

# Submission review report

## Queensland Planning Provisions version 4.0

April 2015



**The Department of Infrastructure, Local Government and Planning is responsible for driving Queensland's economic prosperity and championing the interests of business and industry.**

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# Summary

The Queensland Planning Provisions (QPP) are the standard planning scheme provisions made under the *Sustainable Planning Act 2009* (the Act) that provide a consistent format and structure for local government planning schemes across Queensland.

A robust, yet flexible planning instrument, the QPP allows for the diversity of planning issues within Queensland's local government areas and responds to new issues. The QPP also makes preparing new planning schemes more efficient and cost-effective for councils.

The state government is leading the way with a focused approach to managing growth, minimising its impacts, and maximising the benefits to Queenslanders. The QPP demonstrates the delivery of a more streamlined planning system and providing more sustainable development outcomes for communities throughout Queensland.

The QPP version 4.0 has been developed as part of the department's continuous improvement process to address industry requirements and make improvements on previous versions. Public consultation was undertaken to allow stakeholders to comment on the draft revised QPP.

The submission review report summarises all submissions received regarding Draft QPP version 4.0 by part (with a submitter reference number) and details all subsequent changes made in response to the consultation.

# Overview of key changes resulting from submissions

Following is a summary of the key changes as a result of issues raised in the submissions.

Reference		Key changes
Part	Module	
<b>General</b>		<ul style="list-style-type: none"> <li>Minor editing in Modules A and B to improve alignment with the State Planning Policy or to correct grammatical or typographical errors</li> </ul>
<b>Preliminary</b>	<b>Module A</b>	<ul style="list-style-type: none"> <li>Amendment to the heading to refer to planning scheme components</li> <li>Amendment to the heading of strategic vision</li> <li>Amendments to table of contents to revert back to the heading of strategic framework in Part 3 and Schedule 2 and the making the numbering of the heading in Part 6 optional</li> </ul>
	<b>Module B</b>	<ul style="list-style-type: none"> <li>Removal of unnecessary duplication from background</li> <li>Amendment to the reference to the incorporation of overlay provisions</li> <li>Amendment to suggested standards for format and styling of table headings and page numbering</li> </ul>
<b>Part 1—About the planning scheme</b>	<b>Both</b>	<ul style="list-style-type: none"> <li>Amendments to components to revert back to the term strategic framework</li> <li>Amendment to revert back to existing option to identify that there are no building assessment provisions in the planning scheme</li> <li>Amendments to the editor's note relating to building work that is assessable development under the planning scheme</li> <li>Amendments to the local government administrative matters to enable the inclusion of an editor's note relating to declared malls have been made under the <i>Local Government Act 2009</i></li> <li>Amendments made to the purpose of the planning scheme</li> <li>Removal of unnecessary text relating to categories of development</li> </ul>
<b>Part 2—State Planning Provisions (SPP)</b>	<b>Both</b>	<ul style="list-style-type: none"> <li>Amendments made to the guidance provided in Part 2 to better align with the SPP</li> <li>Amendment to revert back to existing references to state planning regulatory provisions (SPRP)</li> <li>Amendments to guidance provided for reflecting a regional plan</li> </ul>
<b>Part 3—Strategic framework</b>	<b>Both</b>	<ul style="list-style-type: none"> <li>Amendments to revert back to the existing heading and references to strategic framework</li> </ul>
<b>Part 4—Local government infrastructure plan (LGIP)</b>	<b>Both</b>	<ul style="list-style-type: none"> <li>No further changes made to this Part</li> </ul>
<b>Part 5—Levels of assessment</b>	<b>Both</b>	<ul style="list-style-type: none"> <li>Amendment to rules for determining level of assessment to revert back to existing wording of 5.3.2(6)</li> <li>Amendment to heading of the levels of assessment table for local plans to better align with other tables in this Part</li> </ul>

Reference		Key changes
Part	Module	
<b>Part 6—Zones</b>	<b>Both</b>	<ul style="list-style-type: none"> <li>• Amendments to use of zone types to better align with intent of zones (i.e. general or specific)</li> <li>• Amendments to formatting and drafting of overall outcomes</li> <li>• Amendment to the location of mapping sections</li> </ul>
<b>Part 7—Local plans</b>	<b>Both</b>	<ul style="list-style-type: none"> <li>• Amendment to the location of mapping sections</li> </ul>
<b>Part 8—Overlays</b>	<b>Both</b>	<ul style="list-style-type: none"> <li>• Amendments to reflect update of the SPP</li> </ul>
<b>Part 9—Development codes</b>	<b>Both</b>	<ul style="list-style-type: none"> <li>• Amendments to compliance outcome for reconfiguring a lot (subdividing one lot into two lots) to refer to the declared level determined by Council rather than to defined flood event or annual exceedance probability</li> </ul>
<b>Part 10—Other Plans</b>	<b>Both</b>	<ul style="list-style-type: none"> <li>• No further changes made to this Part</li> </ul>
<b>Schedule 1—Definitions</b>	<b>Both</b>	<ul style="list-style-type: none"> <li>• Amendment to revert back to existing reference to SPRP</li> <li>• Amendments to use and administrative definitions for Dual occupancy, Minor building works and Site cover</li> <li>• Amendment to revert back to existing administrative definitions for Building height and Setback</li> <li>• Removal of administrative definitions for Defined flood level, Flood hazard area, Flood hazard level and Freeboard</li> </ul>
<b>Schedule 2—Mapping</b>	<b>Both</b>	<ul style="list-style-type: none"> <li>• Amendments to reflect formatting to strategic framework</li> <li>• Amendments to the mandatory zone symbology to clarify that a symbol or letter may be added to zone maps in certain circumstances</li> <li>• Amendments to headings of the mandatory zone symbology table to reflect the general and specific zone category groupings</li> </ul>
<b>Schedule 3—Priority infrastructure plan mapping and supporting material</b>	<b>Both</b>	<ul style="list-style-type: none"> <li>• No further changes made to this Part</li> </ul>
<b>Schedule 4—Notations required under the Act</b>	<b>Both</b>	<ul style="list-style-type: none"> <li>• No further changes made to this Part</li> </ul>
<b>Schedule 5—Land designated for community infrastructure</b>	<b>Both</b>	<ul style="list-style-type: none"> <li>• Amendments to reflect relevant section references under the Act</li> </ul>
<b>Schedule 6—Planning scheme policies</b>	<b>Both</b>	<ul style="list-style-type: none"> <li>• No further changes made to this Part.</li> </ul>

# Summary of submissions and Department of Infrastructure, Local Government and Planning response

Submission ref. no.	Submission summary	DILGP response
<b>QPP—General comments</b>		
9	<p><b>General – Overall changes to QPP</b></p> <p>General support for the QPP and the approach taken to ensure the provisions align with the current planning reform agenda in Queensland.</p>	<p><b>Comments:</b></p> <p>Noted.</p> <p><b>Recommendations:</b></p> <p>No change.</p>
11	<p><b>General – Overall changes to QPP</b></p> <p>General support for the majority of the proposed amendments to QPP. Key benefits of the proposed changes include:</p> <ul style="list-style-type: none"> <li>making QPP less stringent and more flexible (changes from mandatory to optional content and greater discretion available on structure and formatting)</li> <li>streamlining planning schemes through the deletion of unnecessary text and unused sections</li> <li>wording improvements that improve the clarity and workability of provisions.</li> </ul>	<p><b>Comments:</b></p> <p>Noted.</p> <p><b>Recommendations:</b></p> <p>No change.</p>
2, 5, 8, 12 & 13	<p><b>General – Mandatory content</b></p> <p>General support for changes to make optional what was mandatory content.</p>	<p><b>Comments:</b></p> <p>Noted.</p> <p><b>Recommendations:</b></p> <p>No change.</p>
6	<p><b>General – Removal of mandatory structure</b></p> <p>Submitter does not support the removal of the mandatory structure of planning schemes from the QPP.</p>	<p><b>Comments:</b></p> <p>Noted.</p> <p><b>Recommendations:</b></p> <p>No change.</p>
7	<p><b>General – Impact of changes to QPP on planning scheme drafting</b></p> <p>Submitter is concerned about the effort and resources that it has already spent in preparing a draft planning scheme to make it compliant with what will be an out dated version of the QPP. Also, the submitter is concerned that there has been no direction around whether translation is required for draft planning schemes into the new QPP template or under the <i>Planning and Development Bill</i>, and what State assistance will be provided to Local</p>	<p><b>Comments:</b></p> <p>Noted. Under section 55 of the Act, local governments are required to amend their planning scheme to reflect the QPP. For those local governments currently preparing planning schemes or progressing through the State interest review process, their planning schemes will need to comply with the relevant version</p>

	governments. Notwithstanding the above, the submitter supports changes to the QPP to update references to newly introduced LGIP requirements, general formatting improvements and the amendment of local plans to become an optional component.	of the QPP at the time of adoption.  <b>Recommendations:</b> No change.
14	<b>General – Renewable energy</b> Submitter draws attention to the need for investment and planning in renewable energy.	<b>Comments:</b> Noted.  <b>Recommendations:</b> No change.
15, 16 & 17	<b>General – Great Barrier Reef</b> Submitters are concerned about potential impacts to the Great Barrier Reef.	<b>Comments:</b> Noted.  <b>Recommendations:</b> No change.
<b>QPP—Beginning of document</b>		
11	<b>Introduction – Background</b> Submitter recommends deletion of duplication that appears at the end of the first paragraph.	<b>Comments:</b> Noted and agreed.  <b>Recommendations:</b> Amend— remove unnecessary duplication.
11	<b>Introduction – How to use this document – Module A &amp; B</b> Submitter maintains that the QPP only appears to provide the following options: using highlighted text as provided; or amending highlighted text as appropriate. No option to not use highlighted text at all is provided, however this is considered a relevant option in some instances. Submitter requests that the QPP be amended to clarify that a local government can decide not to use the highlighted text or a modified version of the highlighted text if it is not relevant to the local government area and planning scheme, and is not required to be included by Module B.	<b>Comments:</b> Noted. Section on 'How to use this document' has been written to allow local governments to use text highlight grey as is or also allow for a local government to choose their own content as relevant to the section if they wish. No amendments necessary.  <b>Recommendations:</b> No change.
7	<b>Introduction – Module B – Planning scheme drafting principles</b> Submitter maintains that the amended dot point reference to incorporating overlay provisions where 'there is a presence of valuable resource' has meant that a degree of subjectivity has entered this requirement. Clarification should be added to clearly establish who can declare there is a presence of valuable resources and for what purpose.	<b>Comments:</b> The amendment to the drafting principals with regards to overlay provisions has been made to reflect amendments made to Module B Part 8 in QPP version 3.0 in 25 October 2013. The reference to an overlay being 'only' for these purposes has been removed to ensure consistency in guidance.  <b>Recommendations:</b> Amend—to remove 'only' in guidance for incorporating overlays.



