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Siting Requirements

The Department has received a number of enquiries concerning the “alternative siting provisions” of the Standard Building Regulation (SBR). The following may be of assistance when considering Part 3 of the SBR.

The Queensland Residential Design Guidelines (QRDG)

The SBR, and many local government planning instruments, contain provisions that enable the QRDG to be applied to class 1 buildings. There are a number of issues that need to be considered when assessing development applications that may be subjected to the Guidelines. For example:

- (a) Where the planning instrument specifies requirements that are in excess of or different to those required by 45 (1)(b), what takes precedent (refer to Schedule 7 of the SBR, which limits the application of the QRDG)?
- (b) Does the local government still have to make a decision by resolution to apply the provisions of section 45 (1) (b) of the SBR?
- (c) Can the requirements of section 45 be applied to attached class 1 buildings?

Part 3 of the SBR does not override any planning scheme requirements which cover siting for detached housing (refer to section 3 of the SBR and section 3.1.3(4) of the IPA). If a provision of Part 3 of the SBR is inconsistent with a provision of a planning instrument and cannot be read to resolve the inconsistency, the provision of the SBR ceases to apply to the particular case.

If the requirements of the SBR are not inconsistent with the planning scheme, then they must be complied with in addition to any planning provisions. If a planning instrument addresses all of the issues nominated in Schedule 7 of the SBR, there is not a need to introduce a resolution under section 45(1)(b) of the SBR. In fact, it is desirable that it not be introduced so as to avoid possible confusion.

However, if the local government wishes to apply the alternative siting requirements of the SBR because the planning instrument does not address all of the matters referred to in Schedule 7, a resolution must be made pursuant to section 45 of the SBR. If the local government wants to apply the QRDG to **attached housing** (part 3 of the Regulation only applies to detached housing), a resolution pursuant to section 35 of the Standard Building Regulation, must also be made. In both cases, the resolutions can only apply to the provisions mentioned in Schedule 7 of the Regulation.

Page 1 of 2



Department of
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Road boundary clearances on corner allotments

Another matter that requires some clarification concerns the placement of a building or structure on a corner allotment.

Section 47(2) of the SBR requires a building or structure on a corner allotment to be constructed in accordance with the distances stated in division 2 (i.e. 6 meters from each road frontage).

Section 47(3) provides the means to enable a building owner to apply reduced boundary clearances, on one road frontage nominated by the local government, without the need for any variation to be approved by the local government. Once the appropriate road boundary clearance has been nominated by the local government, a building or structure may be built up to the prescribed distances shown in Schedule 11 of the SBR.

Note: Where an application is submitted to a private certifier for assessment, Section 20 of the SBR requires the local government to nominate, in writing, the road frontage to which the reduced setback will apply before the private certifier decides the application.

However, **section 48** of the SBR allows a local government to vary the requirements of division 2 for a specific application. The distance to one or more road frontages may be reduced to whatever extent the local government thinks is appropriate after taking into account the matters raised in section 48(2) of the SBR.

Note: Where an application is submitted to a private certifier for assessment under section 48 of the SBR, Section 20 requires the local government to approve of the siting of a building or structure, in writing, before the private certifier decides the application.