

Queensland



# **BUILDING ACT AMENDMENT ACT 1991**

**Act No. 52 of 1991**

# Queensland



## BUILDING ACT AMENDMENT ACT 1991

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Queensland



## **Building Act Amendment Act 1991**

**Act No. 52 of 1991**

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**An Act to amend the Building Act 1975-1990 in certain particulars  
and for related purposes**

*[Assented to 10th September, 1991]*

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

## **PART 1—PRELIMINARY**

### **Short title**

**1.1** This Act may be cited as the *Building Act Amendment Act 1991*.

### **Commencement**

**1.2(1)** Section 1.1 and this section commence on the day this Act is assented to for and on behalf of Her Majesty.

**(2)** Except as provided by subsection (1), the provisions of this Act commence on the day or days appointed by Proclamation for their commencement.

## **PART 2—AMENDMENT OF BUILDING ACT**

### **Principal Act and citation as amended**

**2.1(1)** In this Part the *Building Act 1975–1990* is referred to as the Principal Act.

**(2)** The Principal Act as amended by this Part may be cited as the *Building Act 1975–1991*.

### **Repeal of s. 3. Arrangement of Act**

**2.2** The Principal Act is amended by repealing section 3.

### **Amendment of s. 4. Crown to be bound**

**2.3** Section 4 of the Principal Act is amended by—

(a) in subsection (1), omitting paragraph (b);



- (b) in subsection (4)—
  - (i) omitting from the first paragraph the word “regulations” and substituting the words “the Standard Building By-laws”;
  - (ii) omitting the second paragraph;
- (c) in subsection (5)(a)(ii), omitting all words from and including the words “, and the Gold Coast” to and including the word “By-laws” and substituting the words “in respect of the carrying out of building work not being a building classified in Part A3 of the Building Code of Australia as forming part of the Standard Building By-laws”.

#### **New s. 4A**

**2.4** The Principal Act is amended by inserting after section 4 the following section:—

#### **‘Use of Crown buildings in emergency**

**‘4A.(1)** In so far as the provisions of this Act as relate to the classification of buildings under the Standard Building By-laws regulate the use to be made of such buildings, those provisions do not extend to and bind the Crown in right of the State where the use in question is authorized by the prescribed Minister.

**(2)** The prescribed Minister is not to authorize the use of a building for a purpose that is contrary to the provisions referred to in subsection (1) unless the prescribed Minister is of the opinion that an emergency situation exists or is likely to exist such as justifies that use and the building is structurally adequate and reasonably suitable for that use.

**(3)** For the purposes of this section a board, authority or statutory body that is deemed to represent the Crown in right of the State for the purposes of section 4 is deemed to represent the Crown in right of the State for the purposes of this section.

**(4)** For the purposes of this section the expression “prescribed Minister” means—

- (a) in the case where a department of the Government of the State is responsible for the building in question, the Minister of the Crown for the time being administering that department;

and

- (b) in the case where a board, authority or statutory body that represents the Crown in right of the State is responsible for the building in question, the Minister of the Crown for the time being administering the Act under which the board, authority or body is constituted.”.

### **Amendment of s. 5. Interpretation**

**2.5** Section 5 of the Principal Act is amended by—

- (a) in the definition “building” inserting after the word “includes” the words “a floating building and”;
- (b) inserting after the definition “building” the following definition:—

“ **“Building Tribunal”** means a Building Tribunal constituted under Part III;”;

- (c) in the definition “building work”—
  - (i) inserting in paragraph (a), after the words “removal,”, the words “repair, placing,”;
  - (ii) inserting in paragraph (b), after the words “removal,”, the words “repair, placing,”;
  - (iii) omitting the expression “:” occurring at the end of paragraph (b) and substituting the expression “;”;
  - (iv) inserting after paragraph (b) the following paragraph:—

“(c) the making of any excavation or filling—

- (i) for the purpose of facilitating the construction or erection of any building or other structure (whether now or at some future time) if the excavation may adversely affect the stability of, or the filling is likely to encroach upon, any land adjoining the allotment on which the excavation is made or the filling occurs;

or

- (ii) that may adversely affect the stability of any building or

other structure on the allotment on which the excavation is made or the filling occurs or on any land adjoining that allotment.”;

- (d) omitting the definition “Minister” and substituting the following definition:—

“**“Minister”** means the Minister of the Crown for the time being charged with the administration of this Act and includes a Minister of the Crown who, for the time being, is performing the duties of the Minister;”;

- (e) inserting after the definition “owner” the following definition:—

“**“Registrar”** means the Registrar of Building Tribunals appointed under section 20;”;

- (f) inserting after the definition “structure” the following definitions:—

“**“The Commissioner of Fire Service”** means the corporation sole constituted under section 15 of the *Fire Service Act 1990*;

**“this Act”** includes the Schedule;

**“underpinning”** means the provision of support (whether permanent or temporary and including vertical or lateral support) for any land, building or other structure.”;

- (g) omitting the definition “Tribunal”.

## **Repeal of ss. 12A and 12AA**

**2.6** The Principal Act is amended by repealing sections 12A and 12AA.

## **Amendment of s. 12B. Variation of Standard Building By-laws**

**2.7** Section 12B of the Principal Act is amended by—

- (a) in subsection (1), omitting the words “the By-laws Variation Sub-Committee for a variation of those by-laws” and substituting the words “have those by-laws varied by a Building Tribunal”;
- (b) in subsection (4)(a), omitting the words “secretary to the Building Advisory Committee” and substituting the word “Registrar”.

**New s. 12BA**

**2.8** The Principal Act is amended by inserting after section 12B the following section:—

**‘Constitution of Building Tribunal**

**‘12BA.(1)** Upon receipt by the Registrar of a duly completed application under section 12B, the Registrar shall refer the matter of the application to the Director who shall thereupon constitute a Building Tribunal to determine the application.

**(2)** The Registrar—

(a) shall give to the member composing, or the chairperson of, the Building Tribunal the writing constituting the tribunal and the application or, if the application is not readily available, a copy thereof;

and

(b) shall give to each of them, the applicant and the Clerk of the Local Authority to which a copy of the application is to be given under section 12B(4)(b), a copy of the writing constituting the Building Tribunal that is to determine the application.’

**Amendment of s. 12C. Determination of application to vary**

**2.9** Section 12C of the Principal Act is amended—

(a) in subsection (1)—

(i) by omitting the words “The By-laws Variation Sub-Committee” and substituting the words “A Building Tribunal”;

(ii) by, in paragraph (a), omitting the words “to it”;

(b) in subsection (2)—

(i) by, in the first paragraph, omitting the words “secretary to the Building Advisory Committee” and “Sub-Committee’s” and substituting the word “Registrar” and the words “Building Tribunal’s” respectively;

(ii) by, in the second paragraph, omitting the word

“Sub-Committee” and substituting the words “Building Tribunal”.

### **Amendment of s. 12D. Effect of variation**

**2.10** Section 12D of the Principal Act is amended by—

- (a) omitting the words “the By-laws Variation Sub-Committee” and substituting the words “a Building Tribunal”;
- (b) omitting the words “to it”;
- (c) omitting the word “sub-committee’s” (where it twice occurs) and substituting in each case the words “Building Tribunal’s”.

### **Amendment of s. 12E. Appeal from sub-committee’s decision**

**2.11** Section 12E of the Principal Act is amended by—

- (a) in the note appearing in and at the beginning of the section, omitting the word “**sub-committee’s**” and substituting the words “**Building Tribunal’s**”;
- (b) in subsection (1), omitting the words “aggrieved by a decision of the By-laws Variation Sub-Committee” and substituting the words “dissatisfied with a decision of a Building Tribunal under section 12C”;
- (c) in subsection (2), omitting the words “sub-committee’s decision is given to the applicant by the secretary to the Committee, and not later, by lodging with such secretary” and substituting the words “Building Tribunal’s decision is given to the applicant by the Registrar, and not later, by lodging with the secretary to the Committee”;
- (d) in the second paragraph of subsection (4), omitting the word “secton” and substituting the word “section”.

### **Amendment of s. 12F. Procedure on appeal**

**2.12** Section 12F of the Principal Act is amended—

- (a) by, in subsection (1), omitting the word “chairman” and

- substituting the word “chairperson”;
- (b) by, in subsection (2), omitting the word “sub-committee” and substituting the words “Building Tribunal”;
- (c) in subsection (4)—
- (i) by, in paragraph (c)(ii), inserting after the word “it” the words “in such manner and to such extent”;
- (ii) by adding at the end of the subsection the following paragraph:—

“The power of the Committee to vary the decision appealed against includes the power to revoke that decision and approve the application in respect of which the decision was made, with or without conditions.”;

- (d) in subsection (5)—
- (i) inserting after the word “appellant” the words “, the Registrar”;
- (ii) omitting the words “to the By-laws Variation Sub-Committee”.

### **Amendment of s. 12G. Effect of Committee’s decision**

**2.13** Section 12G of the Principal Act is amended by—

- (a) numbering the present provision as subsection (1) and in that subsection—
- (i) omitting the words “the By-laws Variation Sub-Committee” and substituting the words “a Building Tribunal under section 12C”;
- (ii) omitting from paragraph (b) the word “sub-committee’s” and substituting the words “Building Tribunal’s”;
- (iii) omitting from paragraph (c) the words “the sub-committee” and substituting the words “a Building Tribunal”;
- (b) adding at the end thereof the following subsections:—

“(2) Where the decision of the Committee referred to in subsection (1) is not appealed pursuant to this Act, that decision takes effect upon the expiration of the period within which any such appeal could have been duly

instituted.

(3) An appeal duly instituted pursuant to this Act against a decision of the Committee referred to in subsection (1) acts as a stay of that decision until the appeal is disposed of or struck out.”.

### **Amendment of s. 14. Provisions to effectuate s. 13**

**2.14** Section 14 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:—

“(2) The provisions of section 13 apply not only in relation to the initial coming into operation of the Standard Building By-laws within an Area but also in relation to the coming into operation of—

(a) the Standard Building By-laws substituted by the *Building Act Amendment Act 1991* in respect of that Area;

and

(b) the Standard Building By-laws as duly amended or as duly modified in respect of that Area from time to time,

and for that purpose the expression “the coming into operation of the Standard Building By-laws” is to be construed to include reference to the coming into operation of—

(c) the Standard Building By-laws referred to in paragraph (a);

and

(d) the Standard Building By-laws as so duly amended or modified at the material time.”.