11	<p><b>Introduction – Module B – Format and styling – Table headings</b></p> <p>Submitter queries whether there is missing text from this statement.</p>	<p><b>Comments:</b> Noted and agreed.</p> <p><b>Recommendations:</b> Amend—to include 'in a heading' in this statement.</p>
12	<p><b>Introduction – Module B – Format and styling – Page numbering</b></p> <p>Submitter suggests that this sentence requires amendment to address a typographical error.</p>	<p><b>Comments:</b> Noted and agreed.</p> <p><b>Recommendations:</b> Amend—remove typographical error.</p>
5	<p><b>Introduction – Module A – Planning scheme structure</b></p> <p>Submitter suggests that the heading could be changed to Planning Scheme Components to align with the overall language being used in the document.</p>	<p><b>Comments:</b> Noted and agreed.</p> <p><b>Recommendations:</b> Amend—heading to Planning Scheme Components.</p>
5	<p><b>Introduction – Module A – Citation and commencement</b></p> <p>Submitter requests that this section remain mandatory. Submitter believes having the date the planning scheme was gazetted in the Government Gazette and the date the planning scheme commenced and where amendments to the planning scheme can be located, enables the reader to quickly ascertain if they need to consider the planning scheme; particularly if they are looking for guidance on whether historic use rights are lawfully protected.</p>	<p><b>Comments:</b> Noted. DILGP considers that the provision of this information is useful to planning scheme users and recommended as best practice. However the presence of this information is not essential for the effective and efficient operation of planning scheme. As such, flexibility has been provided to enable local governments to choose what best suits local circumstances.</p> <p><b>Recommendations:</b> No change.</p>
12	<p><b>Introduction – Module B – Citation and commencement</b></p> <p>Submitter does not support the change to make the citation and commencement an optional component of the planning scheme. Submitter requests that it should revert back to a mandatory component.</p>	<p><b>Comments:</b> Noted.</p> <p><b>Recommendations:</b> No change.</p>
11	<p><b>Introduction – Module A – Community statement and Strategic Vision</b></p> <p>Submitter maintains that the proposed changes provide options to present the Community statement either under a standard heading or in a text box. Providing both options, however, is considered to be unnecessary and potentially confusing. It is noted that this element is optional so there should be some flexibility regarding presentation. As such, identifying the standard heading or the text should be adequate. Guidance on how to present the Strategic vision should be consistent with guidance on how to present the</p>	<p><b>Comments:</b> Noted. Module B provides examples of how the Community statement and Strategic vision may be expressed in the planning scheme. Opportunities exist for local government to present the Community statement and strategic vision as it deems appropriate. Both the Community statement and Strategic vision will remain extrinsic material.</p>

	Community statement. It is unclear why proposed changes presents options for the Community statement (standard heading or text box) but no options are provided for the Strategic vision (text box only).	<b>Recommendations:</b> No change.
11	<b>Introduction – Module A – Contents</b> Submitter maintains that the text for the headings 'Part 1', 'Part 2' and 'Part 3' should not be highlighted as optional as Parts 1 and 2 contain mandatory components, and Part 3 is a mandatory section. As such, Parts 1, 2 and 3 should be included and consistent across all planning schemes. It is noted that the heading text of 'Part 6' is the only heading text that is not highlighted.	<b>Comments:</b> Noted. All Parts, Schedules, Appendices and associated numbering has been made optional and should therefore appear in grey highlight in the table of contents and throughout the remainder of Module A.  <b>Recommendations:</b> Amend—to identify Part 6, Schedule 1 and associated numbering in grey highlight.
<b>Part 1—About the planning scheme</b>		
11	<b>Module B – Part 1.1 Introduction – purpose of planning scheme</b> Submitter suggests some alternative wording to improve the readability of this statement.	<b>Comments:</b> Noted and agreed.  <b>Recommendations:</b> Amend—to include suggested wording.
1	<b>Module A – Part 1.2 Planning scheme components - Alphabetical ordering of planning scheme elements</b> Support for the removal of mandatory requirement. Amendments to a planning scheme will be simpler as a result of removing this requirement.	<b>Comments:</b> Noted.  <b>Recommendations:</b> No change.
1	<b>Module B – Part 1.4 Categories of development</b> Submitter seeks additional guidance as to alternative approaches that could be used now that this text has been made optional.	<b>Comments:</b> Noted. DILGP maintains that the text (now optional) provided in this part represents drafting best practice and the recommended approach for local governments to use where seeking to provide guidance about the categories of development.  <b>Recommendations:</b> No change.
11	<b>Module B – Part 1.4 Categories of development</b> Submitter suggests the removal of unnecessary wording from this statement.	<b>Comments:</b> Noted and agreed.  <b>Recommendations:</b> Amend—remove the last sentence in this paragraph.
11	<b>Module A – Part 1.6 Building work regulated under the planning scheme (4)</b> Proposed changes appear to require that BAPs are	<b>Comments:</b> Noted and agreed. The existing text contained within QPP version

	listed out. Submitter's planning scheme identifies overlay codes and the dwelling house code as having BAPs. However, an option to not list BAP, if these are not relevant to the planning scheme, should also be provided.	3.1 dated 27 June 2014 already provides the option for local government to state whether or not there are BAPs in the planning scheme.  <b>Recommendations:</b> Amend—revert back to existing text.
5	<b>Module A – Part 1.6 Building work regulated under the planning scheme – Editor's notes</b> Submitter suggests some alternative wording and typographical changes to improve the readability of this statement.	<b>Comments:</b> Noted and agreed.  <b>Recommendations:</b> Amend—editor's notes.
5	<b>Module A – Part 1.7 local government administrative matters</b> Submitter requests that that this section either specifically states or includes an editor's note to clearly make local governments who have declared Malls in their jurisdiction (as per section 80A of the <i>Local Government Act 2009</i> ) and where a declared mall has been made, aware that it is to be shown in a local government's planning scheme as per section 58 of the <i>Local Government Regulation 2012</i> . To give effect to the declared mall area and to ensure compliance with section 58, it should also be considered that an image/plan be permitted to be inserted in Part 1.7 which shows the declared mall area. This is to help with how a planning scheme would present a declared mall area, unless otherwise shown on a zone map.	<b>Comments:</b> Noted and agreed. DILGP maintains that Module B is the most appropriate location to provide drafting advice in relation to how proposed and declared malls may be inserted in this Part. DILGP supports the submitter's suggestion for this to be shown by way of an editor's note and may be shown on mapping contained within Schedule 2.  <b>Recommendations:</b> Amend—Module B and Schedule 2 to provide guidance on proposed and declared malls.
<b>Part 2—State planning provisions</b>		
9	<b>Module B – Part 2.1 State planning policy – Mandatory component</b> Submitter reiterates the importance of ensuring the Planning Minister, and relevant state agencies, retains adequate power through the plan making process to ensure that state interests are protected. Submitter understands that the SPP section will remain a mandatory component and is supportive of this approach on the basis that electrical infrastructure remains a matter of state interest.	<b>Comments:</b> Noted.  <b>Recommendations:</b> No change.
11	<b>Module B – Part 2.1 State planning policy</b> Submitter suggests some alternative wording to improve the readability of this statement.	<b>Comments:</b> Noted. DILGP has amended the second paragraph to address the comments raised by the submitter and to achieve better alignment with the SPP.  <b>Recommendations:</b> Amend—wording of statement to improve readability and alignment with the SPP.

1	<p><b>Module B – Part 2.2 Regional plan - SPRP</b></p> <p>Submitter requests that the statement relating to SPRPs be retained as these provisions remain current under the Act and their removal from QPP could create unnecessary confusion until the <i>Planning and Development Bill</i> is enacted and comes into effect.</p>	<p><b>Comments:</b></p> <p>Noted and agreed.</p> <p><b>Recommendations:</b></p> <p>Amend—retain references to SPRPs.</p>
11	<p><b>Module B – Part 2.2 Regional plan</b></p> <p>Submitter suggests some alternative wording to improve the readability of this statement.</p>	<p><b>Comments:</b></p> <p>Noted and agreed.</p> <p><b>Recommendations:</b></p> <p>Amend—wording of statement as suggested by submitter.</p>
<b>Part 3—Strategic plan</b>		
5	<p><b>Module A – Part 3 heading</b></p> <p>Submitter does not see that it is necessary to amend the title of Part 3 from Strategic framework. It does not add value to the process; rather it adds an unnecessary administrative and fiscal cost on local governments who have adopted their planning schemes. Items that will need to be amended (and by default have a cost associated with its amendment) include:</p> <ul style="list-style-type: none"> <li>• undertaking an amendment to the planning scheme and updating of the wording on the website results in additional staff resourcing</li> <li>• updating the wording of up to 25 information sheets. The minor word change will also mean that the submitter will have to pay a design firm to do the amendments</li> <li>• engagement with internal stakeholders and wider community (including the development sector) on revised terminology.</li> </ul> <p>As such, submitter requests that the title remain as Strategic framework.</p>	<p><b>Comments:</b></p> <p>Noted and agreed.</p> <p><b>Recommendations:</b></p> <p>Amend—retain references to strategic framework.</p>
10	<p><b>Module A – Part 3 heading</b></p> <p>Submitter maintains the proposed re-titling of Part 3 from 'Strategic framework' to 'Strategic Plan' is purely semantics and has no apparent benefit. The proposed re-titling would result in conflicts between existing SPA Schemes and the QPP. As such, submitter requests that the title remain as Strategic framework.</p>	<p><b>Comments:</b></p> <p>Noted and agreed.</p> <p><b>Recommendations:</b></p> <p>Amend—retain references to Strategic framework.</p>
9	<p><b>Module B – Part 3 Mandatory and optional content</b></p> <p>Submitter is supportive of the revised approach to the strategic plan which now provides a robust method for local governments that removes layers of unnecessary policy requirements at the front end of the planning scheme. Particular, submitter supportive of the encouragement in the QPP for local governments to consult with state agencies to ensure that state interests are reflected in the development intent outlined in the strategic plan.</p>	<p><b>Comments:</b></p> <p>Noted. Heading of Strategic framework and component to be retained, however all content in this part remains optional to provide greater flexibility to local government.</p> <p><b>Recommendations:</b></p> <p>No change.</p>

5	<p><b>Module B – Part 3 Mandatory and optional content</b></p> <p>Submitter maintains that Module B states that the ‘Strategic plan’ is mandatory and optional. Module A has highlighted all the text included under the Part 3 in grey highlight, which means optional. Clarity is therefore sought.</p>	<p><b>Comments:</b></p> <p>Noted. Module B states that the strategic framework is to be a mandatory component of a planning scheme and content remains optional to provide greater flexibility to local government. Therefore, the heading ‘Strategic framework’ in Part 3 of Module A remains un-highlighted to illustrate that it remains a mandatory component despite all subsequent headings, all numbering and all content being made optional.</p> <p>Flexibility is provided to local government to express the Strategic framework in a way that is different to Module B. However, local government must still address the matters identified in Module B, Part 3.</p> <p><b>Recommendations:</b></p> <p>No change.</p>
11	<p><b>Module B – Part 3 Example of how a strategic plan may be expressed</b></p> <p>Submitter suggests that this sentence requires amendment to address a typographical error.</p>	<p><b>Comments:</b></p> <p>Noted and agreed.</p> <p><b>Recommendations:</b></p> <p>Amend— remove typographical error.</p>
7	<p><b>Module B – Part 3.2 Themes – Liveable communities and housing</b></p> <p>Submitter considers that further expansion could occur in relation to the liveable communities and housing section. The scenic amenity statements could include the requirement to consider character and further define ‘qualities’. Additionally, the inclusion of the reference to ‘physically suitable areas’ that are ‘appropriately separated’ from rural residential development does not necessarily allow local governments to determine the most suitable locations for this type of development. In particular, the consideration of infrastructure can be critical to the locating of this residential living option.</p>	<p><b>Comments:</b></p> <p>It is important to note that these provisions are guidance only and it is open to the local government to provide locally specific detail.</p> <p>In relation to the scenic amenity provisions, it is up to the local government to provide the detail about the scenic qualities of that particular local government area.</p> <p>In relation to the rural residential provisions, the references to ‘physically suitable area’ and ‘appropriately separated’ relate to the establishment of new or more intensive agricultural land uses, not rural residential development.</p> <p><b>Recommendations:</b></p> <p>No change.</p>
7	<p><b>Module B – Part 3.3 Mapping – Optional component</b></p> <p>Submitter maintains that the removal of the</p>	<p><b>Comments:</b></p> <p>Noted. DILGP considers that the provision of strategic mapping is</p>

