and footpath awnings) can be applied to mitigate wind effects on pedestrians
- the use and/or composition of materials that exhibit a tropical / subtropical aesthetic
- verandahs to facilitate a streetscape reflective of the local character
- awnings be required over footpaths in centres to provide protection from the elements for pedestrians
- communal and private open or outdoor living spaces associated with residential development being designed to enable uses to have regard to our subtropical / tropical climate, protecting users from the sun and rain
- landscaping selected and located to reinforce our subtropical / tropical character and enhance the useability of outdoor spaces by providing shade.

It should be clear that any provisions associated with weather protection are not about weather proofing or sealing the building but about amenity for users of the locality or development.

Consider the types of BAPs that may intersect with planning provisions about tropical / subtropical design, to ensure these do not impinge upon one another or in effect mean the proposal would have difficulty meeting the deemed to satisfy provisions of the NCC. For example, if the scheme sought that only certain materials be used and these had very thermal conductivity, or if the scheme mandated minimum glazing that did not comply with the NCC allowable

combination of wall and glazing components comprising the envelope of a building or with minimum window barrier heights.

A planning scheme may include a notation that the approach taken to comply with the planning provisions must not result in non-compliance with the BAPs.

## 3.2 Accessible and adaptable housing design

Example relevant BAPs	Applicable building class/es	Can be modified or dealt with in a planning scheme
<a href="#">NCC – Volume 1, Section D and Volume 2, Part 2.5</a>	All	No

### 3.2.1 Planning scheme cannot include

The BCA contains provisions to ensure people with a disability can approach a building from the road boundary, associated buildings or car parking spaces (for class 2 to 9 buildings) and can access work and public spaces, accommodation and facilities for personal hygiene (for example public amenities in a shopping centre).

The BCA also provides standards or safe movement for all people to and within all buildings.

Built form provisions in a planning scheme should not, and do not need to, deal with the above matters.

### 3.2.2 Planning scheme may include

The [Liveable Housing Australia](#) establishes Silver, Gold and Platinum levels of liveable housing design. These are voluntary design standards that a certified assessor may be invited to assess a dwelling as meeting.

While a planning scheme may not mandate construction to Liveable Housing Australia levels of performance, it may incentivise development that delivers on these, for example through different assessment benchmarks (such greater densities).

## 3.3 Development for detached dwellings

Example relevant BAPs	Applicable building class/es	Can be modified or dealt with in a planning scheme
<a href="#">QDC, MP 1.1 – Design and siting standard for single detached housing – on lots under 450m<sup>2</sup></a>	1 and 10 (where associated)	Yes
<a href="#">QDC, MP 1.2 – Design and siting standard for single detached housing – on lots 450m<sup>2</sup> and over</a>	1 and 10 (where associated)	Yes
<a href="#">QDC, MP 1.4 – Building over or near relevant infrastructure</a>	All	No

### 3.3.1 Planning scheme cannot include

MP 1.1 and MP 1.2 of the QDC regulate:

- the location of a building or structure where responding to streetscape and neighbourhood privacy
- site cover
- light and ventilation to habitable rooms
- building height in relation to obstruction and overshadowing
- the siting and design of a building to provide visual privacy and adequate sight lines (for corner blocks)
- on-site car parking requirements
- the siting of a building to facilitate maintenance

- the size and design of private outdoor living spaces.

Built form provisions in a planning scheme, where not varying the effect of MP 1.1 or MP 1.2, should not, and do not need to, deal with the above matters.

MP 1.4 of the QDC contains provisions that ensures building work does not adversely affect the operation of relevant infrastructure<sup>9</sup> and that the integrity of the building or structure is not affected as a result of the maintenance or replacement of relevant infrastructure. Built form provisions in a planning scheme should not duplicate provisions contained in MP 1.4.

### 3.3.2 Planning scheme may include

Section 33 of the Building Act and Section 6 of the Building Regulation allow for a planning scheme to vary the effect of MP 1.1 and MP 1.2.

#### Variations to boundary clearance and site cover

Section 33 of the Building Act permits variations where relating to boundary clearance and site cover for building assessment work or accepted building work where including a qualitative statement (a statement about a performance or outcome sought to be achieved when buildings or structures for relevant work are completed) or quantifiable standard (a standard that achieves a performance or outcome sought under a qualitative statement).

For example:

- Development achieves minimum setbacks of 3m to the primary frontage, 2m to side boundaries and 6m to the rear boundary.

OR

- Development complements the traditional setting of residential buildings in the street.

Alternative provisions to MP 1.1 and MP 1.2 are suited to delivering local character and streetscape outcomes, rather than the mitigation of adverse impacts from adjoining land uses.

For other classes of buildings / circumstances, boundary clearance and site cover provisions do not comprise BAPs, and a planning scheme may include provisions for those. For example, maximum site cover for an industrial building or boundary clearances for a multiple dwelling would be common built form provisions in a planning scheme.