### **Repeal of Part IIA**

**2.15(1)** The Principal Act is amended by repealing sections 14A to 14G (both inclusive) and the heading immediately preceding section 14A.

(2) Upon the commencement of this section, the members of the By-laws (Expo '88) Variation Committee constituted under section 14C of the Principal Act go out of office.

**Amendment of heading**

**2.16** The Principal Act is amended by, in the heading immediately preceding section 15, omitting the words “APPOINTMENT OF REFEREES” and substituting the words “REFEREES AND BUILDING TRIBUNALS”.

**Amendment of s. 15. Appointment of referees**

**2.17** Section 15 of the Principal Act is amended, in subsection (3), by omitting the words “for the purposes of this Act” and substituting the words “as a member of a Building Tribunal”.

**Amendment of s. 16. Qualification of referee**

**2.18** Section 16 of the Principal Act is amended—

- (a) in subsection (1) by—
  - (i) in paragraph (a), omitting the expression “1962-1971” and substituting the expression “1985”;
  - (ii) in paragraph (b), omitting the expression “1929-1973” and substituting the expression “1988”;
  - (iii) in paragraph (d), omitting the words “construction,” and substituting the words “construction; or”;
  - (iv) inserting after paragraph (d) the following paragraph:—
    - “(e) considered by the Minister to have a knowledge of this Act or of matters relating to fire safety such as would enable the person to adequately discharge the functions of a referee.”;
  - (v) omitting the words “and he is not a member of the Committee.”;
- (b) in subsection (2) by inserting after the words “Department of ” the words “Housing and”.



**Amendment of s. 18. Remuneration of referee**

**2.19** Section 18 of the Principal Act is amended by—

- (a) inserting after the word “referee” the words “, as a member of a Building Tribunal,”;
- (b) adding at the end of the section the following paragraph:—

“A referee who is an officer of the Public Service of the State shall not be paid any remuneration on account of acting as a member of a Building Tribunal during the referee’s ordinary hours of duty as such an officer but shall be entitled to expenses necessarily incurred by him or her in so acting.”.

**Amendment of s. 19. Referee to make declaration**

**2.20** Section 19 of the Principal Act is amended by omitting the words “enters upon the duties of his appointment” and substituting the words “first sits as a member of a Building Tribunal”.

**New ss. 19A and 19B**

**2.21** The Principal Act is amended by inserting after section 19 the following sections:—

**‘Building Tribunals**

**‘19A.(1)** There shall be constituted from time to time for the purposes of this Act one or more tribunals each to be known as a Building Tribunal.

**(2)** Subject to this Act a Building Tribunal shall determine any matters arising for its determination with all reasonable despatch.

**(3)** A Building Tribunal has jurisdiction to determine any matter referred to it under this Act.

**‘Membership of Building Tribunal**

**‘19B.(1)** A Building Tribunal may consist of one but shall consist of not more than 3 referees nominated in writing by the Director having regard to the matter or matters with which the Building Tribunal is to deal.

**(2)** A Building Tribunal that is to consider an application for a variation

of the Standard Building By-laws under section 12B made by the Crown in right of the State or a board, authority or statutory body deemed to represent the Crown in right of the State for the purposes of section 4 shall—

(a) where the tribunal is to consist of one referee only— have as its member a referee employed by the Crown in right of the State;

or

(b) where the tribunal is to consist of 2 or more referees—have at least one member who is a referee employed by the Crown in right of the State.

(3) In respect of a Building Tribunal that is to consist of 2 or more referees, the Director shall—

(a) consult with a representative of the Local Government Association of Queensland in respect of the nomination of at least one of the referees;

and

(b) in the writing nominating the referees as members of the tribunal, appoint one of their number as chairperson of the tribunal.”.

### **New ss. 19C, 19D and 19E**

**2.22** The Principal Act is amended by inserting after section 19B the following sections:—

#### **‘Procedure of Building Tribunal**

**‘19C.(1)** A Building Tribunal shall meet at such times and places as it determines and conduct its business in the manner prescribed or, in so far as the manner is not prescribed, as it thinks fit.

**(2)** A matter arising for determination by a Building Tribunal consisting of 2 or more members shall be determined by majority vote of its members present at a meeting.

**(3)** The chairperson of a Building Tribunal shall have a deliberative vote and, in the event of an equality of votes, a casting vote.

**(4)** An act or determination of a Building Tribunal shall not be invalid by reason only of a defect or irregularity in the nomination of a member of the tribunal or the appointment of a referee who is such a member.

**‘Constitution of Building Tribunal**

**‘19D.(1)** A Building Tribunal constituted to determine an objection or application must continue to be composed of the same persons.

**(2)** If a Building Tribunal is unable to enter upon or complete the determination of an objection or application, the Director may constitute another Building Tribunal to deal with the matter *de novo*.

**‘Referee not to act as member of Building Tribunal in certain cases**

**‘19E.(1)** A referee shall not act as a member of a Building Tribunal in respect of an objection or application—

(a) that concerns any building or other structure of which he or she is the owner or for which he or she is the architect, engineer, planner or builder, or in which he or she has directly or indirectly a specific interest;

or

(b) that concerns any building or other structure that is to be situated or is situated in the Area of a Local Authority of which he or she is an officer or member.

**(2)** A referee who is employed by the Crown in right of the State or by a board, authority or statutory body deemed to represent the Crown in right of the State for the purposes of section 4 shall not act as a member of a Building Tribunal in respect of an application under section 12B if the referee—

(a) is employed in the department of the Government of the State making the application or responsible for carrying out the building work to which the application relates;

or

(b) is employed by the board, authority or statutory body making the application.”.

**Repeal of and new s. 20. Function of referee**

**2.23** The Principal Act is amended by repealing section 20 and substituting the following section:—

**‘Appointment of Registrar and other officers**

**‘20.(1)** The Governor in Council may, from time to time, by notification published in the Gazette appoint a Registrar of Building Tribunals and such other officers as he thinks necessary for the effectual discharge of the functions of Building Tribunals.

**(2)** An officer of the Public Service of the State may be appointed under subsection (1) or may be assigned by the Director to perform duties to assist Building Tribunals and may hold such appointment or perform such duties in conjunction with any other appointment he holds in the Public Service.”.

**Repeal of Part IIIA**

**2.24** The Principal Act is amended by repealing sections 20A to 20G (both inclusive) and the heading immediately preceding section 20A.

**Amendment of s. 22. Membership of Committee**

**2.25** Section 22 of the Principal Act is amended by—

- (a) omitting paragraphs (a) and (b) and substituting the following paragraph:—
  - “(a) two representatives of the Department of Housing and Local Government (one of whom shall be chairperson) nominated by the Minister of the Crown who for the time being is responsible for that department;”;
- (b) in paragraph (c), omitting the words “Works nominated by the Minister for Works and Housing” and substituting the words “Administrative Services nominated by the Minister of the Crown who for the time being is responsible for that department”;
- (c) in paragraph (d), omitting the words “*Fire Safety Act 1974–1985*” and substituting the words “*Fire Service Act 1990*”;
- (d) in paragraph (j), omitting the words “Organization of Queensland nominated by that organization” and

substituting the words “Organisation of Australia nominated by that organisation”.

### **Amendment of s. 23. Appointment of members of Committee**

**2.26** Section 23 of the Principal Act is amended by adding at the end of subsection (1) the following paragraph:—

“In the notification appointing the members referred to in section 22(a) the Governor in Council shall appoint one of them to be chairperson of the Committee.”.

### **Amendment of s. 25. Casual vacancies**

**2.27** Section 25 of the Principal Act is amended by inserting the following subsection after subsection (1)—

“(1A) Where the vacancy is in the office of the member who was chairperson of the Committee, the Governor in Council, by notification published in the Gazette, may appoint one of the members referred to in section 22(a) to be chairperson.”.

### **Repeal of and new s. 26**

**2.28** The Principal Act is amended by repealing section 26 and substituting the following section:—

#### **‘Nomination of deputy members**

**‘26.(1)** A person or body who or which is entitled, pursuant to section 22, to nominate a person to be a member of the Committee may from time to time nominate another person as the deputy of the member nominated by that person or body.

**(2)** Where pursuant to subsection (3) of section 23 a person or body is required to nominate a person to be a member of the Committee and that person or body fails to duly do so, the person appointed a member of the Committee pursuant to that subsection is, for the purposes of subsection (1) of this section, taken to have been nominated by that person or body.

**(3)** Notification in writing of the nomination of a deputy member,

otherwise than by the Minister, is to be given to the Minister as soon as practicable after that nomination.

(4) The Governor in Council may by notification published in the Gazette appoint the nominee as a deputy member of the Committee.

(5) For as long as a deputy member's appointment as such continues, the deputy member is entitled to attend meetings of the Committee in the absence of the member for whom that deputy member is deputising and is taken to be a member of the Committee.

(6) The deputy of the member who is chairperson of the Committee is, while attending any meeting in the absence of the chairperson, taken to be the chairperson of the Committee.

(7) The appointment of a person as a deputy member terminates and is of no further effect—

- (a) in the case of an appointment expressed to be for the purpose of any meeting or meetings of the Committee, upon the conclusion of that meeting or, as the case may be, the last of those meetings;
- (b) in the case of an appointment expressed to be for a period, upon the expiration of that period;
- (c) if the member for whom the deputy member is deputising dies or otherwise vacates the office of member.”.

### **Amendment of s. 27. Functions of Committee**

**2.29** Section 27 of the Principal Act is amended by, in paragraph (a), inserting after the word “section” the words “12E or”.

### **Amendment of s. 29. Proceedings of Committee**

**2.30** Section 29 of the Principal Act is amended in subsection (3) by omitting the word “chairman” and substituting the word “chairperson”.

### **Amendment of s. 30. Appointment of officers to assist Committee**

**2.31** Section 30 of the Principal Act is amended by, in subsection (2), inserting after the word “assigned” the words “by the Director”.

