

13 June 2025

The Hon. Samuel O'Connor MP  
Minister for Housing and Public Works  
Minister for Youth  
EMAIL:

Dear Minister,

**Request for Amendment to Queensland Development Code (QDC) 4.1**

I am writing to urge your consideration of an amendment to QDC 4.1 Sustainable Buildings, in light of emerging concerns regarding the application of the energy efficiency concession for class 1 buildings, where a compliant outdoor living area is provided (1 Energy efficiency – class 1 buildings).

It is understood that your Department is planning to issue guidance clarifying that the concession applies solely to the thermal performance component, and not to the whole-of-home energy performance requirements. I strongly urge that you do not take this step.

As currently drafted, QDC 4.1 may be reasonably interpreted to mean that a whole-of-home assessment—covering the energy usage of a building—is not required when the concession is applied. At the same time, the QDC does clearly provide an acceptable solution, incorporating nominal credits, to design and build homes that achieve an equivalent 7-star NatHERS thermal performance rating.

Due to ambiguity in the drafting, many practitioners have, in good faith, interpreted the concession as applying to both thermal and whole-of-home energy performance requirements. Any attempt now to redefine the scope of the concession to exclude whole-of-home elements creates significant risk of retrospective non-compliance. This would potentially expose builders, certifiers, and homeowners to liability through no fault of their own.

We understand that the Department has acknowledged this ambiguity and is preparing guidance to clarify that whole-of-home assessments are always required. However, this approach unnecessarily exposes practitioners to the risk of liability from compliance action brought by government regulators, clients or subsequent homeowners. Since QDC 4.1 came into effect on 1 May 2024, approximately 22,000 class 1 dwellings have been approved across Queensland. If even half of these approvals relied on the broader interpretation of the concession, up to 10,000 homes could now be deemed non-compliant—excluding renovations, which would further increase this figure.

Further, this situation exemplifies the complexity and confusion that continues to arise from the implementation of NCC 2022, particularly in relation to energy efficiency requirements.

It reinforces Master Builders call for these provisions, along with the livable housing provisions, to be made voluntary.

We urge you to amend QDC 4.1 to explicitly state that the concession includes an exemption to the whole-of-home energy requirements. Alternatively, if the government intends to clarify that a whole-of-home assessment is required, the QDC should be amended to make this requirement effective from a clearly stated date going forward—ensuring those who acted in good faith under the previous interpretation are not penalised retrospectively.

I would welcome the opportunity to discuss this issue further and can be contacted on 0488 088 528.

Regards,

Paul Bidwell  
CEO