#### Variations to siting and design

Section 6 of the Building Regulation permits a planning scheme to provide that all or some of performance criteria 4, 5, 7, 8 or 9 under MP 1.1 or QDC MP 1.2 and the relevant acceptable solutions under the part for the performance criteria apply for building work for a single detached class 1 building or a class 10 building or structure located on the same allotment as a single detached class 1 building.

The planning scheme may adopt these additional provisions or provide alternate quantifiable standards, and if providing alternate quantifiable standards may also provide alternate qualitative statements for matters provided for under all or some of the performance criteria.

## 3.4 Siting of duplex dwellings

Example relevant BAPs	Applicable building class/es	Can be modified or dealt with in a planning scheme
<a href="#">QDC, MP 1.3 – Design and siting standard for duplex housing</a>	1 and 10 (where associated)	Yes, may be modified, and planning scheme 'opts in' to application

<sup>9</sup> Relevant infrastructure includes a sewer operated by or for a sewerage service provider; or a water main operated by or for a water service provider; or a stormwater drain operated by or for a local government; or a combined sanitary drain.

### 3.4.1 Planning scheme may include

The function of MP 1.3 of the QDC is like MP 1.1 and 1.2 in that it provides for a planning scheme to include alternate provisions. However, MP 1.3 only applies where a local government under Schedule 6, Part 2, Section 3 of the Planning Regulation resolves to apply the provisions of that part of the Planning Regulation to material change of use for dual occupancy made up of 2 attached dwellings.

In effect, the local government 'opts-in' to:

- their planning scheme being prohibited from stating that development for material change of use for dual occupancy made up of 2 attached dwellings is assessable development, and
- where provisions exist, regulating building work development for a duplex (class 1) and associated class 10 buildings and structures, including "community title lots" having only one duplex on a lot, through BAPs present in the planning scheme.

Where a local government 'opts in', under Schedule 6, Part 2, Section 3 of the Planning Regulation, MP 1.3 Performance criteria P10 and Acceptable solution A10 permit alternative planning provisions to apply for new building work for a duplex.

## 3.5 Local character and design and amenity

Example relevant BAPs	Applicable building class/es	Can be modified or dealt with in a planning scheme
<a href="#">QDC, MP 2.5 – Use of external cladding</a>	All	No
<a href="#">QDC MP 5.6 – Pastoral workers' accommodation</a>	1, 2 and 3	No
<a href="#">QDC MP 4.1 – Sustainable buildings</a>	1 and 2 (and 5 in relation to electricity sub-metering)	No
<a href="#">NCC – Volume 1, Section J and Volume 2, Part 3.12</a>	All	No

### 3.5.1 Planning scheme cannot include

Planning scheme provisions must not include:

- building provisions that dictate when certain materials may be used including the use of proprietary building materials. For example, MP 2.5 of the QDC prohibits the use of certain cladding
- the location and siting requirements for pastoral workers accommodation within a site and the standard of accommodation, including the supply of drinking water, artificial lighting, sleeping accommodation and sanitary and bathing facilities contained in MP 5.6 of the QDC
- built form provisions that are included to achieve outcomes such as energy efficiency, natural light and ventilation that are already addressed by MP 4.1 of the QDC.

### 3.5.2 Planning scheme may include

The role of a planning scheme includes determining the localities in a local government area where different land uses and built forms are appropriate. For example, a planning scheme may include provisions about built form for aesthetic and streetscape character reasons or to encourage a certain style of built form in a certain location, such as the 'Queenslander' style building in a character area. The planning scheme may determine the style of the building and the BAPs then relate to how the building is constructed.

When including such provisions, it should be clear why they are included. Provisions for example could include:

- lot configurations and spaces between buildings, to maintain a traditional streetscape character
- articulation in built form through stepping, projections and recesses in the façade and variation in external materials, finishes and colours, to break up the visual perception of building bulk



- use of architectural features, such as parapet walls, verandahs and roof forms, reflective of neighbourhood character and consistent with the local streetscape
- use of materials complementary to those used in traditional character buildings. The planning scheme may include supporting notes describing the types of materials evident in traditional character buildings and examples of complementary character elements but must not dictate the use of proprietary building materials
- orientation of buildings to facilitate casual surveillance and activation of the street and public spaces to support crime prevention through environmental design (CPTED).

Consider the types of BAPs that may intersect with planning provisions about local design, to ensure these do not impinge upon one another or in effect mean the proposal would have difficulty meeting the deemed to satisfy provisions of the NCC. For example, if the planning scheme sought:

- amenity outcomes for privacy and to avoid overlooking through minimum sill heights and/or use of screening that conflict with the NCC provisions for a minimum proportion of windows/openings to achieve natural light and ventilation requirements
- maximum lot sizes and building spacing to reflect local streetscape character, ensure these do not over-ride the fire separation spaces between buildings on the same lot or on adjacent lots.

A planning scheme may include a notation that the approach taken to comply with the planning provisions must not result in non-compliance with the BAPs.