	<p>strategic plan mapping as a mandatory component is discouraging. It is considered that the high level mapping of this type successfully achieves the task of tying together many locations in a 'bigger picture', particularly in the case of a geographically large regional Council area such as the submitter's Region. To ensure that proper consideration is given to the strategic plan and its significant importance within an area, the mapping should remain mandatory to unify the strategic direction.</p>	<p>useful to planning scheme users and recommended as best practice. However, it may not be required in all instances; therefore flexibility has been provided to enable local governments to choose what best suits local circumstances.</p> <p><b>Recommendations:</b> No change.</p>
7	<p><b>Module B – Part 3.4 Strategic plan structure – strategic outcomes – Optional component</b> Submitter maintains that the amendment of this section to an optional component is a significant shift from the intent of previous QPP versions. This has the potential to reduce the impact, strength and detail of the strategic plan, which is not favourable if it is to be used as an assessment tool.</p>	<p><b>Comments:</b> Noted.</p> <p><b>Recommendations:</b> No change.</p>
11	<p><b>Module B – Part 3.4 Strategic plan structure – Example structure of strategic plan</b> Submitter maintains that the example structure of a strategic plan set out in 3.4 applies in instances 'where there is no regional plan'. However, given that the structure and content of the strategic plan is entirely to the discretion of the local government, it is considered that the example structure provided could be relevant in all instances (whether or not a regional plan applies). As such, the submitter has suggested amendments to this effect.</p>	<p><b>Comments:</b> Noted.</p> <p><b>Recommendations:</b> No change.</p>
<b>Part 5—Tables of assessment</b>		
11	<p><b>Module B – Part 5 Tables of assessment - Levels of assessment</b> Submitter suggests that this sentence requires amendment to address a typographical error.</p>	<p><b>Comments:</b> Noted and agreed.</p> <p><b>Recommendations:</b> Amend—remove typographical error.</p>
11	<p><b>Module B – Part 5.1 Structure of the tables of assessment – Development affected by an overlay</b> Submitter suggests that this sentence requires amendment to address a typographical error.</p>	<p><b>Comments:</b> Noted and agreed.</p> <p><b>Recommendations:</b> Amend—remove typographical error.</p>
11	<p><b>Module A – Part 5.3.2 Determining the level of assessment (6)</b> Submitter is concerned that the proposed change could be interpreted that the provisions resulting in overlays do not apply (and in some cases development applications not being triggered) where a proposed development meets the acceptable outcomes of the relevant overlay code. QPP currently refers to overlays not applying if they meet the self-assessable acceptable outcomes. Submitter requests that this statement be reworded or revert to current wording or make this an optional</p>	<p><b>Comments:</b> Noted. Part 5.3.2(6) is aimed at qualifying the overlay criteria provision in Schedule 4, Table 2, Item 2(e)(i) of the Regulation.</p> <p>DILGP acknowledges that there are inconsistent views on how this matter should be addressed and requires additional consultation. As such, DILGP maintain that the existing wording of 5.3.2(6)</p>

	element.	<p>should be retained until such time as this matter has been investigated in more detail as part of a future review of the QPP.</p> <p><b>Recommendations:</b> Amend—revert back to existing wording of 5.3.2(6).</p>
5	<p><b>Module A – Part 5.3.2 Determining the level of assessment (8)</b></p> <p>Submitter notes that under this section, an overlay overrides a level of assessment in a zone or local plan. This has resulted in unintended consequences whereby an overlay may lower the level of assessment. Legal advice sought has required the submitter to include additional wording to ensure that the level is not lowered (i.e. an impact assessable dwelling house in an industry zone becomes self-assessable due to the flood hazard overlay) which has caused difficulties and confusion. While this provision seems reasonable for local plans, it does not for overlays as overlays intersect across many zones. An overlay should just apply in accordance with 5.3.2 (7) where the highest level of assessment prevails.</p>	<p><b>Comments:</b></p> <p>Noted. Module B, Part 8 already identified that an overlay may change the level of assessment for all types of development from the levels identified in the tables of assessment. However, it is recommended that a change to a level of assessment, by way of an overlay, should be a rare occurrence. The rules for determining the level of assessment stated in Part 5.3.2(8) clarify what is to occur in this situation. A change to Part 5.3.2(8) to address the submitter's concerns may impact on the operation of other local government planning schemes. As such, DILGP maintains that further investigations and consultation on this matter should be undertaken as part of a future review of the QPP and/or the drafting of the required content for planning schemes in the new planning legislation.</p> <p><b>Recommendations:</b> No change.</p>
5	<p><b>Module A – Part 5.3.3 Determining the assessment criteria (d) - Note</b></p> <p>Submitter requests that the note be amended to remove reference to strategic framework if this term is to be removed from the QPP.</p>	<p><b>Comments:</b></p> <p>Noted. Heading of strategic framework and component to be retained in Part 3.</p> <p><b>Recommendations:</b> No change.</p>
11	<p><b>Module A – Part 5.9 Levels of assessment – Local plans – Table heading</b></p> <p>Submitter suggests that the heading requires amendment to address a typographical error.</p>	<p><b>Comments:</b></p> <p>Noted and agreed.</p> <p><b>Recommendations:</b> Amend—table heading.</p>
<b>Part 6— Zones</b>		
11	<p><b>Module A – Part 6.1 Preliminary (2)</b></p> <p>Submitter suggests that the sentence requires amendment to refer to the schedule that contains mapping.</p>	<p><b>Comments:</b></p> <p>Noted and agreed.</p> <p><b>Recommendations:</b></p>

		Amend—insert reference to correct schedule.
11	<p><b>Module B – Part 6.1 Standard suite of zones – General land use zone</b></p> <p>Submitter suggests that the heading requires amendment to address a typographical error.</p>	<p><b>Comments:</b> Noted and agreed.</p> <p><b>Recommendations:</b> Amend—remove typographical error.</p>
7	<p><b>Module B – Part 6.1 Standard suite of zones – general and specific land use zones</b></p> <p>Submitter maintains the intent of the first amended dot point of this section is not clear. In addition to a minor grammar issue, the intention is best demonstrated in the previous wording of QPP version 3.1. It is understood that local government can use a mixture of level 1 and level 2 zoning, therefore submitter suggests that the amendment revert back to the original wording of the first paragraph with clarification in this regard. Further, the change of naming for the zones from levels 1 and 2 to general and specific is unnecessary, particularly if the amendment is not reflected in the corresponding mapping structure in the rear of the QPP.</p>	<p><b>Comments:</b> Noted. DILGP are of the view that the proposed terms better describes the nature of zone category groupings than a numerical reference. It is noted that Schedule 2, Table 5 requires updating to reflect these new terms.</p> <p><b>Recommendations:</b> Amend—Schedule 2, Table 5 headings to remove references to Levels 1 and 2 and replace with the terms general and specific.</p>
7	<p><b>Module B – Part 6.1 Standard suite of zones – Other zones category</b></p> <p>Despite the submitter's earlier representations on the QPP it is noted that there is still no zone (level 1 or 2) for State Development Areas ('Special Purpose' is confusing and inadequate). Submitter has large areas of land set aside as SDAs and this same zoning must be used for Strategic Port Land and other infrastructure assets also. A zone and zone symbology should also be provided for SDAs.</p>	<p><b>Comments:</b> Noted. DILGP maintains that sufficient drafting options already exist to local government to distinguish between different development areas within the Special Purpose Zone (i.e. use of precincts or identification by Lot and Plan descriptions through the zone code provisions). As such, there is not a state-wide need to include a new SDA zone within the standard suite of zones.</p> <p><b>Recommendations:</b> No change.</p>
7	<p><b>Module B – Part 6.1 Standard suite of zones detail – General residential – Example of overall outcomes</b></p> <p>Submitter seeks clarification as to whether the removal of optional text from the examples of overall outcomes for each zone would mean that all of these overall outcomes must be included in addition to any that a local government deems applicable.</p>	<p><b>Comments:</b> Noted. Module B states that where text is shown in grey highlight the local government may choose to either use that text or insert their own content as relevant to that section. Furthermore, Column 1, Row 2 heading already identifies that the overall outcomes provided are 'examples'.</p> <p><b>Recommendations:</b> No change.</p>



11	<p><b>Module B – Part 6.1 Standard suite of zones detail – Sport and recreation – Level 2</b></p> <p>Submitter suggests that the heading requires amendment to address a typographical error.</p>	<p><b>Comments:</b> Noted and agreed.</p> <p><b>Recommendations:</b> Amend—remove typographical error.</p>
<b>Part 7—Local plans</b>		
11	<p><b>Module A – Part 7.1 Preliminary (2)</b></p> <p>Submitter suggests that the sentence requires amendment to refer to the schedule that contains mapping.</p>	<p><b>Comments:</b> Noted and agreed.</p> <p><b>Recommendations:</b> Amend—insert reference to correct schedule.</p>
<b>Part 8—Overlays</b>		
9	<p><b>Module B – Part 8 Overlays – General comment</b></p> <p>Submitter supports the retention of the 'Regional infrastructure corridors and substations overlay', however it is noted that overlays have been changed to an optional component from mandatory. While this is generally supported to allow local governments to utilise the flexibility the QPP framework at their discretion, submitter reiterates the importance of effectively zoning land utilised or proposed for electrical infrastructure (i.e. Special Purpose zoning) through a scheme, particularly if a council opts out of utilising overlays (therefore not utilising the 'Regional infrastructure corridors and substations overlay').</p>	<p><b>Comments:</b> Noted.</p> <p><b>Recommendations:</b> No change.</p>
5	<p><b>Module B – Part 8.1 Standard suite of overlays – Bushfire hazard and Erosion management</b></p> <p>Submitter recommends that there could be some improvements to the consistency of language between QPP and the SPP. Further, for Bushfire Hazard and Erosion Management overlays in QPP, while they are both included in the SPP, the language of the purpose statement omits a reference. It is suggested that they are modified to be consistent with the approach taken with the Flood hazard overlay and the Landslide hazard overlay purpose statements.</p>	<p><b>Comments:</b> Noted and agreed. Amendments made to improve language with SPP.</p> <p><b>Recommendations:</b> Amend—to align with other hazards to improve language with SPP</p>
19	<p><b>Module B – Part 8.1 Standard suite of overlays – Declared fish habitat areas</b></p> <p>Submitter maintains that while the DFHAs Overlay has been removed from the standard suite of overlays, it remains as a Matter of State Environmental Significance under the SPP. Submitter seeks clarification that DFHAs are to remain as a MSES and whether Local governments are required to reflect this matter within planning schemes.</p>	<p><b>Comments:</b> The intent of the proposed amendment was to group all MSES under the Environmental Significance Overlay. DFHAs are to remain as a MSES and can still be mapped separately. As such, DILGP maintains that the existing wording can be retained.</p> <p><b>Recommendation:</b> Amend—to reinsert DFHAs under the Natural resources category.</p>

