

ANNEXURE - BUILDING SETBACK CLARIFICATION

Clarification accompanying the LVRC Decision Notice agreeing to apply a superseded planning scheme.

Decision Notice dated 17/09/2024

In accordance with this development approval, Lockyer Valley Regional Council agreed to apply Version 2 of the Gatton Shire Planning Scheme 2007 to development that was, under the superseded planning scheme, accepted development. Dwelling houses on the lots identified in the Decision Notice are therefore accepted development and assessed against the relevant benchmarks identified in the superseded planning scheme.

Application of the Queensland Development Code

The Gatton Planning Scheme contains building setback distances in Table 6.9.2, including a 10-metre setback in certain circumstances. However, Implementation Note 1 - Building Work Code clarifies that the setback table applies to Class 2 to 9 buildings only.

Landowners proposing a Class 1 dwelling house may apply the relevant boundary setback provisions of the Queensland Development Code (QDC), rather than automatically applying the setbacks shown in Table 6.9.2, where the provisions of the Implementation Note and other applicable requirements are satisfied.

Official planning scheme extract

Implementation Note 1 - Building Work Code, section 1.6 (Gatton Shire Planning Scheme, page 429).

1.6 Implementation

Table 6.9.2 Building Setbacks apply to Class 2 to 9 buildings only.

A Dwelling house (including ancillary buildings nad structures) complying with the boundary setbacks contained in {reference} in the Queensland Development Code is Self Assessable in the following zones;

Rural Uplands
Rural General and Rural Agriculture
(unless in the Tenthill Historic Subdivision Area)
Emerging Communities

Rural Residential Village
Urban Residential Park
Residential.

A copy of this Implementation Note is to be attached to Form 19 and Recorded by the Council with the approval.

Important qualification

Section 1.6 identifies the zones in which the QDC setback approach is contemplated. Section 1.4 also states that any applicable setback in a Zone Code or use-specific Development Code prevails over the Building Work Code and Table 6.9.2. Relevant lot conditions and approval requirements must also be considered.