## 3.6 Noise amenity

Information about buildings in a transport noise corridor is contained in the “Transport noise corridors” section below.

Example relevant BAPs	Applicable building class/es	Can be modified or dealt with in a planning scheme
<a href="#">NCC – Volume 1, Section F and Volume 2, Part 2.4</a>	All	No

### 3.6.1 Planning scheme cannot include

The BCA contains provisions for sound insulation in walls and floors to manage the transmission of airborne sound sufficient to prevent illness or loss of amenity to the occupants. These provisions relate to the sound insulation of walls (or floors) between one part of the building and other, for example between rooms within a dwelling, between two premises in a building or between a premise and a communal space, like a lift lobby, in a building.

Built form provisions in a planning scheme should not, and do not need to, deal with the above matters.

### 3.6.2 Planning scheme may include

Land use planning is often concerned with the impacts from a use or activity on neighbouring / surrounding properties, where those neighbouring uses as sensitive uses such as residential. For example, the effects of a food and drink outlet within a mixed-use complex, or from aircraft noise, motor sport precincts, or an industry activity.

Further advice on airport provisions to ensure development is designed and constructed to attenuate aircraft noise by achieving desired indoor design sound levels is contained within the SPP Guidance available on the department's [website](#).

Upfront, a planning scheme may consider mitigating noise impacts from identified activities. For example, a planning scheme may allocate zones and identify land uses appropriate for the noise impact in existence.

A planning scheme may impose site design requirements, for example that a sound barrier to be established adjacent to a source of emissions. A condition could also limit the noise that can be emitted from a premises or require that noise at the receiving property not exceed a certain level. But a planning scheme may not set minimum building requirements for sound attenuation from the emitting building.

## 3.7 Lighting amenity

Example relevant BAPs	Applicable building class/es	Can be modified or dealt with in a planning scheme
<a href="#">NCC – Volume 1, Section J</a>	2, 3, 4, 5, 6, 7, 8 and 9	No

### 3.7.1 Planning scheme cannot include

The BCA contains provisions for energy efficiency of any exterior artificial lighting attached to or directed at a façade of a building. Provisions in a planning scheme should not, and do not need to, deal with this matter.

### 3.7.2 Planning scheme may include

A planning scheme may apply site design requirements to deal with matters other than energy efficiency associated with external lighting. For example, that external lighting is provided to a minimum level to support CPTED principles or that external lighting is limited to avoid adverse effects on biodiversity.

## 3.8 Filling and excavation, retaining walls and fences

Example relevant BAPs	Applicable building class/es	Can be modified or dealt with in a planning scheme
<a href="#">NCC – Volume 2, Part 3.1</a>	All	No

### 3.8.1 Planning scheme cannot include

Schedule 1 of the Building Regulation identifies building works that are generally accepted development, these include:

- fences, if they are 2 metres or less in height and not associated with a regulated swimming pool
- retaining walls, if they, and the fill or cut retained by the wall, are 1 metre or less in height, and there is no surcharge loading and the wall is not located within 1.5 metres of a building or another retaining wall.

Taller / other fences and retaining walls are assessable building work and the BAPs prescribe structural standards and practices to enable earthworks (both un-retained bulk earthworks involving cut or fill and earth retaining structures) associated with the construction of a building or structure to be carried out safely and to avoid potential damage to the subject building, or to adjoining structures and property through the soil collapsing or subsiding.

The planning scheme provisions consequently need not and should not deal with the construction standards for fences, retaining walls and associated filling and excavation.

### 3.8.2 Planning scheme may include

[QDC, NMP 1.7 – Retaining walls and excavation and filling](#) is a non-mandatory code that local government may choose to apply to retaining walls, excavation and filling associated with class 1 and 10 buildings where not covered by the BCA above.

A planning scheme may:

- further regulate earthworks (cut and fill) for other reasons, such as the protection of vegetation / biodiversity values, maintenance of function of waterways, the cumulative effects on floodplain and stormwater conveyance, streetscape aesthetic or visual impacts in areas of high amenity
- regulate the appearance and aesthetic of retaining walls over 1 metre in height to reduce impacts on streetscape and neighbourhood character or the environment. For example, a planning scheme can determine that a material change of use involving a retaining wall or building work for a retaining wall does not create a negative visual impact on neighbouring properties

- determine the appearance of a fence for aesthetic and streetscape character or environmental reasons. For example, a planning scheme can include provisions that a fence be 50 per cent transparent if over a certain height, to deliver CPTED principles or to not impede overland flow.

A planning scheme may also regulate filling and excavation and associated retaining walls where these comprise stand-alone operational works not associated with building work, or operational work that are only part of reconfiguring a lot, (as building work does not include undertaking works for reconfiguring a lot).