12	<p><b>Module B – Part 8.1 Standard suite of overlays – Transport infrastructure</b></p> <p>Submitter generally supportive of the majority of the modifications made to the standard suite of overlays. However, it is unclear why the undefined terms ‘Transport infrastructure’ and ‘Transport corridors’ have been used under the ‘Infrastructure category’ instead of the already defined terms ‘State transport infrastructure’ and ‘State transport corridors’.</p>	<p><b>Comments:</b></p> <p>Noted and agreed.</p> <p><b>Recommendations:</b></p> <p>Amend—to align with terminology in the SPP for state transport corridor and state transport infrastructure</p>
1	<p><b>Module B – Part 8.1 Standard suite of overlays – Environmental significance</b></p> <p>Submitter is concerned that the editor’s note suggests that a location cannot have a combination of local, state or national environmental significance. The same location can have different values in the content of local, state or national environmental significance. Submitter requests that the editor’s note be amended accordingly.</p>	<p><b>Comments:</b></p> <p>Noted. The editor’s note identifies that a location may have a mix of matters of environmental significance, however does not require that a local government map them separately if they do not wish to.</p> <p><b>Recommendations:</b></p> <p>No change.</p>
5	<p><b>Module B – Part 8.1 Standard suite of overlays – Coastal environment and Landslide hazard</b></p> <p>Submitter recommends that the title of this overlay remain as ‘Coastal protection overlay’. This is because changing the name does not add to the process; rather it adds an unnecessary administrative and fiscal cost on local governments who have adopted their planning schemes. Items that will need to be amended and by default have a cost associated with its amendment, include:</p> <ul style="list-style-type: none"> <li>• undertaking an amendment to the planning scheme and updating the wording on the website will require staff resourcing</li> <li>• updating the wording of information sheets. The minor word change will also mean that the submitter will have to pay a design firm to do the amendments</li> <li>• engagement with internal stakeholders and wider community, including the development sector, regarding terminology changes.</li> </ul> <p>As such, submitter requests that the title remain as Coastal protection. In addition, the submitter requests that the following purpose of the Landslide hazard overlay be included in the purpose of the Coastal environment overlay: <i>‘It applies, at a minimum, to development that:</i></p> <ul style="list-style-type: none"> <li>• <i>increases the number of people living and working in the natural hazard management area, except where the premises are occupied on a short term or intermittent basis;</i></li> <li>• <i>involves institutional uses where evacuating people may be difficult; or</i></li> <li>• <i>involves the manufacture or storage of</i></li> </ul>	<p><b>Comments:</b></p> <p>Noted. It appears that the submitter may have confused the Coastal environment overlay with a Coastal hazard overlay. The intent behind changing the title of this overlay is to achieve better alignment with the stated purpose of the overlay and the SPP (being the ‘Coastal environment’ state interest). Additional improvements are proposed to clarify this further in the purpose of the overlay.</p> <p>DILGP acknowledges that there may be a need to include a new Coastal hazard overlay to better capture the coastal hazards elements of the ‘Natural hazards’ state interest in the SPP. DILGP will investigate this matter as part of a future review of the QPP.</p> <p><b>Recommendations:</b></p> <p>Amend—purpose statement of the Coastal environment overlay to improve alignment with SPP.</p>

	<i>hazardous materials in bulk.'</i>	
<b>Part 9—Development Codes</b>		
19	<p><b>Module A – Part 9.2.3 Reconfiguring a lot (subdividing one lot into two lots) and associated operational works code – Compliance outcome 7</b></p> <p>Submitter maintains that the use of DFE or AEP should not be used to guide users in determining if reconfiguring a lot (subdividing 1 into 2 lots) is being proposed in an appropriate location. The terms DFE and AEP do not fully reflect the parameters a local government might use to identify the DFL. These terms are not interchangeable with DFL. Having multiple references within the QPP to identify a local government's flood risk may confuse users and potentially increase litigation and stall progress of development applications. Submitter recommends that DFE and AEP be removed and in their place, an overlay map or DFL should be used as the trigger.</p>	<p><b>Comments:</b></p> <p>Noted. DILGP agree that CO7 requires amendment to better reflect the range of methods that can be used to define flood risk in a planning scheme (i.e. AEP or DFE or DFL). However, not all local governments will have a Flood overlay map in their planning scheme. Some local governments use mapping that sits outside their planning scheme where they have demonstrated that this mapping clearly communicates the flood risk to the State and to their communities. Therefore the submitter's suggestion about inserting a reference to an overlay map may not be appropriate in all instances. DILGP maintains that at a minimum, the trigger should be linked back to the declared level determined by the local government.</p> <p><b>Recommendation:</b></p> <p>Amend—to delete references to DFE or AEP and reword to refer to the declared level determined by Council.</p>
<b>Schedule 1—Definitions</b>		
1	<p><b>Module B – General – Mandatory component and SPRP</b></p> <p>Submitter notes that SPRPs are a planning instrument made under the Act and are in force until such time as they are revoked under the Act or as proposed under the <i>Planning and Development Bill</i>, are no longer recognised. In the meantime. It appears pre-emptive to remove references to SPRPs from the QPP. There will be a period of time when the SPRPs remain in effect as a planning instrument. Removing their reference from QPP is likely to cause unnecessary confusion. As such, the submitter requests that reference to SPRPs be retained.</p>	<p><b>Comments:</b></p> <p>Noted and agreed.</p> <p><b>Recommendations:</b></p> <p>Amend—retain references to SPRP.</p>
1	<p><b>Module B – Suite of use definitions</b></p> <p>Submitter's planning scheme does not use all of the land use definitions in Schedule 1, but is still required to list them all. This has created some confusion. Submitter requests the ability for local government to only include land use definitions it uses in its planning scheme.</p>	<p><b>Comments:</b></p> <p>Noted. The existing rules for the suite of use of definitions allow a local government to only include those uses it intends to use in its planning scheme. Module B – Schedule 1 – General states '<i>...the local government should: select from the list as appropriate</i></p>

		<p>for its area (noting that it is not necessary to use all definitions)'</p> <p><b>Recommendations:</b> No change.</p>
<p>3</p>	<p><b>Module B – Suite of use definitions – Scale of activity</b></p> <p>Submitter maintains that the draft QPP version 4.0 has an intent to provide appropriate regulation based on level of impact. Submitter argues that the construction of the QPP would not appear to achieve this aim consistently, mostly due to failures to include scale of an activity when categorising an activity. Two examples illustrates this:</p> <ul style="list-style-type: none"> <li>• example 1 - High impact industry includes concrete batching and producing concrete products. No scale of activity is included; hence this activity includes an artist making a limited number of concrete sculptures or concrete furniture items. This would not appear to be regulating based on level of impact.</li> <li>• example 2 - the use 'Aquaculture' covers all types and sizes of aquaculture. Aquaculture activities can cover a wide range of scale of impacts. Aquaculture that meets the DAFF Aqua01 Code is deemed to be low impact, yet under the existing QPP, will likely be treated the same as a large scale high impact aquaculture activity.</li> </ul> <p>Submitter maintains that where scale of activity is not defined in the use definitions in local government planning schemes, then small scale low impact activities will be lumped in with high impact activities and suffer disproportionately high regulation. To ensure regulation is based on level of impact, the QPP should include scale of activity in use definitions where appropriate. Either the QPP needs to include the scale of activity in the definitions or it needs to make it very clear to local governments that scale of activity needs to be incorporated and include guidelines on suitable scales of activity. For example, within the use Aquaculture, the definition should provide for low impact aquaculture, e.g. '...aquaculture meeting the DAFF code AQUA01.' A similar scale could be included in the use definition for Intensive animal industry, where only when feed lotting more than the 150 standard cattle units or 1000 standard sheep units (the definition from the <i>Environmental Protection Regulations</i>) were the activity included in Intensity animal industry. For High impact industry (17), a production figure per annum should be incorporated into the definition, e.g. greater than 250 tonnes.</p>	<p><b>Comments:</b></p> <p>Noted. Submitter has requested amendments to land use definitions that are not within the scope of proposed changes QPP version 4.0. While the existing land use definitions within Schedule 1 remain silent on the scale of an activity, local government have the flexibility to introduce thresholds in the drafting of the tables of assessment and code provisions. DILGP maintains that this matter would be more appropriately dealt with through a wholesale review of land use definitions as part of a future review of the QPP.</p> <p><b>Recommendations:</b> No change.</p>

8	<p><b>Module B – Suite of use definitions – Club</b></p> <p>Submitter maintains that the definition is problematic as there are many different types of clubs that are at different ends of the spectrum in terms of size, function, number of patrons, noise, car parking and impact on residential uses. For example, large surf lifesaving clubs, RSL and bowls clubs have far different requirements to uses such as various small club houses (guide and scout clubs). Smaller club houses such as guide and scout clubs may be more appropriately regarded as a 'Community use'. As such, submitter requests that the definition of club be reviewed.</p>	<p><b>Comments:</b></p> <p>Noted. Submitter has requested amendments to a land use definition that was not within the scope of proposed changes QPP version 4.0. A review of this definition will be undertaken as part of a future review of the QPP.</p> <p><b>Recommendations:</b></p> <p>No change.</p>
1	<p><b>Module B - Definition – Dual occupancy</b></p> <p>Submitter maintains that the proposed definition is extremely confusing. It is difficult to see how two Dwelling house uses on adjoining lots would not fall into this definition. The definition is confused by including examples of how dual occupancy can be arranged. These points are better included elsewhere rather than within this definition. As such, submitter recommends the definition be amended to: <i>'Premises containing two dwellings where any dwelling is not a secondary dwelling.'</i> Use column 3 and 4 to provide better examples and explanation.</p>	<p><b>Comments:</b></p> <p>Noted. Amendments made to simplify the definition. DILGP supports the use of examples being added to Column 3 to clarify how Dual occupancy developments can be arranged.</p> <p><b>Recommendations:</b></p> <p>Amend—definition to read as follows: <i>'Premises containing two dwellings, each for a separate household, and consisting of: a single lot, where neither dwelling is a secondary dwelling or two lots sharing common property where one dwelling is located on each lot.'</i> Also, Column 3 'Examples include' to be read as follows: <i>'Duplex, two dwellings on a single lot (whether or not attached), two dwellings within one single community title scheme under the Body Corporate and Community Management Act 1997, two dwellings within the one body corporate to which the Building Units and Group Titles Act 1980 continues to apply.'</i></p>
2, 5 & 13	<p><b>Module B - Definition – Dual occupancy</b></p> <p>Submitters advise that the intent is understood, however one outstanding issue is a dual occupancy that constitutes a Class 2 building (where two dwellings are one on top of the other) rather than attached by a common wall. The QDC provisions only address Class 1 dual occupancies, leaving planning schemes that seek to make dual occupancies exempt (consistent with the SPR, schedule 4 intentions) in an awkward position. They either have to make a Class 2 dual occupancy self-assessable or assessable development, or risk them falling outside both the scheme and the QDC requirements. Desirably, the QDC ought to be amended to apply to Class 2 dual occupancies.</p>	<p><b>Comments:</b></p> <p>The QDC Part 1 (MP 1.1, 1.2 and 1.3) provides the default setback and height requirements for Class 1 and 10 buildings and structures. MP 1.1 and MP 1.2 provide the standards for single detached Class 1 dwellings while MP 1.3 provides the standards for Class 1 dual occupancy buildings. Local government is able to vary these default provisions in their planning schemes by way of sections 32 and 33 of the <i>Building Act 1975</i>. Neither the QDC nor National Construction Code provides</p>

		<p>height or setback standards for other classes of buildings including Class 2 dual occupancies. These amenity matters are normally left to local government to regulate in their planning schemes. The Department of Housing and Public Works (Building Codes Queensland) advises that it has commenced preparation of a single <i>State Housing Code</i> which is intended to provide more contemporary standards for residential buildings. The scope of the code is still being refined; however it is intended to apply to a range of residential housing products including dual occupancies. Local government will be involved in development of the code to ensure the suitability of the provisions. If local government do not want to regulate this work in their planning schemes, the code should provide significant value as a consistent default approach.</p> <p><b>Recommendations:</b> No change.</p>
5	<p><b>Module B - Definition – Dual occupancy</b> Submitter maintains that the additions to the definitions of dual occupancy are confusing. It appears that the changes are trying to resolve issues with building format plans, etc. However, it would seem to result in unintended consequence. In particular, the statement may be interpreted to capture terrace style housing on separate titles, which would otherwise just be two dwelling houses. The third point in the definition may also cause confusion as in the case of a building format plan where the common property may be a third lot, which is not made clear in the definition.</p>	<p><b>Comments:</b> Noted. Refer to DILGP's comments to Submitter #1 above.</p> <p><b>Recommendations:</b> Amend—definition to read as follows: '<i>Premises containing two dwellings, each for a separate household, and consisting of: a single lot, where neither dwelling is a secondary dwelling or two lots sharing common property where one dwelling is located on each lot.</i>' Also, Column 3 'Examples include' to be read as follows: '<i>Duplex, two dwellings on a single lot (whether or not attached), two dwellings within one single community title scheme under the Body Corporate and Community Management Act 1997, two dwellings within the one body corporate to which the Building Units and Group Titles Act 1980 continues to apply.</i>'</p>
4	<p><b>Module B - Definition – Dual occupancy</b> Submitter provides in-principle support for the intent to clarify the definition. However, submitter</p>	<p><b>Comments:</b> Noted. Refer to DILGP's</p>

