

IDAS IMPLEMENTATION NOTES

Note 23

Building format plans (BFPs)

The *Integrated Planning Act 1997* (IPA) sets out a different assessment regime for building format plans with and without a land component. This implementation note clarifies the circumstances in which a development application is required for a building format plan.

1.0 Level of assessment

The IPA defines the creation of lots by subdividing another lot as “development”, being reconfiguring a lot [s.1.3.5].

Schedule 8 of the IPA makes reconfiguring a lot assessable development, except in certain circumstances [Sch 8, Part 1]. One of these exceptions is where the plan of subdivision is a building format plan that **does not** subdivide land. In this circumstance, the reconfiguration is not assessable development and cannot be made assessable under a planning scheme [Sch 9, Table 3, Item 2(a)].

However, where the plan of subdivision is a building format plan that subdivides land, the development is assessable.

While Schedules 8 and 9 clearly distinguish the assessment regime for these two (2) forms of development, further clarification is required as to the circumstances in which a building format plan involves land.

2.0 Building format plans and community titles schemes

Building format plans create common property and lots within buildings or structures, and may also subdivide land. A subdivision involving common property and at least two (2) lots is referred to as a community titles scheme. The *Body Corporate and Community Management Act 1997* (BCCM) regulates the establishment and administration of community titles schemes.

3.0 Community management statements

A community titles scheme comprises lots and common property, as well as a community management statement and body corporate. Community management statements govern the use of the common property by body corporate members.

4.0 Building format plans with a land component

Building format plans typically create parcels within buildings and structures however may also include other elements such as balconies, courtyards, private yards and external garages. Many of these other elements will include a land component, most typically private yards. The building format plan will also include common property.

A building format plan that subdivides land will include some of these other elements within the individual lots, in addition to part of the building or structure.

5.0 Building format plans without a land component

A building format plan that does not subdivide land will not include these other elements as part of an individual lot. Instead these other elements will fall within the common property. For example, an

Example: An apartment building where the individual lots within the building format plan include part of the building as well as private yards will involve a land component.

To contact us:

PO Box 15031 City East
QLD 4002
(07) 3235 71279
www.ipa.qld.gov.au

apartment building where the individual lots within the building format plan only include part of the building or structures on the land and will not involve a land component.

Note: Plans attached to the community management statement may identify exclusive use rights over part of the common property. This is a typical approach to providing for the private use of courtyards or car spaces, without these areas being included in an individual lot and shown on the title. In this instance, the land remains within the common property and therefore does not constitute the subdivision of land

6.0 Endorsement of the plan of subdivision

Regardless of whether the subdivision requires a development application, the plan of subdivision is required to be endorsed by the local government prior to registration of the title. The community management statement must also be endorsed by the local government.

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