## 3.9 Bushfire prone areas

Example relevant BAPs	Applicable building class/es	Can be modified or dealt with in a planning scheme
<a href="#">NCC – Volume 2, Part G5 and Volume 2, Part 3.10.5</a>	1, 2, 3 and 10 (where associated)	No, may not be modified, but planning scheme ‘triggers’ application

### 3.9.1 Planning scheme cannot include

Building work applications for specified classes of buildings in a ‘designated bushfire prone area’ are required to meet the mandatory bushfire provisions in the BCA and AS3959–2018: *Construction of buildings in bushfire prone areas*.

For building works, the scheme is limited to designating the bushfire prone area, it is not the role of the scheme to include additional benchmarks for building work to mitigate bushfire hazard, such as the design of the building or setbacks/clearance requirements from vegetation.

The planning scheme provisions consequently need not and should not deal with the construction or built form of class 1-3 buildings and class 10 structures in bushfire prone areas, such as the Bushfire attack levels (BAL) defined by AS3959–2018.

### 3.9.2 Planning scheme may include

When a local government includes bushfire prone area mapping in its planning scheme it has the option under Section 7 of the Building Regulation, to designate all or part of the area as a designated bush fire prone area for the BCA or QDC in the planning scheme. On the making of the designation, the provisions of the BCA or QDC that apply to a designated bushfire prone area apply for any building assessment work that relates to the area. In effect the planning scheme ‘triggers’ the application of the mandatory bushfire provisions in the BCA and AS3959–2018 at the building work application stage.

This designation must follow the requirements of the Building Regulation, Section 7, including:

- the local government must, if it is practicable to do so, ensure its planning scheme maps show each of its designated bush fire prone areas
- if it is not practicable for the local government to show each of the areas in its planning scheme maps, it must prepare maps showing the areas and ensure the maps are updated from time to time to show its current designated bush fire prone areas
- the maps must state when each designation was made.

In addition to clearly identifying up-front in the planning scheme that BAPs are included, a note in the planning scheme to alert users that these requirements will apply at building application stage can ensure that siting and design considerations are considered as early as possible in the planning for the development, and building design factors that may also impact on planning requirements, be resolved if necessary. For example:

*Editor's note – The bushfire hazard area defined by this planning scheme is declared as designated bushfire prone area pursuant to section 7 of the Building Regulation 2021. Building work in a designated bushfire prone area must meet the mandatory provisions in the Building Code of Australia and AS3959–2018: Construction of buildings in bushfire prone areas.*

A planning scheme may consider mitigating bushfire risk when allocating zones and addressing aspects of development other than building work. For example, a planning scheme may:

- allocate zones and identify land uses appropriate for the risk and hazard presented

- consider how a subdivision pattern will ensure lots are created to ensure future development may safely occur. On large lots, this may involve a development footprint plan being included as part of the subdivision approval that identifies the portions of the site in which future development is to be located
- in allocating land for future development, consider whether that land is located within a reticulated water supply area (or will be provided with reticulated water supply as part of the development) and if not, apply an assessment benchmark for the provision of an appropriate static water supply, and a development condition may specify how this is to be provided (However, the planning scheme should not include information about the construction of hardstand areas, the size of water tanks, or tank fittings, for example, as these are not matters that are assessed at planning development application stage). For further details refer to the [QFES Bushfire resilient communities](#) document.

For further guidance on matters a planning scheme may address in relation to bushfire hazard, refer to the [Integrating state interests in a planning scheme - Guidance for local governments](#) and to the [Natural hazards, risk and resilience - Bushfire state interest - Example planning scheme assessment benchmarks](#) document for example assessment benchmarks that a local government may choose to adopt or otherwise adapt when making or amending a planning scheme.

In addition, local government may seek to alert their community to the [Bushfire Resilient Building Guidance for Queensland Homes](#) non-statutory guidance document that contains considerations for improving the bushfire resilience of homes.

## 3.10 Landslide

Example relevant BAPs	Applicable building class/es	Can be modified or dealt with in a planning scheme
<a href="#">NCC – Volume 1, Part B1 and Volume 2, Part 2.1</a>	All	No

### 3.10.1 Planning scheme cannot include

The BCA addresses that a building or structure, during construction and use must perform adequately having regard to site conditions including ground movement caused by landslip or subsidence and siteworks associated with the building or structure.

As such, the planning scheme's built form provisions should not, and do not need to, deal with the siting of buildings within the lot, the structural design of the buildings, or the siteworks associated with the building or structure.

### 3.10.2 Planning scheme may include

On steep land and land identified as subject to landslide, the planning scheme considerations relate to identifying the type of development that is suitable on these lands, considering the effect of the constraints. This may inform the zone applied to the land or locally specific provisions such as an overlay, and associated intents for the land. For example, the planning scheme may:

- consider how the reconfiguration of lots will enable the creation of lots of a size and configuration that means they are capable of being utilised for their intended purpose, having regard to the site conditions
- contain provisions for earthworks, excavation or filling where operational work associated with the reconfiguration of lots, rather than siteworks associated with the building or structure
- contain provisions limiting clearing of vegetation on the balance of the site (i.e. not part of site works associated with the building or structure), where the clearing of that vegetation may adversely affect slope stability and increase the risk of landslides.