	<p>considers the proposed amendments to be overly complex and inconsistent with other 'residential' type definitions contained in the QPP. Submitter understands that the catalyst for this amendment is in response to ensuring that dwellings regulated through the <i>Body Corporate and Community Management Act 1997</i> and <i>Building Units and Group Titles Act 1980</i> are not negatively impacted or unduly excluded from the definition of dual occupancy under the QPP through the use of the term 'lot'. Submitter also considers it is timely to consider the appropriateness of the definition of 'Dwelling house' as these two terms overlay with the use of the wording '<i>...and may include a secondary dwelling</i>' at the end of the dwelling house definition. As such, submitter recommends that the definition of dual occupancy be amended to read as follows: '<i>Premises containing two dwellings (whether or not attached) for separate households where either dwelling is not a secondary dwelling.</i>'</p>	<p>comments to Submitter #1 above.</p> <p><b>Recommendations:</b></p> <p>Amend—definition to read as follows: '<i>Premises containing two dwellings, each for a separate household, and consisting of: a single lot, where neither dwelling is a secondary dwelling or two lots sharing common property where one dwelling is located on each lot.</i>' Also, Column 3 'Examples include' to be read as follows: '<i>Duplex, two dwellings on a single lot (whether or not attached), two dwellings within one single community title scheme under the Body Corporate and Community Management Act 1997, two dwellings within the one body corporate to which the Building Units and Group Titles Act 1980 continues to apply.</i>'</p>
6	<p><b>Module B - Definition – Dual occupancy</b></p> <p>Submitter does not support the proposed change as it is considered adding complexity to planning schemes, lacks clarity and purpose and inadvertently creates an issue for freehold single dwellings where share a zero lot line boundary with a neighbouring property. The proposed changes will automatically trigger dwelling houses that by rights are single detached dwellings that have a common zero lot line boundary which is not an acceptable outcome. Tenure after the development should not be a planning issue. Furthermore, the proposed change will require consequential amendments to be made to the dual occupancy code to clarify the definition. As such, submitter recommends the definition of Dual occupancy be amended to read as follows: '<i>Premises that contains two dwellings for separate households other than a secondary dwelling.</i>'</p>	<p><b>Comments:</b></p> <p>Noted. Refer to DILGP's comments to Submitter #1 above.</p> <p><b>Recommendations:</b></p> <p>Amend—definition to read as follows: '<i>Premises containing two dwellings, each for a separate household, and consisting of: a single lot, where neither dwelling is a secondary dwelling or two lots sharing common property where one dwelling is located on each lot.</i>' Also, Column 3 'Examples include' to be read as follows: '<i>Duplex, two dwellings on a single lot (whether or not attached), two dwellings within one single community title scheme under the Body Corporate and Community Management Act 1997, two dwellings within the one body corporate to which the Building Units and Group Titles Act 1980 continues to apply.</i>'</p>
8	<p><b>Module B - Definition – Dual occupancy</b></p> <p>Submitter generally supports the proposed changes to the definition; however concerns are raised in respect to the complexity of the proposed amended definition and its interaction with the definition of dwelling house (and in particular secondary dwelling). Submitter recommends that further testing be undertaken to confirm that the approach proposed will operate as intended.</p>	<p><b>Comments:</b></p> <p>Noted. Refer to DILGP's comments to Submitter #1 above.</p> <p><b>Recommendations:</b></p> <p>Amend—definition to read as follows: '<i>Premises containing two dwellings, each for a separate household, and consisting of: a single lot, where neither dwelling</i></p>

		<p><i>is a secondary dwelling or two lots sharing common property where one dwelling is located on each lot.' Also, Column 3 'Examples include' to be read as follows: 'Duplex, two dwellings on a single lot (whether or not attached), two dwellings within one single community title scheme under the Body Corporate and Community Management Act 1997, two dwellings within the one body corporate to which the Building Units and Group Titles Act 1980 continues to apply.'</i></p>
<p>10</p>	<p><b>Module B - Definition – Dual occupancy</b>          Submitter maintains that the additional two dot points are examples, and should be included within column three as examples. As such, submitter suggests the relocation of dot points two and three to the examples column. In addition, greater distinction should be provided between a dual occupancy and a secondary dwelling.</p>	<p><b>Comments:</b>          Noted. Refer to DILGP's comments to Submitter #1 above.</p> <p><b>Recommendations:</b>          Amend—definition to read as follows: '<i>Premises containing two dwellings, each for a separate household, and consisting of: a single lot, where neither dwelling is a secondary dwelling or two lots sharing common property where one dwelling is located on each lot.'</i> Also, Column 3 'Examples include' to be read as follows: '<i>Duplex, two dwellings on a single lot (whether or not attached), two dwellings within one single community title scheme under the Body Corporate and Community Management Act 1997, two dwellings within the one body corporate to which the Building Units and Group Titles Act 1980 continues to apply.'</i></p>
<p>12</p>	<p><b>Module B - Definition – Dual occupancy</b>          Submitter notes that the amended definition expands the scope of a 'Dual Occupancy' to include:</p> <ul style="list-style-type: none"> <li>• two dwellings, each on a separate lot, that are attached to each other; and</li> <li>• two dwellings, each on a separate lot, but sharing the same common property.</li> </ul> <p>Submitter maintains that the first of the above dot-points is the same as two separate dwelling houses and will only serve to confuse the regulation of this form of development. As an example, a building certifier may approve a building development application for a building comprising a dwelling house with a 'built to boundary wall' on a standard residential lot. A second building certifier may then approve a dwelling house with a 'built to boundary wall' on the adjoining lot. As both buildings have</p>	<p><b>Comments:</b>          Noted. Refer to DILGP's comments to Submitter #1 above.</p> <p><b>Recommendations:</b>          Amend—definition to read as follows: '<i>Premises containing two dwellings, each for a separate household, and consisting of: a single lot, where neither dwelling is a secondary dwelling or two lots sharing common property where one dwelling is located on each lot.'</i> Also, Column 3 'Examples include' to be read as follows: '<i>Duplex, two dwellings on a single lot (whether or not attached), two dwellings within one single</i></p>



	<p>their 'built to boundary walls' along the common boundary between the lots, the proposed change to the definition would result in a change in use from two dwelling houses to a dual occupancy and probably trigger the need for a development approval and the imposition of additional development constraints for that MCU, that the land owners and building certifiers could not have reasonably foreseen. Submitter requests that the first dot-point be removed from the proposed definition. The second dot-point is an acceptable expansion, but the current wording needs to be expanded to include the words '<i>...under a community title scheme..</i>' after the phrase '<i>...on two lots...</i>' for clarity.</p>	<p><i>community title scheme under the Body Corporate and Community Management Act 1997, two dwellings within the one body corporate to which the Building Units and Group Titles Act 1980 continues to apply.'</i></p>
18	<p><b>Module B - Definition – Dual occupancy</b></p> <p>Submitter does not see the need for this definition to be expanded to include two dwellings on two lots. Each lot will only one dwelling and therefore, seems to conflict with the description and intent of the definition.</p>	<p><b>Comments:</b></p> <p>Noted. Refer to DILGP's comments to Submitter #1 above.</p> <p><b>Recommendations:</b></p> <p>Amend—definition to read as follows: '<i>Premises containing two dwellings, each for a separate household, and consisting of: a single lot, where neither dwelling is a secondary dwelling or two lots sharing common property where one dwelling is located on each lot.</i>' Also, Column 3 'Examples include' to be read as follows: '<i>Duplex, two dwellings on a single lot (whether or not attached), two dwellings within one single community title scheme under the Body Corporate and Community Management Act 1997, two dwellings within the one body corporate to which the Building Units and Group Titles Act 1980 continues to apply.'</i></p>
8	<p><b>Module B - Definition – Indoor sport and recreation</b></p> <p>Submitter maintains that the definition should be amended to include the ancillary preparation and sale of food and drink.</p>	<p><b>Comments:</b></p> <p>Noted. Submitter has requested amendments to a land use definition that was not within the scope of proposed changes QPP version 4.0. A review of this definition will be undertaken as part of a future review of the QPP.</p> <p><b>Recommendations:</b></p> <p>No change.</p>
8	<p><b>Module B - Definition – Utility instillation</b></p> <p>Submitter maintains that the definition needs to cover other types of utilities generally provided by local government. As such, submitter recommends that the definition be amended to include other public purposes carried out by a local government pursuant to the <i>Local Government Act 2009</i>.</p>	<p><b>Comments:</b></p> <p>Noted. Submitter has requested amendments to a land use definition that was not within the scope of proposed changes QPP version 4.0. A review of this definition will be undertaken as</p>

		part of a future review of the QPP.  <b>Recommendations:</b> No change.
8	<b>Module B - Definition – Warehouse</b> Submitter maintains that the exclusion of retail sales from warehouse uses is problematic. Many warehouse uses have a small retailing component (e.g. self-storage facilities seal boxes, tape and bubble wrap). As such, submitter recommends that the definition be amended to allow for a small component of on-site sales (e.g. use includes ancillary retail sales from the premises).	<b>Comments:</b> Noted. Submitter has requested amendments to a land use definition that was not within the scope of proposed changes QPP version 4.0. A review of this definition will be undertaken as part of a future review of the QPP.  <b>Recommendations:</b> No change.
11	<b>Module B – Activity group – Column 2 uses</b> Submitter is unclear how the column 2 uses should be consistent with the associated activity group, when these uses are the activity group. As such, submitter suggests the removal of unnecessary wording from this statement.	<b>Comments:</b> Noted. The uses collectively make up the activity group and are not an activity group in themselves. The intent of the proposed amendment is to encourage local government to select activity group names that match the associated cluster of uses.  <b>Recommendations:</b> No change.
2, 5	<b>Module B - Industry thresholds</b> Various discrepancies between the activities listed in the threshold table for various use definitions. These need to be reviewed and revised to ensure uses covered by a non-industry definition are not included in the threshold table.	<b>Comments:</b> Noted. Submitter has requested amendments to a land use definition that was not within the scope of proposed changes QPP version 4.0. Industry thresholds were developed as a result of consultation with the Industry Working Group established during the preparation of QPP version 3.0. This matter would be more appropriately dealt with through a wholesale review of the Industry thresholds as part of a future review of the QPP.  <b>Recommendations:</b> No change.
1	<b>Module B – List of administrative definitions</b> The submitter maintains that the ability for a local government to include only those administrative definitions it elects to use is supported. It has created confusion in operating the submitter's planning scheme where mandatory administrative definitions have not been used in the scheme, but are listed nonetheless in Schedule 1.	<b>Comments:</b> Noted.  <b>Recommendations:</b> No change.
5	<b>Module B - List of administrative definitions – party houses</b>	<b>Comments:</b> Noted. The Act provides for local