**Amendment of s. 30A. Approval to be obtained**

**2.32** Section 30A of the Principal Act is amended by—

- (a) in subsection (1), omitting the words “Penalty: \$500.”;
- (b) omitting subsection (2) and substituting the following subsections:—

“(2) An application to the Local Authority for approval referred to in subsection (1)—

- (a) shall be in or to the effect of the form prescribed therefor in the Standard Building By-laws;  
and
- (b) shall be accompanied by the plans, specifications, information and details prescribed from time to time in the Standard Building By-laws;  
and
- (c) shall be accompanied by the written consent, to the making of the application, of the owner of the land on which the building work is to be carried out if the applicant is not the owner.

An application is not duly made to the Local Authority unless paragraphs (a), (b) and (c) are complied with.

(3) A person shall not, in, or in connexion with, an application to a Local Authority for approval to the carrying out of building work make a statement that is false or misleading in a material particular knowing it to be false or misleading.”.

**Amendment of s. 30B. Powers of Local Authority**

**2.33** Section 30B of the Principal Act is amended by—

- (a) omitting the note appearing in and at the beginning of the section and substituting the words “**Action by Local Authority in respect of application**”;
- (b) omitting subsection (1) and substituting the following subsection:—

“(1) A Local Authority to which is made an application for approval to

the carrying out of building work—

- (a) shall obtain a report from the appropriate building officer as to whether the building work complies with the Standard Building By-laws;

and

- (b) shall forward to The Commissioner of Fire Service the information required to be furnished by it pursuant to the Standard Building By-laws;

and, after considering the building officer's report and any report received by it in respect of the building work from The Commissioner of Fire Service, the Local Authority shall determine—

- (c) whether the building work complies with the relevant provisions of the Standard Building By-laws, having regard to any variation thereof made under section 12C or 12F;

and

- (d) if the building work does not so comply, the particulars in which it does not so comply.

In this subsection “appropriate building officer” in relation to a report means the principal building surveyor, deputy principal building surveyor, building surveyor or restricted building surveyor appointed by or under the Standard Building By-laws who having regard to the building work to which the application relates is, pursuant to those by-laws, competent to make that report.”

- (c) in subsection (3)—

- (i) omitting the word “referee” where it firstly occurs and substituting the words “Building Tribunal”;

- (ii) omitting the word “referee” where it secondly occurs and substituting the word “Registrar”;

- (d) omitting subsection (4) and substituting the following subsections:—

“(4) A notification given under subsection (3) shall—

- (a) identify the provisions of the Standard Building By-laws with which the building work does not comply (if any);



- (b) state the grounds for the imposition of any conditions to which a Local Authority's decision on an application has been made subject;
- (c) state the reasons for the refusal of an application by a Local Authority.

(5) An approval to the carrying out of any building work shall lapse and be of no further force or effect if the building work is not commenced or having commenced is not substantially completed within the time prescribed for that purpose in the Standard Building By-laws.

(6) In carrying out building work pursuant to the approval of a Local Authority a person shall comply—

- (a) with the Standard Building By-laws;  
and
- (b) the terms of the approval and the conditions (if any) to which the approval is subject.”.

**Amendment of s. 30BB. Times within which applications for approval to the carrying out of building work to be decided**

**2.34** Section 30BB of the Principal Act is amended by—

- (a) in subsection (1)—
  - (i) omitting the words “on land”;
  - (ii) omitting the words “to expire.” and substituting the words “to expire.”;
  - (iii) adding at the end of the subsection the following proviso:—  
“Provided that where the application for approval to the carrying out of building work relates only to a building of Class 1 or 10 as classified by the Standard Building By-laws the numeral “40” above referred to in this subsection shall be construed as the numeral “30” and this subsection shall apply accordingly.”;
- (b) in subsection (3), inserting after the words “received by it” the words “except where the application relates only to a building of Class 1 or 10 as classified by the Standard Building By-laws in which case it shall decide the application within 30 days after the

date on which the application is received by it”;

(c) inserting after subsection (3) the following subsection:—

“(3A) Where The Commissioner of Fire Service objects under section 36J and the objection relates to an application for approval to the carrying out of building work, the time within which the application is required to be determined is that provided for in the preceding provisions of this section, or 7 days after the date on which the Local Authority receives written notice of the determination of the objection or of its having been withdrawn, whichever is the later to occur.”;

(d) in subsection (4), omitting the words “a period of 14 days or, as the case may be, a period of 40 days referred to in subsection (1) or (3)” and substituting the words “the period within which it would otherwise be required to decide the application under the preceding provisions of this section”.

### **Amendment of s. 30BD. No right of objection under section 31**

**2.35** Section 30BD of the Principal Act is amended by omitting the word “referee” and substituting the words “Building Tribunal”.

### **Amendment of s. 30BG. Local Authority to consider amenity and aesthetics on applications to erect buildings of Class I and X under Standard Building By-laws.**

**2.36** Section 30BG of the Principal Act is amended by—

- (a) in the note appearing in and at the beginning of the section, omitting the words “**buildings of Class I and X under Standard Building By-laws**” and substituting the words “**certain buildings**”;
- (b) in subsection (1), omitting the words “on land of a building of Class I or X” and substituting the words “of a single detached Class 1 building or a Class 10 building”;
- (c) omitting subsection (5).

**New s. 30BH**

**2.37** The Principal Act is amended by inserting after section 30BG the following section:—

**‘Provision of security in certain cases.**

**‘30BH.(1)** Where an application for a Local Authority’s approval to the carrying out of building work relates to the removal and re-erection or removal or re-erection of a building or other structure, the Local Authority may, as a condition precedent to its approving the application or as a condition of the approval, require the applicant to deposit with it security in such amount and form as is determined by it by resolution.

The amount of the security required by the Local Authority shall be commensurate with the value of the building work to be carried out and in respect of which the Standard Building By-laws require the approval of the Local Authority.

**(2)** If a Local Authority approves the carrying out of building work and a condition of the approval requires the deposit of security under subsection (1), a person shall not carry out the building work or cause it to be carried out until the condition is complied with.

**(3)** If a Local Authority approves the carrying out of building work such as is referred to in subsection (1) and that approval lapses pursuant to section 30B(5) by reason that the building work has not been substantially completed within the time prescribed for that purpose in the Standard Building By-laws, the Local Authority may, itself, cause such steps to be taken and such things to be done as it considers necessary so as to have that building work completed in accordance with the approval and for that purpose may utilize the whole or any part of the security lodged in respect of that building work.

**(4)** If a Local Authority approves the carrying out of building work such as is referred to in subsection (1) and there is lodged, pursuant to that subsection, a security in respect of that building work, the Local Authority—

- (a) may, having regard to the progress being made in carrying out that building work, from time to time refund part of that security to the person who gave it;

and

- (b) shall, where that building work has been completed in accordance with that approval (otherwise than pursuant to subsection (3)), refund that security or, as the case may be, the balance thereof to the person who gave it.’.

### **Amendment of s. 30C. Application for preliminary decision**

**2.38** Section 30C of the Principal Act is amended by—

- (a) omitting subsections (1), (2) and (2A) and substituting the following subsections—

“(1) Before a person makes an application under section 30A to a Local Authority for approval to the carrying out of building work the person may make application to the Local Authority for its decision—

- (a) as to the application of the Standard Building By-laws to any aspect of the design or method of construction of the building work;  
and
- (b) where the building work involves the erection of a single detached Class 1 building or a Class 10 building as classified by the Standard Building By-laws, as to whether, in its opinion—
  - (i) the building when erected will have an extremely adverse effect on the amenity or likely amenity of the building’s neighbourhood;  
or
  - (ii) the aesthetics of the building when erected will be in extreme conflict with the character of the building’s neighbourhood.

(2) An application under subsection (1) shall—

- (a) be in or to the effect of the form prescribed therefor in the Standard Building By-laws;
- (b) contain information which accurately identifies the aspect of the design and the method of construction of the building work to which the application relates;
- (c) be accompanied by such other information (including drawings drawn to a scale that is reasonable in the circumstances) as will

assist the Local Authority in deciding the application.

The Local Authority may, in writing, request an applicant to provide it with such additional information as to it seems necessary to enable it to decide the application.

(2A) The Local Authority shall decide an application duly made to it under subsection (1)—

- (a) where subsection (1)(b) only is relevant to the application—within 14 days after it receives the application;
- (b) where the application relates to a building of Class 1 or 10 as classified by the Standard Building By-laws and subsection (1)(b) is not relevant—within 30 days after its receipt of the application;
- (c) in any other case—within 40 days after its receipt of the application.

Where the Local Authority requests additional information under subsection (2) within the time within which it would otherwise be required to decide the application, the application is taken not to have been duly made until the information is received by the Local Authority.”;

- (b) in subsection (2B), omitting the words “40 days” and substituting the words “14 days, 30 days or, as the case may be, 40 days”.

### **Amendment of s. 31. Objection to decision**

**2.39** Section 31 of the Principal Act is amended by omitting subsection (1) and substituting the following subsections:—

“(1) Subject to this Act, an applicant, or a person on whose behalf an application is made, to a Local Authority for—

- (a) approval to the carrying out of building work;
- or
- (b) a statement or certificate of classification of a building or other structure;
- or
- (c) a change of the classification of an existing building or other

structure;

or

(d) a decision on an application under section 30C;

who is dissatisfied with the Local Authority's decision on the application may object against the decision to a Building Tribunal except where the decision is one referred to in subsection 30BG(2) or 30C(1)(b), in which case the applicant or other person may object to a panel constituted under section 36F.

(1A) If, after approving the carrying out of any building work, a Local Authority makes a decision in respect of that work with which the applicant for the approval, or other person on whose behalf the application was made, is dissatisfied, the applicant or other person may object against the decision to a Building Tribunal.”.

### **Amendment of s. 32. Institution of objection**

**2.40** Section 32 of the Principal Act is amended by—

- (a) in subsection (1)—
  - (i) inserting after the expression “30BG(2)” the words “or 30C(1)(b)”;
  - (ii) in paragraph (a), omitting the words “secretary to the Committee” and substituting the word “Registrar”;
- (b) in subsection (2)(a), omitting the words “or aggrieved by”.