## 3.11 Land liable to flooding

Example relevant BAPs	Applicable building class/es	Can be modified or dealt with in a planning scheme
<a href="#">NCC – Volume 1, Part B1 and Volume 2, Part 2.1</a>	1, 2, 3, 4, 9a health-care building and 9c	No, may not be modified, but planning scheme ‘triggers’ application
<a href="#">QDC, MP 3.5 – Construction of buildings in flood hazard areas</a>	1, 2, 3, 4, 5, 6, 7, 8 and 9	No, may not be modified, but planning scheme ‘triggers’ application

### 3.11.1 Planning scheme cannot include

The BCA addresses that a building in a ‘flood hazard area’ must be designed and constructed, to resist flotation, collapse or significant permanent movement resulting from actions during the ‘defined flood event’.

As such, the planning scheme’s built form provisions should not, and do not need to, deal with the structural design of buildings to withstand the effects of a flood. For example, outcomes that relate to the physical construction of a building, including construction morphologies, for its own structural resilience are not appropriate for inclusion as a provision in a planning scheme.

MP 3.5 of the QDC regulates the design and construction of buildings in designated flood hazard areas, including the design and location of utilities and customer dedicated substations and protection from backflow from sanitary drains. MP 3.5 only applies to the extent the building work is carried out wholly or partly within a flood hazard area and a defined flood level is declared by a local government for the area.

MP 3.5 calls up the Australian Building Codes Board [Construction of Buildings in Flood Hazard Areas Standard \(the National Flood Standard\)](#). Additional advisory information to foster an understanding of the provisions in the National Flood Standard is contained in the Australian Building Codes Board [Construction of Buildings in Flood Hazard Areas Handbook \(the Flood Handbook\)](#).

### 3.11.2 Planning scheme may include

Section 8 of the Building Regulation allows a planning scheme to designate a ‘flood hazard area’ which triggers the building requirements related to the mitigation of risks. The local government may choose to designate the whole of the planning scheme flood hazard area as a flood hazard area for the purposes of the Building Regulation or may choose to designate an alternative area as being the flood hazard area for the purposes of the Building Regulation.

Note – It is important that the correct terminology is used when designating a flood hazard area, for example phrases like ‘flood planning area’ must not be used instead.

The local government must, in designating a flood hazard area, comply with the [State Planning Policy July 2017](#) (which requires a flood hazard area to be identified in a planning scheme based on a localised flood study that is prepared by a Registered Professional Engineer of Queensland; or if a local government has not identified flood hazard areas in a planning scheme, is the area shown on the [State Planning Policy Interactive Mapping System \(SPP-IMS\)](#) as a flood hazard area).

Note, a designated flood hazard area DOES NOT include areas subject to storm-tide inundation (unless also within a flood hazard area) and the BAPs triggered to address flood hazard do not address storm tide inundation.

On the making of a designation or declaration, the local government must:

- state in the planning scheme that the designation is made under section 8 of the Building Regulation
- keep a register of the flood hazard areas it designates and when each designation was made.

Where a flood hazard area is designated, the following parameters may be defined for all or part of the flood hazard area, and the local government may choose which of these requirements it wishes to declare in the planning scheme:

- **the defined flood level**<sup>10</sup> (DFL) – declaring of a defined flood level is necessary to trigger MP 3.5 to apply

<sup>10</sup> Defined flood level is the level to which it is reasonably expected flood waters may rise.



- the **maximum flow velocity of water**<sup>11</sup>
- an **inactive flow or backwater area**<sup>12</sup>
- a **freeboard**<sup>13</sup> that is more than 300mm
- the **finished floorlevel**<sup>14</sup> of class 1 buildings built in all or part of the flood hazard area.

Note – These precise terms must be used throughout the planning scheme when declaring a defined flood level or declaring requirements (for example do not use phrases like ‘flood planning level’).

For example, provisions in the planning scheme for [class 1 buildings](#) only could be drafted as follows:

- The finished floor levels in residential development within the flood hazard area are at or above the defined flood level plus 500mm freeboard.

OR

- Residential development within the flood hazard area is not inundated during a designated flood, with allowance made for localised hydraulic behaviour and wave action.

In addition, the planning scheme can include floor level heights (distinguished from ‘finished floor level of class 1 buildings’) for non-habitable rooms in a flood hazard area. For example:

- Building floor levels of garages and carports whether attached to or detached from the main building are not inundated to a depth greater than 1 metre.

OR

- Building floor levels of garages and carports are constructed at a height that reflects an acceptable flood risk for their purpose.

A planning scheme may include provisions including construction morphologies that address flood storage and to maintain conveyance capacity across the flood plain, as opposed to addressing individual building resilience.

These responses may for example include provisions for the pier/post construction and considering the cumulative effect of fill.