	<p>Submitter recommends that a party house be a defined administrative definition in the QPP. This is because a party house is a defined use under the Act and the <i>Planning and Development Bill</i>. Furthermore, a planning scheme or TLPI can require a material change of use application for a party house and can include assessment benchmarks within a planning scheme or TLPI.</p>	<p>government to regulate a Party house as a land use via its planning scheme or a TLPI, if so desired by the local government. One aspect of the provisions is to provide a non-mandatory land use definition. It is not the intent that a party house is a mandatory land use across local government and since the party house provisions are in SPA, there is no need to replicate the definition in the QPP.</p> <p><b>Recommendations:</b> No change.</p>
<p>1</p>	<p><b>Module B - Definition – Building height</b></p> <p>Submitter maintains that proposed change to definition will have serious implications for the ability of the community to understand building height. There are locations in the submitter's local government area where flooding on residential lots can be as much as 3 to 4 metres. The ability to explain to the community that a 13 to 14 metre high house is self-assessable and not needing community input would be extremely difficult. As part of the submitter's risk management based approach, the submitter's planning scheme raised the self-assessable building height trigger from 8.5 metres to 9.5 metres and 2 storeys as part of an approach to reduce the development application requirements and offer some ability for flood affected property to build higher without needing an application; but also to provide confidence to the community that houses should be in the 2 storey range. A house of more than 10 metres with significant under storey areas would be extremely hard to justify to a community that is 'technically' only 2 storeys. Similarly, in more significant development areas, the submitter's used the process of level of assessment settings to communicate that the community should not be surprised to see 5 storey buildings in a Medium density zone (for example); hence these would be code assessable. If the height proposed however, exceeded 5 storeys, then making this development impact assessable was regarded as an appropriate balance for seeking community input. Under the proposed change, the clarity of that communication is lost. The average person would count 6 or 7 storeys where the definition would 'technically' be 5 storeys. Submitter maintains that the unintended consequence of this proposed change have not been properly considered at this time and need further engagement and consideration. Until that process has been undertaken, the submitter requests that the proposed change be denied.</p>	<p><b>Comments:</b></p> <p>There is a pressing need for a consistent state-wide approach to determining building height in locations where the form of buildings is affected by flooding. The current council-by-council response creates uncertainty and is frustrating some development projects that have been redesigned to account for revised flood information. As the current definition does not accommodate flood information, some redesigned projects are becoming subject to a higher level of assessment which is an unnecessary and undesirable outcome.</p> <p>DILGP acknowledges that the proposed definition may have implications to scheme drafting for local government areas that are subject to flooding in terms of development yield and community expectations around final built form outcomes. DILGP also acknowledges that some local governments have already addressed this matter in drafting their planning schemes and any retrospective amendments to these planning schemes may have significant resourcing implications.</p> <p>The majority of feedback from submitters suggests that the proposed amendments are not supported and require further engagement. As such, DILGP maintains that this matter would</p>

		<p>more appropriately be dealt with as part of a future review of the QPP.</p> <p><b>Recommendations:</b></p> <p>Amend—revert back to existing QPP version 3.1 definition of Building height and delete the administrative definitions for DFL, FHA, FHL and freeboard.</p>
2	<p><b>Module B - Definition – Building height</b></p> <p>Submitter does not support amendment. It appears clumsy way of dealing with the issue and may lead to unintended problems for many planning schemes. Far preferable and simpler to retain common sense definition of building height – as being from ground level.</p>	<p><b>Comments:</b></p> <p>Noted. Refer to DILGP’s comments to Submitter #1 above.</p> <p><b>Recommendations:</b></p> <p>Amend—revert back to existing QPP version 3.1 definition of Building height and delete the administrative definitions for DFL, FHA, FHL and freeboard.</p>
4	<p><b>Module B - Definitions – Building height</b></p> <p>Submitter concerned about possible unforeseen and adverse consequences associated with implementation of the proposed change. These concerns are relevant to two matters:</p> <ul style="list-style-type: none"> <li>many local governments have closely considered this matter and have adopted different approaches through their local planning instruments based on local circumstances, including consideration of topography and hazard risk assessments. Consequently, mandating the proposed definition will require many local governments to ‘re-calibrate’ their planning schemes in consideration of flood hazard, imposing additional costs and resourcing requirements. To be clear, this will not simply require a definitional change in planning schemes, but may also require significant re-drafting of codes, tables of assessment and zones</li> <li>the level of comprehension by the broader community about building height and how building height is determined may be undermined whereby local governments lose the clarity of communication and consultation previously undertaken within their area. For example, this will be particularly challenging where local governments use ‘storey’ to communicate building heights rather than ‘metres’. Further, the potential disparity in building heights along streets or across suburbs will not only create unnecessary complexity and confusion, but will also likely</li> </ul>	<p><b>Comments:</b></p> <p>Noted. Refer to DILGP’s comments to Submitter #1 above.</p> <p><b>Recommendations:</b></p> <p>Amend—revert back to existing QPP version 3.1 definition of Building height and delete the administrative definitions for DFL, FHA, FHL and freeboard.</p>

	<p>result in political implications.</p> <p>As such, submitter does not support the mandatory imposition of the proposed definition and recommends it be included as guidance/optional only.</p>	
5	<p><b>Module B – Definitions – Building height</b></p> <p>Submitter does not support the approach proposed. Whilst the reason for it is understood, it is a clumsy way of dealing with the issue and will likely lead to unintended problems in many planning schemes. It is far preferable (and simpler) to retain a common sense definition of building height - as being from ground level. Policy exceptions allowing taller buildings in flood areas ought to be dealt with through the relevant code provisions. Many local governments may not wish to allow for greater height in certain flood areas (e.g. in sensitive character or heritage areas). This definitional change could create a number of other unintended consequences. It is attempting to address a particular issue in a generic way - which seems inappropriate for a standard set of statewide planning provisions). Submitter believes it represents a 'high risk' means of addressing the issue.</p>	<p><b>Comments:</b></p> <p>Noted. Refer to DILGP's comments to Submitter #1 above.</p> <p><b>Recommendations:</b></p> <p>Amend—revert back to existing QPP version 3.1 definition of Building height and delete the administrative definitions for DFL, FHA, FHL and freeboard.</p>
6	<p><b>Module B – Definitions – Building height</b></p> <p>Submitter concerned that the proposed change:</p> <ul style="list-style-type: none"> <li>• is not limited to just dwelling houses and dual occupancy uses and applies to all development. Therefore the proposed change has huge implications on the overall design outcomes of specific zones where the submitter (through its planning scheme) have a strong policy position on built form requirements and in particular building height provisions</li> <li>• would require consequential amendments to the submitter's planning scheme to mitigate the impacts from the proposed change</li> <li>• will result in development having variations in building height removing certainty for the community on what the built form will be in certain areas</li> <li>• is introducing planning provisions through a definition and in turn removing local government's ability to determine how development should be built in FHAs</li> <li>• increases the likelihood of disproportionately high dwellings being constructed in FHAs, resulting in the overshadowing of adjoining houses, and loss of privacy and obstruction of outlook from adjoining lots.</li> </ul> <p>Submitter also questions how this definition will impact on other provisions throughout the planning scheme where building height (of a certain height</p>	<p><b>Comments:</b></p> <p>Noted. Refer to DILGP's comments to Submitter #1 above.</p> <p><b>Recommendations:</b></p> <p>Amend—revert back to existing QPP version 3.1 definition of Building height and delete the administrative definitions for DFL, FHA, FHL and freeboard.</p>

	from ground level) will be triggered where it is an operational requirement and FHLs having no bearing. For example, aviation facilities and the level of assessment triggers associated with height.	
11	<p><b>Module B - Definitions – Building height</b></p> <p>Submitter advises that in preparing its planning scheme and as a result of public consultation, it has accounted for natural hazards in determining building heights. However, the proposed amendments indicate that Building height is to be taken from the defined FHL (DFL + Freeboard). Therefore, the resultant building height is higher than that provided for under the planning scheme and anticipated by the submitter. This is not considered to be desirable outcome. In addition, it is unlikely that the submitter will elect to include the proposed administrative definitions for DFL, FHA, FHL and Freeboard. As such, submitter recommends that the reference to flood elements in the administrative definition for Building height is made optional.</p>	<p><b>Comments:</b></p> <p>Noted. Refer to DILGP's comments to Submitter #1 above.</p> <p><b>Recommendations:</b></p> <p>Amend—revert back to existing QPP version 3.1 definition of Building height and delete the administrative definitions for DFL, FHA, FHL and freeboard.</p>
12	<p><b>Module B - Definitions – Building height</b></p> <p>Submitter notes that the current definition measures the height of a building above ground level. The proposed amendment uses the FHL instead of ground level as the reference point for the measurement of building height in a FHA. The setting of a maximum building height in a planning scheme is predominantly undertaken to address a visual amenity issue so changing the reference point to FHL is counter-productive and is likely to result in character concerns within the built environment of affected areas.</p>	<p><b>Comments:</b></p> <p>Noted. Refer to DILGP's comments to Submitter #1 above.</p> <p><b>Recommendations:</b></p> <p>Amend—revert back to existing QPP version 3.1 definition of Building height and delete the administrative definitions for DFL, FHA, FHL and freeboard.</p>
13	<p><b>Module B - Definitions – Building height</b></p> <p>Submitter maintains that the inclusion of provisions to consider FHL as the starting point in measuring building height will lead to various unintended issues, particularly in relation to character and amenity. Rather than the inclusion of a state wide mandatory approach in dealing with building heights in FHAs through definition under the QPP, it is suggested that this matter would be better managed through relevant code provisions in a planning scheme where appropriate. As such, submitter requests existing definition be retained.</p>	<p><b>Comments:</b></p> <p>Noted. Refer to DILGP's comments to Submitter #1 above.</p> <p><b>Recommendations:</b></p> <p>Amend—revert back to existing QPP version 3.1 definition of Building height and delete the administrative definitions for DFL, FHA, FHL and freeboard.</p>
8	<p><b>Module B - Definitions – Building height and new administrative definitions for DFL, FHL and freeboard</b></p> <p>Submitter concerned that the proposed changes raises some particular concerns in terms of community understanding of the measurement of building height and the impact of modified building heights on character and amenity in low density residential areas in particular. The submitter has been investigating the option of including in the planning scheme a building height allowance to account for the impact of flood hazard and freeboard requirements. This allowance is subject to an upper limit so as to mitigate against the</p>	<p><b>Comments:</b></p> <p>Noted. The inclusions of new administrative definitions for DLF, FHA, FHL and freeboard have been inserted to support the definition of Building height. As DILGP no longer seeks to progress with the proposed amendments to Building height, the need for these additional administrative definitions no longer exists.</p>