### **Amendment of s. 33. Nomination of referee or constitution of panel**

**2.41** Section 33 of the Principal Act is amended by—

- (a) omitting the note appearing in and at the beginning of the section and substituting the words “**Constitution of Building Tribunal or panel.**”;
- (b) omitting subsections (1) and (2) and substituting the following subsections:—

“(1) Upon receipt by the Registrar of a notice of objection the Registrar shall refer the matter of the objection to the Director who shall thereupon—

- (a) in a case to which paragraph (b) does not apply—constitute a Building Tribunal to determine the objection;
  - (b) in the case of an objection against a decision referred to in section 30BG(2) or 30C(1)(b)—cause a panel to be constituted under section 36F.
- (2) The Registrar—
- (a) shall give to the member composing, or the chairperson of, the Building Tribunal the writing constituting the tribunal and the notice of objection or, if the notice is not readily available, a copy thereof;  
and
  - (b) shall give to each of them, the objector and the Clerk of the Local Authority against whose decision the objection is made, a copy of the writing constituting the Building Tribunal that is to determine the objection.”;
  - (c) in subsection (3)—
    - (i) omitting the words “secretary to the Committee” and substituting the word “Registrar”;
    - (ii) omitting the word “secretary” (where it secondly occurs) and substituting the word “Registrar”;
    - (iii) omitting the word “applicant” and substituting the word “objector”.

### **Amendment of s. 34. Duty of referee**

**2.42** Section 34 of the Principal Act is amended by—

- (a) in the note appearing in and at the beginning of the section, omitting the word “**referee**” and substituting the words “**Building Tribunal**”;
- (b) in subsection (1), omitting all words from and including the words “him of” to and including the words “where he” and substituting the words “the member or, as the case may be, chairperson of a Building Tribunal of the writing constituting the Building Tribunal to be that which is to determine an objection

and of the relevant notice of objection, or copy thereof, the Building Tribunal shall appoint a time and place when and where it”;

- (c) in subsection (2), omitting the words “he”, “referee” and “him” and substituting the words “it”, “Building Tribunal” and “it” respectively;
- (d) in subsection (3), omitting the words “referee under”, “he” and “referee may” and substituting the words “Building Tribunal under”, “it” and “Building Tribunal may” respectively.

### **Amendment of s. 35. Powers of referee**

**2.43** Section 35 of the Principal Act is amended—

- (a) in the note appearing in and at the beginning of the section, by omitting the word “**referee**” and substituting the words “**Building Tribunal**”;
- (b) in subsection (1), by omitting the words “his”, “referee”, “he thinks necessary” and “he thinks fit” and substituting the words “its”, “Building Tribunal”, “it thinks necessary” and “it thinks fit” respectively;
- (c) in subsection (2)—
  - (i) by, in the first paragraph, omitting the words “paragraph (a) of section 30B(1), the referee” and “referee and, if he” and substituting the words “paragraph (d) of section 30B(1), the Building Tribunal” and “Building Tribunal and, if it” respectively;
  - (ii) by, in the second paragraph, omitting the words “referee”, “him” and “he” and substituting the words “Building Tribunal”, “it” and “the Building Tribunal” respectively;
- (d) in subsection (3), by omitting the words “referee”, “on him”, “he”, “by him” and “with his” and substituting the words “Building Tribunal”, “on it”, “it”, “by it” and “with its” respectively.



**Amendment of s. 35A. Amendment of notice of objection.**

**2.44** Section 35A of the Principal Act is amended by omitting the words “referee has”, “him”, “referee enters” and “his determination” and substituting the words “Building Tribunal has”, “it”, “Building Tribunal enters” and “its determination” respectively.

**Amendment of s. 36. Determination of referee**

**2.45** Section 36 of the Principal Act is amended by—

- (a) in the note appearing in and at the beginning of the section, omitting the word “**referee**” and substituting the words “**Building Tribunal**”;
- (b) omitting subsection (1) and substituting the following subsection:—

“(1) Upon a Building Tribunal determining an objection the Registrar shall give written notification of the determination—

- (a) to the objector;  
and
- (b) to the Clerk of the Local Authority against whose decision the objection was made.”;
- (c) in subsection (2), omitting the words “his”, “referee” and “referee’s” and substituting the words “its”, “Building Tribunal”, and “Building Tribunal’s” respectively.

**Amendment of s. 36A. Objection to Tribunal**

**2.46** Section 36A of the Principal Act is amended by—

- (a) in the note appearing in and at the beginning of the section, inserting after the word “**to**” the word “**Building**”;
- (b) in subsection (1), omitting the words “may make an objection in respect of that failure to the Tribunal at any time after the expiration of the prescribed time” and substituting the words “, or a person on whose behalf the application was made, may, at any time after the expiration of the prescribed time, make an objection

in respect of that failure to a Building Tribunal”;

- (c) in subsection (2), omitting the words “secretary to the Committee” and substituting the word “Registrar”.

### **New s. 36AA**

**2.47** The Principal Act is amended by inserting after section 36A the following section:—

#### **‘Constitution of Building Tribunal**

**‘36AA.** Upon receipt by the Registrar of a notice of objection the Registrar shall refer the matter of the objection to the Director who shall thereupon constitute a Building Tribunal to determine the objection.”.

### **Amendment of s. 36B. Procedure on objection**

**2.48** Section 36B of the Principal Act is amended by—

- (a) in subsection (1), omitting the words “secretary to the Committee” (where they twice occur) and substituting in each case the word “Registrar”;
- (b) in subsection (2), omitting the words “secretary to the Committee” and substituting the word “Registrar”;
- (c) omitting subsections (3) and (4).

### **Repeal of and new s. 36C. Reference to Tribunal**

**2.49** The Principal Act is amended by repealing section 36C and substituting the following section:—

#### **‘Reference to Building Tribunal**

**‘36C.** Upon receipt of the material furnished to the Registrar by the Clerk of the Local Authority pursuant to section 36B(1), the Registrar shall refer that material together with the notice of objection lodged, to the appropriate Building Tribunal for its consideration.”.

**Amendment of s. 36D. Powers of Tribunal**

**2.50** Section 36D of the Principal Act is amended by—

- (a) in the note appearing in and at the beginning of the section, inserting after the word “of” the word “**Building**”;
- (b) in subsection (1), inserting before the word “Tribunal” (where it twice occurs) the word “**Building**” in each case;
- (c) in subsection (2), inserting before the word “Tribunal” (where it thrice occurs) the word “**Building**” in each case;
- (d) in subsection (4), inserting before the word “Tribunal” the word “**Building**”.

**Repeal of s. 36E. Disability of members of Tribunal**

**2.51** The Principal Act is amended by repealing section 36E.

**Amendment of s. 36F. Constitution of panel**

**2.52** Section 36F of the Principal Act is amended by—

- (a) in subsection (1)—
  - (i) inserting after the words “section 30BG(2)” the words “or 30C(1)(b)”;
  - (ii) omitting the word “chairman” and substituting the word “chairperson”;

- (b) inserting after subsection (1) the following subsection:—

“(1A) If a panel is unable to enter upon or complete the determination of an objection another panel may be constituted to deal with the matter *de novo*.”;

- (c) in subsection (3), omitting the words “secretary to the Committee” and substituting the word “Registrar”.

**Amendment of s. 36G. Duty of panel**

**2.53** Section 36G of the Principal Act is amended in subsection (1)—

- (a) by omitting the words “secretary to the Committee” and substituting the word “Registrar”;
- (b) by omitting the word “chairman” and substituting the word “chairperson”.

### **Amendment of s. 36I. Decision of panel**

**2.54** Section 36I of the Principal Act is amended by omitting the words “secretary to the Committee” and substituting the word “Registrar”.

### **New Division IC**

**2.55** The Principal Act is amended by inserting after section 36I the following heading and sections:—

#### ***Division IC—Objection by The Commissioner of Fire Service***

#### **‘Objection to decision**

**‘36J.** Where The Commissioner of Fire Service has pursuant to the Standard Building By-laws advised a Local Authority that any special fire services proposed to be included or included in a building do or do not comply with the requirements of those by-laws and the Local Authority has, pursuant to those by-laws, advised The Commissioner of Fire Service that it disagrees with that advice, The Commissioner of Fire Service may object in respect of that disagreement to a Building Tribunal.

#### **‘Institution of objection**

**‘36K.(1)** An objection pursuant to section 36J shall be instituted within 7 days after The Commissioner of Fire Service is advised of the disagreement in respect of which it wishes to object, and not later, by—

- (a) lodging a notice of objection, duly completed, with the Registrar;  
and
- (b) giving a copy of the notice of objection to the Clerk of the Local Authority concerned.

**(2)** A notice of objection—

- (a) shall specify the grounds thereof and the facts and circumstances relied on to support those grounds;
  - and
  - (b) if a form is prescribed, shall be in or to the effect of that form.
- (3) The Registrar shall give a copy of the notice of objection to—
- (a) where the disagreement relates to advice given in respect of an application for approval to the carrying out of building work—the applicant for that approval;
  - or
  - (b) where the disagreement relates to advice given in respect of a certificate of classification of a building—the applicant for that certificate.

### **‘Constitution of Building Tribunal**

**‘36L.(1)** Upon receipt by the Registrar of a notice of objection pursuant to section 36K, the Registrar shall refer the matter of the objection to the Director who shall thereupon constitute a Building Tribunal to determine the objection.

- (2) The Registrar—
- (a) shall give the member composing, or the chairperson of, the Building Tribunal the writing constituting the tribunal and the notice of objection or, if the notice is not readily available, a copy thereof;
  - and
  - (b) shall give to each of them, The Commissioner of Fire Service, the Clerk of the Local Authority concerned and the applicant to whom a copy of the notice of objection was given pursuant to section 36K(3), a copy of the writing constituting the Building Tribunal that is to determine the objection.”.