A planning scheme may include provisions about the style and design of buildings in a flood hazard area for aesthetic and streetscape character reasons. For example, the overall height of buildings above necessary finished floor levels for dwellings in character areas and whether minimum height requirements are delivered via high set dwellings or mounding.

A planning scheme may contain provisions to mitigate adverse environmental impacts or health risks from certain uses or activities. For example, the planning scheme may contain outcomes to avoid the storage of hazardous materials in flood hazard areas, or provisions to mitigate the risk associated with that storage.

A note in the planning scheme to alert users that compliance with the BCA<sup>15</sup> is required for all building work in a flood hazard area, at the building approval stage, will assist in ensuring any design considerations can be resolved upfront if necessary. For example:

**Editor’s note** – The flood hazard area defined by this planning scheme is taken to be the flood hazard area pursuant to section 8 of the Building Regulation 2021. Building work in a designated flood hazard area must meet the requirements of the relevant building assessment provisions under the Building Act 1975.

Upfront, a planning scheme may consider mitigating flood risk when allocating zones and addressing aspects of development other than building work. For example, a planning scheme may:

- allocate zones and identify land uses appropriate for the risk and hazard presented.
- consider how a subdivision pattern will ensure lots are created to ensure future development may safely occur. On large lots, this may involve a development footprint plan being included as part of the subdivision approval that identifies the portions of the site in which future development is to be located.

<sup>11</sup> Maximum flow velocity of water, for all or part of a flood hazard area, means a flow velocity of water that is reasonably expected to be the maximum flow velocity of water for all or part of the flood hazard area.

<sup>12</sup> Inactive flow or backwater area means all of part of a flood hazard area where the maximum flow velocity of water is not likely to be greater than 1.5m/s

<sup>13</sup> Freeboard means a height above the defined flood level that takes account of matters that may cause flood waters to rise above the defined flood level (i.e. wave action, localised hydraulic behaviour).

<sup>14</sup> Finished floor level is the level of uppermost surface of a finished floor not including any floor covering (i.e. carpet or tiles).

<sup>15</sup> Refer to MP 3.5 of the QDC.

In addition, local government may seek to alert their community to the [Flood Resilient Building Guidance for Queensland Homes](#) non-statutory guidance document that contains considerations for improving the flood resilience of homes.

## 3.12 Overland flow and stormwater management

While the primary focus of flood hazard areas is riverine flooding, in some local government areas overland flow is a particularly problematic issue. Local governments can incorporate consideration of overland flow in the assessment and identification of a designated flood hazard area in accordance with the SPP.

Where a local government includes overland flow path mapping as a sub-category as part of a designated flood hazard area (i.e. not a separate overland flow hazard area), then the BAPs apply as per the “Land liable to flooding” section above. The BAPs may not apply to overland flow paths that are not mapped and designated in accordance with Section 8 of the Building Regulation as a flood hazard area.

Example relevant BAPs	Applicable building class/es	Can be modified or dealt with in a planning scheme
Where overland flow path is mapped part of a designated flood hazard area – see ‘Land liable to flooding’ section above		
<a href="#">NCC – Volume 1, Part F1 and Volume 2, Part 2.2</a>	All	No

### 3.12.1 Planning scheme cannot include

The BCA requires that surface water<sup>16</sup>, resulting from a storm (with an average recurrence interval of 20 years or 100 years), must be disposed of in a way that avoids the likelihood of damage or nuisance to any other property / must not enter the building. This may include surface water which is collected or concentrated by a building or sitework and how the drainage system disposes of surface water.

As such, the planning scheme provisions need not and should not deal with building standards to address the potential impacts of stormwater created/changed/exacerbated on the site or adjoining sites as a result of the building works.

### 3.12.2 Planning scheme may include

A planning scheme may include provisions including how development does not adversely impact on the functioning of the overall stormwater catchment, as opposed to addressing the impacts on individual adjoining properties. These responses are most likely to relate to the impacts of larger development and urban expansion areas on the functionality and efficiency of stormwater drainage

The SPP includes state interest policies that development is located, designed, constructed and operated to avoid or minimise adverse impacts on environmental values of receiving waters arising from altered stormwater quality and hydrology and achieves identified stormwater management design objectives.

The planning scheme provisions should address how stormwater and erosion management controls during construction may minimise land development impacts arising from changes to the **quality** of the stormwater associated with the construction activities. Post-construction, the planning scheme provisions may include for example water sensitive urban design to manage the ongoing **environmental impacts** of stormwater runoff.

<sup>16</sup> Surface water is defined in the BCA as all naturally occurring water, other than sub-surface water, which results from rainfall on or around the site or water flowing onto the site.

## 3.13 Storm tide inundation

Example relevant BAPs	Applicable building class/es	Can be modified or dealt with in a planning scheme
Nil	NA	NA

### 3.13.1 Planning scheme may include

There are no building requirements specific to withstanding storm tide inundation, as it is almost impossible to construct a building to resist the effect of storm tide loads.