	<p>potential for more extreme and undesirable built form outcomes, particularly in Low density residential areas. As such, the submitter maintains that the definitions for DFL, FHA, FHL and Freeboard should not be made mandatory as other more tailored responses may be appropriate for some local government areas.</p>	<p><b>Recommendations:</b></p> <p>Amend—revert back to existing QPP version 3.1 definition of Building height and delete the administrative definitions for DFL, FHA, FHL and freeboard.</p>
4	<p><b>Module B - Definitions – New administrative definitions for DLF, FHA, FHL and freeboard</b></p> <p>Submitter notes that each of the four definitions are directly captured from the QDC <i>Mandatory Part 3.5 – Construction of Buildings in Flood Hazard Areas</i>. However, the definition for DFE, commonly utilised by hydrological engineers, also contained in the QDC MP3.5 and applied in the national standards for construction of buildings in FHAs has been conspicuously omitted. Submitter requests articulation of the rationale and context of this proposed change and recommends further consultation on this suite of definitions is undertaken to better understand the potential consequences of the change prior to inclusion in the QPP.</p>	<p><b>Comments:</b></p> <p>Noted. Refer to DILGP's comments to Submitter #8 above.</p> <p><b>Recommendations:</b></p> <p>Amend—revert back to existing QPP version 3.1 definition of Building height and delete the administrative definitions for DFL, FHA, FHL and freeboard.</p>
11	<p><b>Module B – Definitions – New administrative definitions for flood elements</b></p> <p>Submitter notes that new administrative definitions for DFL, FHA, FHL and Freeboard are proposed. Submitter does not have concerns with these proposed definitions on the understanding that:</p> <ul style="list-style-type: none"> <li>• local government can elect not to include them in planning schemes; and</li> <li>• they will not otherwise affect Council's currently drafted assessment system for flood hazard areas as set out in its planning scheme.</li> </ul> <p>The Flood hazard overlay code and relevant provisions/definitions in other parts of its planning scheme are based on extensive and detailed investigations (including technical studies) and consultation. Submitter would be concerned, for example, if the QPP required replacing the planning scheme's currently drafted definition for DFE with the proposed definition for DFL.</p>	<p><b>Comments:</b></p> <p>Noted. Refer to DILGP's comments to Submitter #8 above.</p> <p><b>Recommendations:</b></p> <p>Amend—revert back to existing QPP version 3.1 definition of Building height and delete the administrative definitions for DFL, FHA, FHL and freeboard.</p>
12	<p><b>Module B – Definitions – New administrative definitions for flood elements</b></p> <p>Submitter notes that new administrative definitions for DFL, FHA, FHL and Freeboard are a repeat of the definitions of those same terms in Part MP3.5 of the QDC. While these definitions are adequate for the regulation of building work under the BAPs, they are naturally directed toward achieving that sole purpose and are not suited to the risk assessment approach that local government is required to undertake under the SPP when identifying flood hazard areas and formulating risk mitigation measures for their planning schemes. Using a risk assessment for flood hazard, a local government may consider that some amount of property inundation would be acceptable to the</p>	<p><b>Comments:</b></p> <p>Noted. Refer to DILGP's comments to Submitter #8 above.</p> <p><b>Recommendations:</b></p> <p>Amend—revert back to existing QPP version 3.1 definition of Building height and delete the administrative definitions for DFL, FHA, FHL and freeboard.</p>

	<p>community as a reasonable trade-off to overregulation, (e.g. negating the need for a building certifier to undertake a full assessment against Part MP 3.5 of the QDC), when designating its FHAs. However, that same local government may also want to be able to set reasonable mitigation measures (such as minimum floor levels) for development that is outside of its designated FHA, but within areas that are likely to be inundated during the adopted flood event. The definitions currently proposed should, but do not, allow that level of flexibility. It is also noted that Part MP 3.5 of the QDC does not apply to building work on land that is subject to storm surge inundation, and that has a corresponding limiting effect on local government designations under section 13 of the <i>Building Regulation</i>. Clearly, the FHA for those local governments with coastal areas will need to take into account the effects of storm surge. Therefore the definitions need to be expanded to incorporate a component for a designation made under section 13 of the <i>Building Regulation</i> and a separate component for other planning purposes. Expansion of the definitions would obviate the need to introduce new terms for those planning purposes that are outside the scope of the <i>Building Regulation</i> and Part MP 3.5 of the QDC.</p>	
1	<p><b>Module B – Definitions – DFL</b></p> <p>Submitter maintains that the proposed definition is not suited for the purpose of what the SPP aims to achieve and how it has been implemented in the submitter's planning scheme. The definition appears to be overlapping with the term DFE which is the commonly accepted engineering and hydrology based term. While the definition appears to give some scope for a local government to set levels, this definition creates confusion between the concept of a DFE and then the various levels that are set from that event. Submitter applies a range of levels according to different land uses and the nature of hazard presented in an area. No information has been provided to explain the background for the proposed change. As such, further consultation should be undertaken before settling on this definition and its purpose.</p>	<p><b>Comments:</b></p> <p>Noted. Refer to DILGP's comments to Submitter #8 above.</p> <p><b>Recommendations:</b></p> <p>Amend—revert back to existing QPP version 3.1 definition of Building height and delete the administrative definitions for DFL, FHA, FHL and freeboard.</p>
6	<p><b>Module B – Definitions – DFL</b></p> <p>Submitter advises that DFL is by tradition the adopted resolution based on modelling that determines FHAs. Submitter concerned that the proposed change limits local government's ability to determine how best to manage flood hazard and define the FHL relevant to the localised modelling conducted. DFL should be a site specific assessment and not a standardised approach. In the scenario that a local government does not possess a Q100 level for a particular property that is located within a flood overlay and so a Q100 level is subsequently determined by a private engineer, it appears as though this level cannot then be considered a DFL under the proposed definition which would have serious implications for</p>	<p><b>Comments:</b></p> <p>Noted. Refer to DILGP's comments to Submitter #8 above.</p> <p><b>Recommendations:</b></p> <p>Amend—revert back to existing QPP version 3.1 definition of Building height and delete the administrative definitions for DFL, FHA, FHL and freeboard.</p>



	local government and how DFL are determined in those circumstances. Submitter requests proposed change be removed or alternatively made optional.	
10	<p><b>Module B – Definitions – DFL</b></p> <p>Submitter notes that the first sentence of the definition of a DFL is '<i>...the level to which it is reasonably expected flood waters may rise</i>'. This sentence is not necessary, furthermore, the use of 'reasonably' and 'may' within this definition is ambiguous and does not aid in providing clarity on the definition. The DFL should be linked to the level established within a relevant overlay of a local governments planning instrument. As such, the submitter recommends that the definition be re-worded to read as follows:</p> <p><i>'...The defined flood level for a lot is:</i></p> <p><i>(a) The level, which a local government planning instrument, identifies inundation at the defined inundation event; or</i></p> <p><i>(b) For a flood hazard area the level declared by a local government under the Building Regulation 2006, section 13, to be the defined flood level for the part of the area where the lot is located.'</i></p>	<p><b>Comments:</b></p> <p>Noted. Refer to DILGP's comments to Submitter #8 above.</p> <p><b>Recommendations:</b></p> <p>Amend—revert back to existing QPP version 3.1 definition of Building height and delete the administrative definitions for DFL, FHA, FHL and freeboard.</p>
12	<p><b>Module B – Definitions – DFL</b></p> <p>Submitter maintains that the wording of the new term DFL needs to be expanded even further than that proposed. The wording currently proposed includes a provision to cover those instances where the flood level stated in a building development application is less than the level declared by a local government for section 13 of the <i>Building Regulation</i>. That provision allows the level stated in the building development application to be accepted instead of the level declared for section 13 '<i>...subject to a concurrence agency's response</i>.' Submitter maintains that the wording of that provision needs to be expanded to '<i>...subject to the local government's agreement in its concurrence agency's response</i>.'</p>	<p><b>Comments:</b></p> <p>Noted. Refer to DILGP's comments to Submitter #8 above.</p> <p><b>Recommendations:</b></p> <p>Amend—revert back to existing QPP version 3.1 definition of Building height and delete the administrative definitions for DFL, FHA, FHL and freeboard.</p>
1	<p><b>Module B – Definitions – FHA</b></p> <p>Submitter notes that FHA is a term used under the <i>Building Act 1975</i> and appears to be an approach to achieve consistency. In particular, the relationship with the QDC MP3.5 and its applicability to planning matters is not necessarily a desired outcome. MP3.5 is designed to apply to consideration of structural soundness for design in a declared FHA. A local government will require flexibility in determining a flood area and the nature of relevant provisions to that flood event. MP3.5 is designed for a particular DFE rather than the variety a local government may determine applicable to various land uses or aspects of land uses (e.g. critical land use such as emergency services will have a higher regard for hazard as opposed to a river edge dependant land; and the car parking area of a unit development may be regarded differently to the habitable area in terms of flood hazard). As such, the definition should be clear about its application with regard to MP3.5 rather than creating potential confusion about a</p>	<p><b>Comments:</b></p> <p>Noted. Refer to DILGP's comments to Submitter #8 above.</p> <p><b>Recommendations:</b></p> <p>Amend—revert back to existing QPP version 3.1 definition of Building height and delete the administrative definitions for DFL, FHA, FHL and freeboard.</p>

	building requirement and a planning consideration. Submitter suggests that the definition be amended to read as follows: <i>'For the application of the QDC MP3.5, an area, whether or not mapped...'</i>	
6	<b>Module B – Definitions – FHA</b> Submitter queries how you can designate an area for flood hazard without a map. Submitter considers it is necessary to spatially map a flood hazard area and a description can assist with describing the FHA but they should be exclusive to define a FHA.	<b>Comments:</b> Noted. Refer to DILGP's comments to Submitter #8 above.  <b>Recommendations:</b> Amend—revert back to existing QPP version 3.1 definition of Building height and delete the administrative definitions for DFL, FHA, FHL and freeboard.
1	<b>Module B – Definitions – FHL</b> Submitter requests that if this term is to be used that it not use the word 'hazard' as the intention is understood to be about a level required to be built rather than identifying a particular level of hazard. As such, submitter suggests term be amended to 'flood planning level'.	<b>Comments:</b> Noted. Refer to DILGP's comments to Submitter #8 above.  <b>Recommendations:</b> Amend—revert back to existing QPP version 3.1 definition of Building height and delete the administrative definitions for DFL, FHA, FHL and freeboard.
6	<b>Module B – Definitions – FHL</b> Submitter concerned that FHL can only apply to habitable floor levels and is not applicable to other development which adds complexity to the definition with very little value add. Submitter's planning scheme already addresses the 'freeboard' requirement for habitable flood levels through either the applicable residential use code or the Flood Hazard Overlay Code. The inclusion of this definition causes confusion and does not achieve anything the planning scheme is not already doing.	<b>Comments:</b> Noted. Refer to DILGP's comments to Submitter #8 above.  <b>Recommendations:</b> Amend—revert back to existing QPP version 3.1 definition of Building height and delete the administrative definitions for DFL, FHA, FHL and freeboard.
1	<b>Module B – Definitions – Freeboard</b> Submitter broadly supports intent of proposed definition, however there are concerns that the definition refers only to a 'lot' rather than other aspects of development. Local government varies the degree of freeboard required for different aspects of development and may identify that the floor level is where freeboard is required rather than a lot. There are locations in the submitter's local government are where freeboard for habitable levels is much preferred outcome over the total filling of lots to achieve freeboard. As such, submitter suggests definition be amended as follows: <i>'...the freeboard for the nominated aspect of development in a flood hazard area is...'</i>	<b>Comments:</b> Noted. Refer to DILGP's comments to Submitter #8 above.  <b>Recommendations:</b> Amend—revert back to existing QPP version 3.1 definition of Building height and delete the administrative definitions for DFL, FHA, FHL and freeboard.
8	<b>Module B – Definitions – GFA</b> Submitter maintains that restaurants and clubs often have large outdoor decks that provide additional floor area for patrons, increasing capacity and placing extra demand on services. As such, submitter requests that the definition be reviewed to include outdoor deck areas in GFA.	<b>Comments:</b> Noted. Submitter has requested amendments to a land use definition that was not within the scope of proposed changes QPP version 4.0. A review of this definition will be undertaken as

		part of a future review of the QPP.  <b>Recommendations:</b> No change.
5	<b>Module B – Definitions – Minor building works</b> Submitter appreciates amendments made to definition based on earlier representations provided by the submitter. Submitter does not object to the intent of the revised definition.	<b>Comments:</b> Noted.  <b>Recommendations:</b> No change.
6	<b>Module B – Definitions – Minor building works</b> Submitter believes the proposed change is not sufficient and should state that it does not include works where located within a FHA as these need to deal with separate circumstances and may be necessary to trigger an application. Submitter also considers that the definition is problematic in establishing whether or not an older building (for which a local government has no records) is 'approved' in order that the definition can be applied.	<b>Comments:</b> Noted. The inclusion of a new administrative definition for FHA was inserted to support the definition of Building height. As DILGP no longer seeks to progress with the proposed amendments to Building height, the need for this additional administrative definition no longer exists. Flexibility is already provided to local governments in QPPV3.1 to refine the administrative definitions to suit local circumstances. For example, the submitter could elect to insert a 'note' under the definition of Minor building works to clarify that the definition does not include works located within a FHA. In light of concerns raised by submitters, DILGP has amended the definition to remove references to 'approved' and 'domestic outbuildings'.  <b>Recommendations:</b> Amend—to remove references to 'approved' and 'domestic outbuildings'.
12	<b>Module B – Definitions – Minor building work</b> Submitter notes that references to 'floor area' in the current definition are proposed to be replaced with GFA. Submitter concerned that there are too many exclusions in the GFA definition to appropriately restrict the scope of what constitutes 'Minor building work'. The changes also need to make it clear that the 5% increase is to be measured against ' <i>...the existing lawfully constructed building</i> ' rather than just any ' <i>existing building</i> '.	<b>Comments:</b> Submitter's comments regarding GFA are noted. In light of concerns raised by submitters, DILGP has amended the definition to remove references to 'approved' and 'domestic outbuildings'.  <b>Recommendations:</b> Amend—to remove references to 'approved' and 'domestic outbuildings'.
5	<b>Module B – Definitions – Setback and Outermost projection</b> Submitter believes that there may be a contradiction regarding the 'Setback' and	<b>Comments:</b> Noted. It is unclear from the submissions received whether the

