

5 February 2016

Hon J A Trad MP  
Deputy Premier, Minister for Transport,  
Minister for Infrastructure, Local Government and  
Planning and Minister for Trade  
Parliament House  
George Street  
Brisbane QLD 4000

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Dear Minister

**Subject: Planning instruments**

Thank you for the invitation to make a submission on the Planning instruments.

Master Builders strongly supports planning reform that provides greater certainty and consistency of outcomes. The lack of certainty adds delay which in turn adds to the cost of development, impacting significantly on affordability.

The key issue for the building and construction sector is to ensure that building work is not unduly caught up in local government planning schemes. In order to achieve consistency with the Building Act 1975, building work must be regarded as 'accepted development'. In particular we refer you to Section 31(3) of the Act which states that building assessment provisions "cannot be changed under a local law, local planning instrument or local government resolution."

Master Builders, therefore, regards Schedule 7 Part 1(2) of the draft regulation which prohibits class 1 and class 10 buildings from being categorised as 'assessable development' as essential.

We remain concerned with the subsequent exception in Schedule 7 Part 1 1(2)(d)(i) that allows for a class 1 or class 10 building to be 'assessable development' in the cases where there is an overlay. Allowing such an unbounded exception in effect negates the initial requirement.

We are aware of no circumstances where a planning instrument would be better placed to evaluate building work than the existing requirements called up by the Building Act. Allowing planning overlays to provide an exception to the rule is not appropriate.

If the exception remains, it must be bounded. Where an overlay is relevant to a development and there is an existing code (either state or local government) or Australian standard, the regulation must

ensure that can be self-assessed under the 'accepted development' path. 'Assessable development' should only be triggered by proposals that cannot demonstrate that they meet these requirements.

This scenario is illustrated in the example of acid sulfate soils. The assessment of whether a development meets the special requirements of acid sulfate soil needs to be made against the Queensland Government's *Queensland acid sulfate soils technical manual: legislation and policy guide*. A building certifier is best qualified to undertake this assessment. Introducing a second layer of assessment by a planner, at best, adds delay and at worst imposes contradictory requirements on a development.

While we commend the work that has been done on the new planning framework, it will be in the implementation of this framework that the genuine, lasting results of planning reform can be achieved.

We look forward to continuing to work with the government towards this end.

Yours sincerely



**Paul Bidwell**  
**Deputy Executive Director**