It is important to note that MP 3.5, which regulates the design and construction of buildings in designated flood hazard areas, specifically **does not** apply on land subject to storm surge. For the purposes of planning scheme drafting, 'storm surge' can be taken to equate to 'storm tide inundation areas' as defined in the SPP.

As such, the local government:

- should clearly map flood hazard areas separately from storm tide inundation areas where designating a 'flood hazard area' which triggers the building requirements related to the mitigation of risks
- needs to be cognisant that as soon as a planning scheme maps storm tide inundation areas, MP3.5 will no longer apply to those parts of the flood hazard area that are also then identified in the storm tide inundation area
- will need to include provisions directly in the planning scheme, should the local government seek to enable a building response to flood where also in storm tide inundation areas.

Upfront, a planning scheme may consider mitigating storm tide risk when allocating land for new or more intense development. For example, a planning scheme may:

- Allocate zones and identify land uses appropriate for the risk and hazard presented.
- Consider how a subdivision pattern will ensure lots are created to ensure future development may safely occur. On large lots, this may involve a development footprint plan being included as part of the subdivision approval that identifies the portions of the site in which future development is to be located.

In addition, local government may seek to alert their community to the [Storm Tide Resilient Building Guidance for Queensland Homes](#) non-statutory guidance document that contains considerations for improving the storm tide resilience of homes.

## 3.14 Water saving provisions

Example relevant BAPs	Applicable building class/es	Can be modified or dealt with in a planning scheme
<a href="#">QDC, MP 4.2 – Rainwater tanks and other supplementary water supply systems</a>	1, 2 and 10	No, may not be modified, but local government 'triggers' application
<a href="#">QDC, MP 4.3 – Supplementary water sources – commercial buildings</a>	3, 4, 5, 6, 7, 8 and 9	No, may not be modified, but local government 'triggers' application

### 3.14.1 Planning scheme cannot include

MP 4.2 and MP 4.3 of the QDC contain provisions to support the efficient use of water. However, MP 4.2 and MP4.3 are not mandatory unless a local government applies to the Minister, responsible for the Building Act, for an approval to require the mandatory application of MP 4.2 and/or 4.3 to a building development application within a reticulated town water area.

The areas where local government have opted-in to the application of either or both of these requirements are identified on the Queensland Government [website](#).

The planning scheme cannot include variations to MP 4.2 or MP 4.3.

## 3.15 Transport noise corridors

Example relevant BAPs	Applicable building class/es	Can be modified or dealt with in a planning scheme
<a href="#">QDC, MP 4.4 – Buildings in a transport noise corridor</a>	1, 2, 3 and 4	No, may not be modified, but planning scheme ‘triggers’ application

### 3.15.1 Planning scheme cannot include

MP 4.4 of the QDC contains construction requirements for residential buildings to reduce the impact of noise on habitable rooms. A planning scheme should therefore not prescribe outcomes that relate to the physical construction of a building where responding to transport noise.

### 3.15.2 Planning scheme may include

A local government may address impacts from transport noise on buildings through designating a transport noise corridor in the planning scheme.

Section 246X of the Building Act allows a local government to designate land as a transport noise corridor to enable the application of BAPs in MP 4.4. Chapter 8B of the Building Act (Transport noise corridors) allows for the designation of land as a transport noise corridor only if:

1. the land is within—
  - a. 100m of a road under the local governments control; or
  - b. a distance of more than 100m but not more than 200m of a road under the local governments control, if the noise level caused by traffic on the road at the distance has been measured, in a way approved by the chief executive, to be at least 58db(A); and
2. the road has an annual average daily traffic rate (AADT) of at least 3,000 vehicles.

The local government must also give notice about the proposed designation and include a record of the transport noise corridor in its planning scheme that:

1. identifies the land that is within the transport noise corridor
2. includes details about the levels of noise within the corridor caused by traffic on the road for which it is designated
3. states that interested persons may obtain details about the transport noise corridor and the levels of noise from the local government.

In addition, where the transport chief executive designates land as a transport noise corridor (such as within proximity of railway land or a State-controlled road) the local government must include a record of the transport noise corridor in its planning scheme that:

1. identifies the land that is within the transport noise corridor. This information is available in the ‘Administrative layers’ tab of the [SPP-IMS](#) and the available GIS data can be accessed at the [Queensland Spatial Catalogue - QSpatial](#)
2. includes details about the levels of noise within the corridor caused by rolling stock or traffic on the railway land or State-controlled road for which it is designated
3. states that interested persons may obtain details about the transport noise corridor and the levels of noise from the local government.