### **New ss. 36M, 36N and 36O**

**2.56** The Principal Act is amended by inserting after section 36L the

following sections:—

### **‘Duty of Building Tribunal**

**‘36M.(1)** As soon as practicable after receipt by the member composing, or chairperson of, the Building Tribunal of the material referred to in section 36L(2)(a), the Building Tribunal shall appoint a time and place when and where it proposes to enter upon the determination and shall cause notice in writing of such time and place to be given to each of them, The Commissioner of Fire Service, the Clerk of the Local Authority concerned and the applicant to whom a copy of the notice of objection was given pursuant to section 36K(3).

(2) Before it determines any objection made under section 36J, the Building Tribunal shall receive such representations thereon as are made to it, in accordance with this Act, by or on behalf of The Commissioner of Fire Service, the Local Authority and the applicant to whom a copy of the notice of objection was given pursuant to section 36K(3).

The applicant is a party to the proceedings before the Building Tribunal.

### **‘Powers of Building Tribunal**

**‘36N.(1)** Upon its entering upon the determination of an objection made under section 36J a Building Tribunal—

(a) may adjourn the proceeding to such time and place certain as it thinks necessary to a proper consideration and determination of that objection;

and

(b) may determine whether the special fire services concerned do or do not comply with the requirements of the Standard Building By-laws.

(2) The determination by a Building Tribunal of an objection made under section 36J—

(a) is final and, notwithstanding section 37, an appeal does not lie against that determination to the Committee;

and

(b) shall be given effect by the parties to the objection.

**‘Notice of determination to be given to parties**

**‘360.** Upon a Building Tribunal determining an objection the Registrar shall give written notification of the determination to each party to the proceedings before the tribunal.”.

**Amendment of heading**

**2.57** The Principal Act is amended by, in the heading immediately preceding section 37, omitting the word “Referees’ ” and substituting the words “Building Tribunals’ ”.

**Amendment of s. 37. Appeal to Committee against referee’s determination**

**2.58** Section 37 of the Principal Act is amended by—

- (a) in the note appearing in and at the beginning of the section, omitting the word “**referee’s**” and substituting the words “**Building Tribunal’s**”;
- (b) omitting the words “aggrieved by the determination of a referee” and substituting the words “dissatisfied with the determination of a Building Tribunal”.

**Amendment of s. 38. Institution of appeal**

**2.59** Section 38 of the Principal Act is amended by, in subsection (1), omitting the words “referee’s” and “referee” and substituting the words “Building Tribunal’s” and “Registrar” respectively.

**Amendment of s. 39. Duty of Committee**

**2.60** Section 39 of the Principal Act is amended by—

- (a) in subsection (1), omitting the words “chairman” and “referee” and substituting the words “chairperson” and “Building Tribunal” respectively;
- (b) in subsection (2), omitting the words “At the time and place so appointed the Committee shall (if a quorum be present)” and

substituting the words “If at the time and place so appointed a quorum of the Committee is present, including at least 4 members of the Committee of whom none was a member of the Building Tribunal against whose decision the appeal in question is brought, the Committee shall”.

#### **Amendment of s. 40. Powers of Committee**

**2.61** Section 40 of the Principal Act is amended by numbering the existing provision as subsection (1) and adding at the end of that provision the following subsection:—

“(2) The power of the Committee to vary the determination appealed against includes the power to revoke that determination and substitute therefor its own determination which may include the imposition of conditions.”.

#### **Amendment of s. 41. Decision of Committee**

**2.62** Section 41 of the Principal Act is amended by—

- (a) in subsection (1), omitting the word “referee” and substituting the words “Building Tribunal”;
- (b) in subsection (2), omitting the word “referee” and substituting the words “Building Tribunal”;
- (c) in subsection (3), omitting the word “referee” and substituting the words “Building Tribunal”;
- (d) in subsection (4), omitting the word “referee” (where it twice occurs) and substituting in each case the words “Building Tribunal”.

#### **Amendment of s. 42. Appeal to Local Government Court**

**2.63** Section 42 of the Principal Act is amended by, in subsection (1), omitting the words “the By-laws Variation Sub-Committee on an application made to it or the determination of a referee” and substituting the words “a Building Tribunal on an application made to it under section 12B or the determination of a Building Tribunal”.



**Amendment of s. 47. Decisions and determinations reviewed only under Act**

**2.64** Section 47 of the Principal Act is amended by—

- (a) inserting after the word “referee’s” the words “, Building Tribunal’s”;
- (b) inserting after the words “such a decision,” the words “or from a Building Tribunal’s decision under section 12C,”.

**Amendment of s. 48. Referee, panel and Committee control own proceeding**

**2.65** Section 48 of the Principal Act is amended by—

- (a) in the note appearing in and at the beginning of the section, omitting the word “**Referee**” and substituting the words “**Building Tribunal**”;
- (b) omitting the word “referee” and substituting the words “Building Tribunal”;
- (c) omitting the words “his or”, “himself or” and “he or”;
- (d) omitting the words “him or” where they thrice occur.

**Amendment of s. 49. Representation of parties**

**2.66** Section 49 of the Principal Act is amended by—

- (a) in subsection (1), omitting the words “the By-laws Variation Sub-Committee or a referee, panel” and substituting the words “a Building Tribunal or a panel”;
- (b) in subsection (2)(a), omitting the words “referee nominated” and substituting the words “Building Tribunal”;
- (c) in subsection (3)—
  - (i) omitting the words “the By-laws Variation Sub-Committee or a referee, panel” and substituting the words “a Building Tribunal or a panel”;
  - (ii) omitting the words “or who is of the nature of a professional

advocate”;

- (d) in subsection (4), omitting the words “the By-laws Variation Sub-Committee or a referee, panel” and substituting the words “a Building Tribunal or a panel”.

### **Amendment of s. 50. Notice to cease erection without approval**

**2.67** Section 50 of the Principal Act is amended—

- (a) in subsection (1)—
  - (i) by inserting after the words “building work” where they first occur the words “or any part thereof”;
  - (ii) by, in paragraph (b), inserting after the word “approved” the words “, and conditions (if any) imposed,”;
  - (iii) by inserting after the words “building work” where they secondly occur the words “or part”;
- (b) in subsection (3) by omitting all words from and including the words “, which offence” to and including the words “notice relates”;
- (c) by adding at the end thereof the following subsection:—

“(4) A notice under this section must state that the person to whom it is given has a right of objection under section 57.”.

### **Amendment of s. 51. Lawful to perform emergency work**

**2.68** Section 51(3) of the Principal Act is amended by omitting the words “and is liable to a penalty of \$100.00”.

### **Amendment of s. 52. Demolition of buildings erected unlawfully**

**2.69** Section 52 of the Principal Act is amended—

- (a) by, in the note appearing in and at the beginning of the section, omitting the words “**Demolition of buildings**” and substituting the word “**Buildings**”;
- (b) in subsection (1)—

- 
- (i) by, in paragraph (b), inserting after the word “approved” the words “, and conditions (if any) imposed,”;
  - (ii) by omitting all words from and including the words “it is impossible” to and including the words “such notice” and substituting the words “formed on reasonable grounds it is practically impossible to bring the same into such conformity, to demolish or remove the same, in any case within the time specified in such notice”;
  - (c) in subsection (2)—
    - (i) by, in provision (b) of the first paragraph, omitting the words “and is liable to a penalty of \$500”;
    - (ii) by omitting the second paragraph;
  - (d) by adding at the end thereof the following subsection:—

“(3) A notice under this section must state that the person to whom it is given has a right of objection under section 57.”.

### **New s. 52A**

**2.70** The Principal Act is amended by inserting after section 52 the following section:—

#### **‘Approval to be sought where building erected without approval.**

**‘52A.(1)** If it comes to the knowledge of a Local Authority that any building or other structure is being or has been erected without an approval required by the Standard Building By-laws having been obtained in respect thereof, the Local Authority may, by notice in writing, require the owner of the building or structure to apply to the Local Authority for that approval within a specified time.

**(2)** If an owner of a building or other structure to which a notice given to the owner under subsection (1) relates fails to comply with the notice the owner commits an offence against this Act.

**(3)** It is not competent to a person who, pursuant to a notice under subsection (1), applies for an approval required by the Standard Building By-laws, to withdraw the application.

**(4)** A person who, pursuant to a notice under subsection (1), applies to a

Local Authority for an approval required by the Standard Building By-laws, shall comply with all written requisitions given to the person by the Local Authority for the supply of plans, specifications, drawings, certificates or other information relating to the building or other structure to which the application relates.

(5) An application of a type referred to in a notice under subsection (1), made in respect of the building or other structure to which the notice relates by or on behalf of the person to whom the notice was given shall be deemed to have been made pursuant to the notice.

(6) The other provisions of this Act which apply to or in respect of an application for the Local Authority's approval to the carrying out of building work apply, with such adaptations and modifications as may be necessary, to and in respect of an application made pursuant to a notice under subsection (1) except that paragraph (c) of section 30A(2) does not apply to any such lastmentioned application.”.

### **Repeal of and new s. 53. Demolition of building etc. dangerous, neglected or unfit**

**2.71** The Principal Act is amended by repealing section 53 and substituting the following section:—

#### **‘Building etc. dangerous, neglected or unfit for use or occupation**

**‘53.(1)** If in the opinion of a Local Authority formed on reasonable grounds any building or other structure or any part thereof is dangerous, the Local Authority may, subject to section 54, by notice in writing, require the owner of the building or structure to do any one or more of the following:—

- (a) shore-up or otherwise secure such building or structure or part;
- (b) erect a proper hoarding or fence for the protection of persons using any road, path or way upon which the building or structure or part abuts;
- (c) demolish or take down the building or structure or part;
- (d) repair the building or structure or part;
- (e) remove the building or structure or part;

as the Local Authority directs within the time specified in the notice.

(2) If in the opinion of a Local Authority formed on reasonable grounds any building or other structure or any part thereof is a ruin or so far dilapidated as to be unfit for use or occupation or is, from neglect or other cause, in a structural condition prejudicial to the inhabitants of or to property in the neighbourhood, the Local Authority may, subject to section 54, by notice in writing, require the owner of the building or structure to do any one or more of the following:—

- (a) demolish the building or structure or part;
- (b) repair the building or structure or part;
- (c) remove the building or structure or part;
- (d) fence the land on which the building or structure or part stands;
- (e) repair any fence that encloses or is on that land;
- (f) secure the building or structure or part;

within the time specified in the notice.