	<p>'Outermost projection' definitions. Submitter believes that the fascia associated with a roof is usually attached to the end of an eave. Therefore, in determining setbacks one would be excluding the eaves when undertaking an assessment. However, when assessing to determine the outermost projection in the case of a roof, this includes the outside face of the fascia. These definitions seem to contradict each other. Submitter requests clarity regarding the outcomes proposed to be achieved.</p>	<p>proposed change to the definition will achieve the desired policy intent. As such, DILGP maintains that further investigations and consultation on this matter should be undertaken as part of a future review of the QPP and/or the drafting of the required content for planning schemes in the new planning legislation.</p> <p><b>Recommendations:</b> Amend—revert back to existing QPP version 3.1 definition of Setback.</p>
6	<p><b>Module B – Definitions – Setback</b> Submitter does not support the proposed change as it is considered adding complexity to determining what the setback requirements are for a structure or a building. Using the outermost projection is a standard and common approach to setbacks applied by local governments and certifiers. It is considered inappropriate to change the approach or create confusion as to where the setback should be measured from. Not including eaves and sun shading devices in the definition is likely to lead to these building elements projecting closer to a side or rear boundary than the <i>Building Act 1975</i> has traditionally permitted (the only restriction on the eave setback in this scenario would be the BCA which has a minimum 450mm setback to a boundary for an eave for a Class 1 building for fire separation purposes), resulting in potential loss of amenity and overshadowing being suffered by residents on adjoining allotments. The term 'sun shading device' should also be defined to clarify the types of structures that are to fit within the definition.</p>	<p><b>Comments:</b> Noted. Flexibility already exists to local governments to include their own administrative definition for 'Sun shading device' if deemed necessary. Refer to DILGP's comments to Submitter #5 above.</p> <p><b>Recommendations:</b> Amend—revert back to existing QPP version 3.1 definition of Setback.</p>
12	<p><b>Module B – Definitions – Setback</b> Submitter concerned that the proposed amendment will allow eaves and sun shading devices to project into that setback distance. While there is no objection to allowing roof gutters, other rainwater fittings and retractable structures to project into that building setback, eaves and non-retractable sun shading devices can be quite extensive and should not be automatically excluded from normal setback requirements (refer to parts MP 1.1 and MP 1.2 of the QDC). However, any change that allows a local authority to establish minimum setback distances to individual elements of buildings and structures, (for example, lesser setbacks for roofs than those applying to walls and columns), rather than just their outer most projection would be beneficial.</p>	<p><b>Comments:</b> Noted. Refer to DILGP's comments to Submitter #5 above.</p> <p><b>Recommendations:</b> Amend—revert back to existing QPP version 3.1 definition of Setback.</p>
8	<p><b>Module B – Definitions – Site cover</b> Submitter notes that Site cover is measured to the 'outermost projection' of the building. This is problematic when considering roof overhangs (eaves) and the like and tends to discourage the provision of eaves in the design of buildings.</p>	<p><b>Comments:</b> Noted and agreed.</p> <p><b>Recommendations:</b> Amend—to exclude eaves and</p>

	Submitter also notes that eaves and sun shading devices are proposed to be excluded from the definition of setback. As such, submitter recommends that the definition of site cover be amended to exclude roof overhangs (eaves) and sun shading devices.	sun shading devices from the definition of site cover.
<b>Schedule 2—Mapping</b>		
2	<b>Module B – Mapping – Mandatory component</b> Recommend optional components should be extended to mapping colours and symbology which still appear as mandatory. It should be very clear where variations are allowed. In submitter's experience many of the mandated colours and symbols have been unsatisfactory in clearly conveying the necessary information	<b>Comments:</b> Noted. This matter will be investigated as part of a future review of the QPP and/or the drafting of the required content for planning schemes in the new planning legislation.  <b>Recommendations:</b> No change.
13	<b>Module B – Mapping – Mandatory component</b> Submitter requests that the amendments be made to provide more optional provisions around mapping requirements (for example colours, elements and symbology).	<b>Comments:</b> Noted. This matter will be investigated as part of a future review of the QPP and/or the drafting of the required content for planning schemes in the new planning legislation.  <b>Recommendations:</b> No change.
7	<b>Module B – Mapping – Table 5 Mandatory zone symbology</b> Submitter is concerned about the use of graduated colours alone to clearly differentiate the suite of zones. Submitter maintains that the addition of a symbol or letter to the zone colour would greatly assist determination of zones in the mapping.	<b>Comments:</b> Noted and agreed.  <b>Recommendations:</b> Amend—to include an editor's note clarifying that a symbol or letter may be added to zones maps where it is required to improve legibility of mapping.
1	<b>Module B – Mapping – Table 8 Overlay data symbology</b> Submitter maintains that the mapping symbology requirements in Schedule 2 should be consistent with other components of the QPP. For example, several changes have been made in Part 8 Overlays, but have not been carried forward into Schedule 2: <ul style="list-style-type: none"> <li>• 'bird and bat strike zone' has been revised to 'wildlife hazard buffer zone' in Part 8, but Schedule 2 still refers to 'bird and bat strike zone'</li> <li>• 'building restricted areas' has been added as a component of the Airports environs overlay in Part 8, but no mapping symbology has been set in Schedule 2</li> <li>• 'wetlands' is not listed as a standard overlay in</li> </ul>	<b>Comments:</b> Noted and agreed.  <b>Recommendations:</b> Amend—to correct any typographical errors or inconsistencies.

	<p>Part 8, but mapping symbology is set in Schedule 2</p> <ul style="list-style-type: none"> <li>'landscape heritage' is referred to in Part 8 whereas Schedule 2 refers to 'landscape character'.</li> </ul> <p>As such, submitter requests Schedule 2 be amended to align with other changes in the QPP.</p>	
<b>Schedule 4—Notations required under the <i>Sustainable Planning Act 2009</i></b>		
12	<p><b>Module B – SC4.3 Notations of registration for urban encroachment provisions under section 680ZE of the Act – Optional component</b></p> <p>Submitter notes that the 'urban encroachment notation' provisions are proposed to become optional rather than mandatory. Presumably, it will only be optional if no urban encroachment registrations are applicable to the planning scheme area, but that needs to be made clear in the document.</p>	<p><b>Comments:</b></p> <p>Noted. Where urban encroachment provisions are applicable to the planning scheme area, DILGP considers that the inclusion of this information is useful to planning scheme users and recommended as best practice. Flexibility has been provided to enable local governments to choose what best suits local circumstances. No additional guidance is necessary.</p> <p><b>Recommendations:</b></p> <p>No change.</p>
<b>Schedule 5 —Land designated for community infrastructure</b>		
12	<p><b>Module B – Optional component</b></p> <p>Submitter notes that details of land designated for community infrastructure is proposed to become optional rather than mandatory. Presumably, it will only be optional if no community infrastructure designations are applicable to the planning scheme area, but that needs to be made clear in the document.</p>	<p><b>Comments:</b></p> <p>Noted. Where community infrastructure designations are applicable to the planning scheme area, DILGP considers that the inclusion of this information is useful to planning scheme users and recommended as best practice. Flexibility has been provided to enable local governments to choose what best suits local circumstances. No additional guidance is necessary.</p> <p><b>Recommendations:</b></p> <p>No change.</p>
<b>Appendix 1— Index and glossary of abbreviations and acronyms</b>		
12	<p><b>Module B – Optional component</b></p> <p>Submitter notes that the list of abbreviations and acronyms are proposed to become optional rather than mandatory. Presumably, it will only be optional if no abbreviations or acronyms are applicable to the planning scheme area, but that needs to be made clear in the document.</p>	<p><b>Comments:</b></p> <p>Noted. Where abbreviations or acronyms are applicable to the planning scheme area, DILGP considers that the provision of an index and glossary is useful to planning scheme users and recommended as best practice. Flexibility has been provided to enable local governments to choose what best suits local circumstances. No additional guidance is necessary.</p>

		<p><b>Recommendations:</b> No change.</p>
<b>Appendix 2—Table of amendments</b>		
5	<p><b>Module B – Optional component</b></p> <p>Submitter recommends that Appendix 2 Table of amendments remains a mandatory component of a planning scheme. This is because it helps the reader to quickly ascertain if they need to consider the current or 'older' version of the planning scheme; particularly if they are looking for guidance on whether historic use rights are lawfully protected.</p>	<p><b>Comments:</b></p> <p>Noted. DILGP considers that the provision of this information is useful to planning scheme users and recommended as best practice. However the presence of this information is not essential for the effective and efficient operation of planning scheme. As such, flexibility has been provided to enable local governments to choose what best suits local circumstances.</p> <p><b>Recommendations:</b> No change.</p>
12	<p><b>Module B – Optional component</b></p> <p>Submitter notes that the table of amendments made to the planning scheme are proposed to become optional rather than mandatory. Presumably, it will only be optional if no amendments are applicable to the planning scheme area, but that needs to be made clear in the document.</p>	<p><b>Comments:</b></p> <p>Noted. DILGP considers that the provision of a table of amendments is useful to planning scheme users and recommended as best practice. However the presence of this information is not essential for the effective and efficient operation of planning scheme. As such, flexibility has been provided to enable local governments to choose what best suits local circumstances. No additional guidance is necessary.</p> <p><b>Recommendations:</b> No change.</p>





## Appendix 1 – Index and glossary of abbreviations and acronyms

Abbreviation/ acronym	Description
AEP	Annual Exceedance Probability
BAP	Building Assessment Provision
BCA	Building Code of Australia
DAFF	Department of Agriculture, Fisheries and Forestry
DFE	Defined Flood Event
DHFA	Declared Fish Habitat Area
DFL	Defined Flood Level
DILGP	Department of Infrastructure, Local Government and Planning
GFA	Gross Floor Area
MCU	Material change of use
QDC	Queensland Development Code
QPP	Queensland Planning Provisions
SPP	State Planning Policy
The Regulation	<i>Sustainable Planning Regulation 2009</i>
SPRP	State Planning Regulatory Provision
The Act	<i>Sustainable Planning Act 2009</i>
TLPI	Temporary Local Planning Instrument