A note in the planning scheme to alert users to the requirements that will apply at building application stage can ensure that planning considerations to support subsequent compliance with the noise attenuation levels of habitable rooms can be considered upfront. For example:

*Editor's note – The transport noise corridors identified by this planning scheme are designated under Section 246X of the Building Act 1975 and the [QDC, MP 4.4 – Buildings in a transport noise corridor](#) applies to the building work in these corridors.*

A local government may also via their planning scheme:

- consider the potential effect of noise from transport corridors on development when allocating land to a zone or when assessing how the reconfiguration of lots will enable the creation of lots of a size and configuration that means they are capable of being utilised for their intended purpose, having regard to the site conditions
- include site provisions not related to building works, that may assist in mitigating noise impacts, such as soundproof fencing, earth mounding or landscaping treatment
- include provisions to address areas other than habitable rooms, such as outdoor recreation areas
- incentivise or require the amelioration of noise on other land uses not covered by the BAPs for class 1 to 4 buildings, for example for class 9c Aged care buildings.

In applying additional provisions, local government should be cognisant of and avoid duplication with, the State Development Assessment Provisions to minimise noise intrusion from State-controlled transport corridors.

A local government may also choose to alert users to supporting information from the [Department of Housing and Public Works](#) including the [Transport noise corridors mapping tool user guide](#).

## 3.16 End of trip facilities

Example relevant BAPs	Applicable building class/es	Can be modified or dealt with in a planning scheme
<a href="#">QDC, MP 4.1 – Sustainable buildings</a>	Major development	Yes, may require additional provisions and planning scheme may 'trigger' wider application

### 3.16.1 Planning scheme may include

MP 4.1 of the QDC contains requirements for end of trip facilities including bicycle parking and storage facilities and change rooms and showers.

The requirements within MP 4.1 only apply to "major developments", being commercial office buildings, shopping centre, tertiary education facility and hospitals of over 200 square metres, in "designated local government areas" as listed in Schedule 1 of MP4.1.

Where a "designated local government area", a local government planning scheme may under MP4.1:

- require additional bicycle parking and storage facilities, locker facilities, change rooms, showers, sanitary compartments, wash basins and mirrors
- apply the provisions of MP 4.1 to land uses not included in Schedule 3 of MP 4.1, thereby varying the QDC definition of "major development"
- include advice that the provisions of MP 4.1 apply.

Where not identified as a "designated local government area", a local government may choose to:

- **Option 1** – identify in the planning scheme that the local government area is a designated local government area for the purpose of MP 4.1.
- **Option 2** – by local government resolution, designate the local government area as a designated local government area for the purpose of MP4.1, where notice of the resolution is published in a newspaper that is circulating generally in the local government area and on the local government's website.
- **Option 3** –include their own end-of-trip facilities provisions in their planning scheme that identify the range of circumstances and provisions to apply. These may replicate or be different from the provisions in MP 4.1.

Note - Option 1 or 3 is recommended for transparency of planning scheme users.



## 3.17 Fire hydrants

Example relevant BAPs	Applicable building class/es	Can be modified or dealt with in a planning scheme
<a href="#">NCC – Volume 1, Section E</a>	2, 3, 4, 5, 6, 7, 8 and 9	No

### 3.17.1 Planning scheme cannot include

The BCA contains provisions for the inclusion of a fire hydrant system to enable the fire brigade to undertake fire-fighting operations.

### 3.17.2 Planning scheme may include

Where reticulated hydrant systems and vehicle access are not currently required under the Planning Act, the Building Act or the NCC, for example within streets and common access ways within a common private title in areas serviced by reticulated water, the planning scheme may include provisions to ensure development contains appropriate fire hydrant infrastructure.

This consideration comprises a SPP state interest for local government to integrate when making or amending a planning scheme, being that 'All development accessed by common private title is provided with appropriate fire hydrant infrastructure and has unimpeded access for emergency service vehicles to protect people, property and the environment'.

This would generally involve fire hydrant placement and technical requirements for residential streets and common access ways within common private title being in accordance with Australian Standard (AS) 2419.1 – 2005 Fire hydrant installations, and/ or the Queensland Fire and Emergency Services (QFES) Fire Hydrant and vehicle access guidelines for residential, commercial and industrial lots.

# Appendix

## Appendix 1 - building classification or class of building

A *building Classification* or *class of building* is assigned to a building based on its use.

Building classifications are taken from the BCA and are used to enable a building to be assessed against the relevant parts of the BAPs.

The BCA has 10 classes of buildings which are summarised below:

Class	Type of building
1a	Detached house, Attached house (e.g. duplex)
1b	Boarding house, guest house or hostel – with no more than 12 persons
2	Multi residential unit (e.g. 6 pack)
3	Other residential buildings (other than class 1 or 2) (e.g. motel or retirement facility)
4	Caretaker's accommodation associated with other use (e.g. shop)
5	Office
6	Shop
7	Storage warehouse/parking station
8	Manufacturing process or laboratory
9a	Hospital (including associated laboratory)
9b	Assembly building (e.g. school, gymnasium)
9c	Aged care building
10a	Domestic shed/carport
10b	Structure (e.g. retaining wall, flagpole)
10c	Private bushfire shelter





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