(3) If in the opinion of a Local Authority formed on reasonable grounds any building or other structure or any part thereof is in a filthy or dilapidated condition, or is infected with disease, or is infested with lice, bugs, rats or other vermin, or is improperly constructed, or from any other cause is unfit to be used or occupied, the Local Authority may, subject to section 54, by notice in writing, require the owner of the building or structure to do any one or more of the following:—

- (a) demolish the building or structure or part;
- (b) cleanse, purify and disinfect the building or structure or part so as to make it fit to be used or occupied;
- (c) repair the building or structure or part so as to make it fit to be used or occupied;
- (d) alter the building or structure or part so as to make it fit to be used or occupied;
- (e) remove the building or structure or part;

within the time specified in the notice.

(4) If an owner of a building or other structure to which a notice given to

the owner under any provision of this section relates fails to comply with such notice then—

- (a) the Local Authority may itself cause such steps to be taken and such things to be done as it has, by the notice, required the owner of the building or structure to take or do;

and

- (b) the owner commits an offence against this Act.

(5) A notice under this section must state that the person to whom it is given has a right of objection under section 57.”.

### **Amendment of s. 55. Register of notices given**

2.72 Section 55 of the Principal Act is amended in subsection (1)(b) by inserting after the expression “52,” the expression “52A,”.

### **Amendment of s. 56. Demolition or repair of building etc. made dangerous by act of nature or other calamity**

2.73 Section 56 of the Principal Act is amended—

- (a) by, in the note appearing in and at the beginning of the section, omitting the words “**Demolition or repair of building**” and substituting the word “**Building**”;

- (b) in subsection (1)—

- (i) by inserting after the words “Local Authority”, where they first occur, the words “found on reasonable grounds”;
- (ii) by omitting paragraph (a) and the word “or” occurring after that paragraph and substituting the following paragraph and word—

“(a) may, by notice in writing, require the owner thereof to do any one or more of the following:—

- (i) shore-up or otherwise secure such building or structure or part and erect a proper hoarding or fence for the protection of persons using any such road, path or way;
- (ii) demolish or take down the building or structure or part;

- (iii) secure the building or structure or part;
- (iv) repair the building or structure or part;
- (v) remove the building or structure or part;

within the time specified in such notice;

or”;

(c) in subsection (3)—

- (i) by in provision (b) of the first paragraph omitting the words “and is liable to a penalty of \$200.00”;
- (ii) by omitting the second paragraph;

(d) by adding at the end thereof the following subsection:—

“(4) A notice under this section must state that the person to whom it is given has a right of objection under section 57.”.

### **Amendment of s. 57. Objection against Local Authority’s notice**

**2.74** Section 57 of the Principal Act is amended by—

- (a) omitting the word “referee” where it occurs twice in subsection (3) and once in subsection (4) and substituting in each case the words “Building Tribunal”;
- (b) in subsection (3), omitting the word “him” and substituting the word “it”.

### **Amendment of s. 58. Effect of referee’s determination**

**2.75** Section 58 of the Principal Act is amended by—

- (a) in the note appearing in and at the beginning of the section, omitting the word “referee’s” and substituting the words “**Building Tribunal’s**”;
- (b) omitting the words “his” and “referee” and substituting the words “its” and “Building Tribunal” respectively.

**Amendment of s. 61. Erection on impregnated land prohibited**

**2.76** Section 61 of the Principal Act is amended by—

- (a) in subsection (1), omitting the words “Penalty: \$200.00”;
- (b) in subsection (2), omitting the words “penalty of \$50.00” and substituting the words “daily penalty”.

**New s. 63A**

**2.77** The Principal Act is amended by inserting after section 63 the following section:—

**‘Notice given to body corporate taken to be given to proprietors**

**‘63A.(1)** A notice referred to in this Part that is given to the body corporate constituted by the registration of a building units plan or a group titles plan is taken to have also been given to the proprietor of each lot affected by the notice and shown on that plan.

**(2)** In this section the expressions “building units plan”, “group titles plan”, “lot” and “proprietor” have the meanings assigned to them respectively by the *Building Units and Group Titles Act 1980-1990*.”.

**Amendment of s. 64. Provisions concerning notices under Act**

**2.78** Section 64 of the Principal Act is amended by, in subsection (3)(a), omitting the word “referee” and substituting the words “Building Tribunal or by the Registrar”.

**Amendment of s. 64A. Power to delegate**

**2.79** Section 64A of the Principal Act is amended by in the note appearing in and at the beginning of the section inserting after the word “**Power**” the words “**of Local Authority**”.

**Repeal of s. 64B and new ss. 64B, 64C, 64D and 64E**

**2.80** The Principal Act is amended by repealing section 64B and substituting the following sections:—



**‘Power of Director to delegate**

**‘64B.(1)** The Director may, by instrument in writing, delegate to any officer of the department of Government within which this Act is administered all or any of the Director’s powers, authorities, functions and duties under this Act, except this power of delegation.

(2) A delegation may be made subject to such terms and limitations as the Director thinks fit.

(3) More than one delegation may be made in relation to the same power, authority, function or duty.

(4) A power, authority, function or duty, if exercised by a duly authorized delegate, is to be exercised or discharged in accordance with the instrument of delegation and is taken to be exercised or discharged by the Director in accordance with this Act.

(5) A delegation is revocable, by instrument in writing, at the will of the Director, and does not prevent the exercise or discharge of the power, authority, function or duty by the Director.

**‘Offences generally and penalty**

**‘64C.(1)** A person who contravenes or fails to comply with any provision of this Act commits an offence against this Act.

(2) Save where a specific penalty is otherwise prescribed, a person convicted of an offence against this Act is liable—

(a) in a case to which paragraph (b) does not apply—to a penalty of 200 penalty units or, if the offence is a continuing offence, a daily penalty of 20 penalty units;

or

(b) where the offence relates to—

(i) a building or other structure of Class 1 or 10 as classified by the Standard Building By-laws;

or

(ii) the carrying out of building work in relation to such a building;

or

- (iii) a failure to comply with a notice under this Act that relates to such a building or building work;

to a penalty of 20 penalty units or, if the offence is a continuing offence, a daily penalty of 2 penalty units.

#### **‘Continuing offences**

**‘64D.(1)** If after a person’s conviction of an offence that consists of a failure to comply with a notice given to that person under this Act that person continues to fail to comply with that notice, that person commits an offence against this Act which is taken to be a continuing offence and is liable to a daily penalty for each day during which the failure has continued.

**(2)** In respect of a continuing offence, a complaint may be laid from time to time alleging the commission of that offence over a period, but the offender shall not be punished more than once in respect of any period.

#### **‘Owner liable for offences under By-laws**

**‘64E.** Where the Standard Building By-laws require that an act be done or not done but do not state who is to do, or not to do, the act, and the act is not done or, as the case may be, done in breach of the by-laws, the owner of the building or other structure in respect of which the breach occurs is taken to be guilty of the offence occasioned by the breach and may be proceeded against accordingly.”.

#### **New ss. 66A and 66B**

**2.81** The Principal Act is amended by inserting after section 66 the following sections:—

#### **‘Application for approval where building work commenced**

**‘66A.(1)** It is competent to a person to make and for a Local Authority to decide on an application for approval to the carrying out of building work notwithstanding that the building work to which the application relates has been commenced or completed.

**(2)** Subsection (1) must not be construed as affecting the operation of section 30A(1).

**‘Certain applications not made unless fees paid**

**‘66B.** An application made to a Local Authority under section 30A or 30C is taken not to have been duly made unless and until the fees required to be paid in respect thereof under the Standard Building By-laws had been paid as required by the By-laws.’

**Repeal of and substitution of new Schedule**

**2.82** The Principal Act is amended by repealing the Schedule and substituting the schedule set out in the Schedule to this Act.

**PART 3—TRANSITIONAL PROVISIONS****Principal Act**

**3.1** In this Part the *Building Act 1975* as amended and in force from time to time before the commencement of this section is referred to as the Principal Act.

**Applications for variation of Standard Building By-laws**

**3.2(1)** Where at the commencement of this section the By-laws Variation Sub-Committee has commenced to consider an application, duly made, for a variation of the Standard Building By-laws, that sub-committee may determine that application and for that purpose the provisions of the Principal Act continue to apply to and in respect of that application and determination and that sub-committee notwithstanding the commencement of any provision of Part 2 of this Act.

**(2)** A decision of the By-laws Variation Sub-Committee made pursuant to subsection (1) may be appealed to the Building Advisory Committee pursuant to section 12E of the Principal Act and for the purpose of any such appeal the provisions of the Principal Act extend and apply accordingly notwithstanding the commencement of any provision of Part 2 of this Act.

**(3)** Where at the commencement of this section the secretary to the Building Advisory Committee has received an application, duly made, to

the By-laws Variation Sub-Committee for a variation of the Standard Building By-laws and that sub-committee has not commenced to consider the application at that commencement, the secretary is to forward the application to the Registrar of Building Tribunals whereupon the application is taken to have been made pursuant to section 12B of the Principal Act as amended by this Act and is to be dealt with accordingly.

### **Objections under s. 31 of Principal Act**

**3.3(1)** Where at the commencement of this section a referee has, pursuant to Division I of Part V of the Principal Act, entered upon the determination of an objection under that Division, the referee may proceed to determine that objection and for that purpose the provisions of the Principal Act continue to apply notwithstanding the commencement of any provision of Part 2 of this Act.

**(2)** The determination of a referee made pursuant to subsection (1) may be appealed to the Building Advisory Committee pursuant to section 37 of the Principal Act and for the purpose of any such appeal the provisions of the Principal Act as amended by section 2.61 of this Act extend and apply accordingly notwithstanding the commencement of any other provision of Part 2 of this Act.

**(3)** Where at the commencement of this section a referee has not entered upon the determination of an objection made pursuant to section 31 of the Principal Act and duly instituted pursuant to section 32 of that Act prior to that commencement, the secretary to the Building Advisory Committee is to forward the notice of objection to the Registrar of Building Tribunals whereupon the objection is taken to have been instituted pursuant to sections 31 and 32 of the Principal Act as amended by this Act and is to be dealt with accordingly.

### **Objections to Building Industry Complaints Tribunal**

**3.4(1)** Where at the commencement of this section the Building Industry Complaints Tribunal has—

- (a) commenced to consider a reference made under section 36C of the Principal Act, that tribunal may continue with its consideration of that reference and exercise, in respect thereof, its powers to

give notice to a Local Authority under section 36D of the Principal Act;

or

- (b) considered a reference made under section 36C of the Principal Act, that tribunal may exercise or, as the case may be, continue to exercise in respect of that reference its powers to give notice to a Local Authority under section 36D of the Principal Act;

and for any of those purposes the provisions of the Principal Act continue to apply to and in respect of that reference, the exercise of those powers and that tribunal notwithstanding the commencement of any provision of Part 2 of this Act.

(2) Where at the commencement of this section there has been lodged with the secretary to the Building Advisory Committee an objection under section 36A of the Principal Act but at that commencement the Building Industry Complaints Tribunal has not commenced to consider the objection as part of a reference made to it under section 36C of the Principal Act, the secretary is to forward the objection to the Registrar of Building Tribunals whereupon the objection is taken to have been made pursuant to section 36A of the Principal Act as amended by this Act and is to be dealt with accordingly.

### **Objection under s. 57**

**3.5(1)** Where at the commencement of this section a referee has, pursuant to Division I of Part V of the Principal Act as applied by section 57 of that Act, entered upon the determination of an objection under that section, the referee may proceed to determine that objection and for that purpose the provisions of the Principal Act as so applied continue to apply notwithstanding the commencement of any provision of Part 2 of this Act.

(2) The determination of a referee made pursuant to subsection (1) may be appealed to the Building Advisory Committee pursuant to section 37 of the Principal Act as applied by section 57 of that Act and for the purpose of any such appeal the provisions of the Principal Act as applied by that section 57 and as amended by section 54 of this Act extend and apply accordingly notwithstanding the commencement of any other provision of Part 2 of this Act.

(3) Where at the commencement of this section a referee has not entered upon the determination of an objection duly made pursuant to section 57 of the Principal Act prior to that commencement, the secretary to the Building Advisory Committee is to forward the notice of objection to the Registrar of Building Tribunals whereupon the objection is taken to have been instituted pursuant to section 57 of the Principal Act as amended by this Act and is to be dealt with accordingly.

### **Appeals against Building Advisory Committee's decisions**

**3.6** A decision of the Building Advisory Committee on an appeal pursuant to section 3.2(2), 3.3(2) or 3.5(2) may be appealed pursuant to Division III of Part V of the Principal Act and for the purpose of any such appeal that Division and section 47 of the Principal Act extend and apply accordingly notwithstanding the commencement of any provision of Part 2 of this Act.

### **Continuation of By-laws Variation Sub-Committee and Building Industry Complaints Tribunal**

**3.7(1)** For the purposes of this Part the By-laws Variation Sub-Committee constituted under section 12A of the Principal Act and the Building Industry Complaints Tribunal established under Part IIIA of the Principal Act continue in existence and sections 12A and 12AA and Part IIIA of the Principal Act extend and apply according to their tenor notwithstanding the commencement of any provision of Part 2 of this Act until they are dissolved by Order in Council.

(2) Upon the dissolution of the By-laws Variation Sub-Committee or the Building Industry Complaints Tribunal its members go out of office.

### **Saving of appointments of certain members of Building Advisory Committee**

**3.8(1)** The persons who immediately prior to the commencement of this section were the members of the Building Advisory Committee referred to in section 22(a) and (b) of the Principal Act shall, subject to the *Building Act 1975–1991*, continue in terms of their appointments as the members

referred to in section 22(a) of that Act and the one who was chairman shall continue as chairperson.

(2) A person who immediately prior to the commencement of this section was the member of the Building Advisory Committee referred to in section 22(c), (d) or (j) of the Principal Act shall, subject to the *Building Act 1975–1991*, continue in terms of that person's appointment as the member referred to in section 22(c), (d) or (j) of that Act.

### **Reference to referee in Local Government Act**

**3.9** A reference in section 49H(16)(c) of the *Local Government Act 1936-1990* to a referee is to be construed as including a reference to a Building Tribunal.

### **Declaration by referee**

**3.10** A declaration made by a referee under section 19 of the Principal Act is taken to be sufficient compliance with that section as amended by this Act.

### **Chairperson of Building Advisory Committee**

**3.11** The person who immediately before the commencement of this section held the appointment of chairman of the Building Advisory Committee is, on and from that commencement and in terms of the appointment, the chairperson of the Committee.

### **Resolutions of Local Authority**

**3.12** A resolution of a Local Authority made under the Standard Building By-laws contained in the Schedule to the Principal Act and in force at the commencement of this section is, on and from that commencement, taken to have been made under the Standard Building By-laws substituted by this Act.

**Delegations by Local Authority**

**3.13** A delegation, under section 64A(1)(a) of the Principal Act, of a function, authority, power, duty or discretion had by a Local Authority for the purposes of the Standard Building By-laws contained in the Schedule to that Act that is in force immediately before the commencement of this section is taken, on and from that commencement, to be a delegation of the corresponding function, authority, power, duty or direction had by the Local Authority under the Standard Building By-laws substituted by this Act.

**Certificates of classification**

**3.14** A certificate of classification issued under the Standard Building By-laws contained in the schedule to the Principal Act and not revoked has effect for the purposes of the Standard Building By-laws substituted by this Act.

**Regulations**

**3.15(1)** The Governor in Council may make regulations containing other provisions of a savings or transitional nature consequent on the enactment of this Act.

(2) A provision referred to in subsection (1) may, if the regulations so provide, take effect from the commencement of the provision of this Act consequent upon which it is made or a later date.

(3) To the extent to which a provision referred to in subsection (1) takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as—

(a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication therein;

or

(b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication therein.

(4) A provision referred to in subsection (1) is, if the regulations so provide, to have effect despite any other provision of this Part.



**SCHEDULE**

[s. 2.82]

## “SCHEDULE

## STANDARD BUILDING BY-LAWS 1991

## Contents

- PART 1—PRELIMINARY;
- PART 2—BUILDING APPROVALS;
- PART 3—COMMENCEMENT AND COMPLETION;
- PART 4—FEES;
- PART 5—DUTIES AND INSPECTIONS;
- PART 6—CERTIFICATE OF CLASSIFICATION;
- PART 7—CHANGE OF USE;
- PART 8—FLOATING BUILDINGS—SPECIAL REQUIREMENTS;
- PART 9—SITING REQUIREMENTS;
- PART 10—TEMPORARY AND SPECIAL STRUCTURES;
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- PART 13—BUILDING PRODUCTS REGISTRATION;
- APPENDIX 1;
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- APPENDIX 6.

## PART 1—PRELIMINARY

### Contents

- 1.1 Title
- 1.2 Exclusion of certain building work
- 1.3 Interpretation
- 1.4 Building Code of Australia requirements
- 1.5 Alterations to existing buildings or other structures
- 1.6 Local Authority to decide
- 1.7 Certificate of Accreditation

### Title

- 1.1 This Schedule may be cited as the Standard Building By-laws 1991.

### Exclusion of certain building work.

1.2 All work in relation to any Class 10 building or other structure that is used exclusively for the purposes of a green-house, conservatory, summer-house, private boat-house, fuel shed, lawn locker, tool-house, cycle shed, aviary, milking bail, hay shed, stable, fowl-house, pigsty, barn or the like, is declared not to be building work for the purposes of these by-laws where—

- (a) the work is to be performed on an allotment used for agricultural, horticultural, floricultural or pastoral purposes;
- or
- (b) no part of the building or other structure is within 200m of any road or within 200m of any boundary of the allotment on which the building or the structure is situated.

### Interpretation

1.3(1) **Definitions.** In these by-laws, unless a contrary intention appears—

“**Act**” means the *Building Act 1975–1991*;

“**allotment**” means a parcel of land and includes a lot in a group title resubdivision made under the *Building Units and Group Titles Act 1980–1990*;

“**appropriate building officer**” in relation to the performance or exercise of any duties, functions, authorities, powers or discretions under these by-laws in relation to any building or other structure means the person who, under by-law 5.7, is authorized to perform or exercise those duties, functions, authorities, powers or discretions;

“**approved**” means approved by the Local Authority;

“**architect**” means a person—

(a) who is a registered architect under the *Architects Act 1985–1990*;

and

(b) who, in the opinion of the Local Authority, is competent to practise in the design of the relevant building work by reason of the person’s skill and experience in architecture;

“**AS**” means Australian Standard published by Standards Australia;

“**Building Code of Australia**” means the edition, current at the relevant time, of the Building Code of Australia (including the Queensland Appendix) published by the body known as the Australian Uniform Building Regulation Co-ordinating Council and includes that edition as amended from time to time by amendments published by that body;

“**Certificate of Accreditation**” means a certificate issued by the Australian Uniform Building Regulations Co-ordinating Council, or under Part 12 of these by-laws, stating that the properties and performance of a building material or method of construction or design fulfil specific requirements of the Building Code of Australia;

“**certificate of classification**”, except in subclause (4) of by-law 6.4, includes an interim certificate of classification prepared under that subclause;

“**Class**”, in relation to a building, means the classification of that building under the Building Code of Australia;

“**construct**” includes erect;

**“erect”** includes—

- (a) erect or commence or continue to erect;
- (b) do, or commence or continue to do any work in the course of or for the purpose of erecting;
- (c) perform any structural work or make any alteration or addition;
- (d) move from one position on an allotment to another position whether wholly or partly on the same allotment or another allotment;
- (e) re-erect with or without alteration whether wholly or partly on the same or another allotment;
- (f) where a building or other structure is located on more than one allotment—
  - (i) move the building or other structure to another position on the same allotments or any of them or to another allotment or allotments;
  - or
  - (ii) re-erect the building or other structure with or without alteration at another position on the same allotments or any of them or on another allotment or allotments;

**“fire safety installation”** in relation to a building, means any of the items referred to in Appendix 5;

**“floor area”** means (with respect to a Class 1 building) the gross area of all floors in the building measured over the enclosing walls but excluding the area of any verandah, roofed terrace, patio, garage or carport in or attached to the building;

**“integrated building work”** means building work connected with two or more buildings, none of which is a Class 1 or Class 10 building, which building work is integrated with common recreational, sporting, entertainment or other similar type facilities on—

- (a) the land on which the buildings are to be constructed;
- or
- (b) land or a waterway contiguous with the land on which the

buildings are to be constructed;

or

- (c) land or a waterway separated by Crown land from the land on which the buildings are to be constructed.

For the purpose of this definition buildings connected by a podium or basement section are taken to be separate buildings;

**“mean height”** means the height determined by dividing the total elevational area of the building or structure facing the boundary by the horizontal length of that building or structure facing the boundary;

**“mechanical engineer”** means a person—

- (a) who is a registered professional engineer under the *Professional Engineers Act 1988*;

and

- (b) who, in the opinion of the Local Authority, is competent to practise in the design of the relevant building work by reason of the person’s skill and experience in mechanical engineering;

**“natural ground surface”** in relation to an allotment, means the ground level of the allotment at the date of registration of the title deed for that allotment; where the ground level at that date is not known, the natural ground surface is as determined by the Local Authority;

**“outermost projection”** means the outermost projection of any structural part of a building or other structure including, in the case of a roof, the outside face of the fascia, or the roof structure where there is no fascia, but does not include any rainwater fittings, ornamental or architectural attachment;

**“registered professional engineer”** means a person—

- (a) who is a registered professional engineer under the *Professional Engineers Act 1988*;

and

- (b) who, in the opinion of the Local Authority, is competent to practise in the design of the relevant building work by reason of the person’s skill and experience in engineering;

**“required”** means required by these by-laws;

**“road”** means any street or road that is dedicated to the public and includes any part of any common property shown on a group titles plan under the *Building Units and Group Titles Act 1980–1990*, that is set aside for vehicular access; the term does not include any pathway or the like which is not intended for vehicular use;

**“road boundary clearance”** means the shortest distance measured horizontally from the outermost projection of the building or other structure concerned to the vertical projection of the boundary of the allotment which is adjacent to a road;

**“side and rear boundary clearance”** means the shortest distance measured horizontally from the outermost projection of the building or other structure concerned to the vertical projection of the boundary of the allotment; the term does not include a road boundary clearance;

**“special fire service”** in relation to a building, means any of the items referred to in Appendix 6;

**“special structure”** means any structure that cannot be classified in accordance with Part A3 of the Building Code of Australia;

**“structural engineer”** means a person—

(a) who is a registered professional engineer under the *Professional Engineers Act 1988*;

and

(b) who, in the opinion of the Local Authority, is competent to practise in the design of the relevant building work by reason of the person’s skill and experience in structural engineering;

**“swimming pool”** means an excavation or structure—

(a) that is capable of being filled with water to a depth of 300mm or more;

and

(b) that is solely or principally used, or designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, bathing, wading, paddling or of some other human aquatic activity;

and includes a wading pool, spa pool, spa tub or similar swimming pool, but does not include—

- (c) a fish pond or pool used for ornamental purposes;  
or
- (d) a dam or tank solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purposes of aquaculture or storage of water;  
or
- (e) a river, creek, stream, canal or watercourse in which water flows permanently or intermittently, or a lake or other natural collection of water whether permanent or intermittent;  
or
- (f) a portable wading pool that—
  - (i) is capable of being filled with water to a depth of no more than 450mm;  
and
  - (ii) has a volume of no more than 2 000 litres;  
and
  - (iii) has no filtration system;

**“town planning scheme”** has the meaning assigned to the term “planning scheme” by the *Local Government (Planning and Environment) Act 1990* and includes a scheme which under section 8.10(3) of that Act is to continue to have force and effect as if it were a planning scheme approved by the Governor in Council pursuant to that Act.

**(2) References and language.** In these by-laws, unless the contrary intention appears—

- (a) references to Parts, by-laws and Appendices refer respectively to the Part into which these Standard Building By-laws are divided, the by-law of these Standard Building By-laws and the Appendix to these Standard Building By-laws indicated by the context;  
and

- (b) a reference to a specified subclause, paragraph, or subparagraph refers to a subclause of the by-law, paragraph of the subclause (or the by-law, if it has no subclause), or subparagraph of the paragraph, as the case may be, in which the reference is made;  
and
- (c) a reference to a Form quoted by a numeral is a reference to the Form so numbered in the Appendices;  
and
- (d) a reference to a Table quoted by a numeral with or without a letter or other numerals is a reference to the Table contained in or next following the by-law, subclause, or paragraph similarly referred to;  
and
- (e) language referring to a building or other structure in being is to be construed with all necessary changes, for a proposed building or other structure, so that among other things—
  - (i) a reference to the owner of a building or other structure is to be construed as a reference to the person who, if the proposed building or other structure were then completed, would be its owner;  
and
  - (ii) a reference to a structural member of certain materials is to be construed as a reference to a proposed structural member which, if erected as proposed, would be of those materials;  
and
  - (iii) a reference to the purpose of a building or other structure is to be construed as a reference to the purpose for which the proposed building or other structure is to be used on completion;  
and
- (f) a reference to a building is to be construed as a reference to an entire building or a part of a building, as the case requires;  
and



- (g) abbreviations and symbols for units and multiples and submultiples of units have the same meaning as they have ascribed to them in Australian Standard 1155–1974, “Metric Units for Use in the Construction Industry including Amendment 1 of June 1979”;
- and
- (h) the numerical values prescribed are subject to tolerances according to the Standard, Code or Specification concerned, normal trade practice, or good practice, as the case may be.

### **Building Code of Australia requirements**

**1.4(1) Code part of by-laws.** The Building Code of Australia forms part of and is to be read as one with these by-laws.

**(2) Proof of Code.** The production in any proceedings of a document purporting to be a copy of the Building Code of Australia published by the Australian Uniform Building Regulations Co-ordinating Council is prima facie evidence of the Code.

**(3) Certificate.** The production in any proceedings of a certificate purporting to be signed by the Director or by the Chairman, Clerk or other duly authorized officer of a Local Authority and stating that a particular edition of the Building Code of Australia was the current edition at a specified time or during a specified period is prima facie evidence of the certificate’s contents.

### **Alterations to existing buildings or other structures**

**1.5(1) Application of by-law.** This by-law applies wherever alterations are proposed for a building or other structure and any other provision of these by-laws affects those alterations.

**(2) Certain alterations not permissible.** The Local Authority must not approve any structural alterations unless it is satisfied that those alterations will not unduly reduce any of the following:—

- (a) the existing level of fire protection provided to persons accommodated in or using the building or other structure;
- (b) the existing level of resistance to fire of the building or other

structure;

- (c) the existing safeguards against spread of fire to adjoining buildings or other structures.

**(3) Local Authority may require entire building or other structure to conform in some cases.** The Local Authority may require that a part of the building or other structure or the entire building or other structure be brought into conformity with these by-laws or parts of these by-laws as though it were a new building or other structure if—

- (a) the proposed alterations, together with any previous structural alterations completed or approved within the previous three (3) years, represent, in the case of a building, more than half the total volume of the original building, measured over the roof and the external walls;

or

- (b) the Local Authority considers that the safety of persons accommodated in or using the building or other structure, or the risk of the spread of fire to adjoining buildings or other structures, warrants it.

**(4) Alterations associated with a change of use.** If alterations to a building are associated with a change of use from one class to another class, Part 7 applies.

### **Local Authority to decide**

**1.6** Where the Building Code of Australia or other provisions of these by-laws permits a discretionary decision or uses the word “suitable” or “adequate” with regard to any material, system, method, form of construction or other thing whatsoever, the Local Authority must decide whether the material, system, method, form of construction or other thing is suitable or adequate.

### **Certificate of Accreditation**

**1.7** The properties and performance of a building material or method of construction or design in relation to which there is a current Certificate of Accreditation fulfil the requirements of the Building Code of Australia to

the extent specified in the certificate.

## **PART 2—BUILDING APPROVALS**

### Contents

- 2.1 Application
- 2.2 Application to construct swimming pool
- 2.3 Local Authority may dispense with necessity to lodge drawings, etc. or to obtain approval in some cases
- 2.4 Information required
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- 2.14 Submission of Survey Certificates
- 2.15 Information to be supplied by the Crown
- 2.16 Variation of workplace areas
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### **Application—general**

**2.1(1)** The approval of the Local Authority is required to the carrying out of all building work other than work declared not to be building work by by-law 1.2 and except as provided by by-law 2.3.

(2) An application for approval to carry out building work must be made to the Local Authority in accordance with the Act and these by-laws.

(3) The form of application referred to in section 30A(2)(a) of the Act is that set out in Appendix 3 of these by-laws.

### **Application to construct swimming pool**

**2.2** An application for approval to construct a swimming pool that is required by law to be fenced must relate also to the swimming pool fencing.

### **Local Authority may dispense with necessity to lodge drawings, etc. or to obtain approval in some cases**

**2.3** Notwithstanding anything to the contrary in this Part, the Local Authority may dispense with the necessity—

- (a) to lodge drawings, specifications and a plan in relation to—
  - (i) building work consisting of a minor alteration to an existing building or other existing structure;
  - or
  - (ii) building work connected with a fence other than a fence required to be constructed around a swimming pool under section 49H of the *Local Government Act 1936–1990*;
  - or
- (b) to obtain its approval to the carrying out of building work connected with any of the following Class 10 buildings or other structures:—
  - (i) a building or other structure that is a green-house, conservatory, summer-house, private boat-house, fuel shed, lawn locker, tool-house, cycle-shed, aviary, milking bail, hay shed, stable, fowl-house, pigsty, barn or the like;
  - (ii) a fence, other than swimming pool fencing required to be constructed by section 49H of the *Local Government Act 1936–1990*;
  - (iii) a non-load-bearing aerial, antenna, flagpole, mast or tower,

which is detached from a building or other structure and is not more than 10m in height or which is attached to a building or other structure and is not more than 2.5m in height.

### **Information required**

**2.4(1)** Except for building work in relation to the demolition of a building or other structure and except where it is otherwise agreed by the appropriate building officer, the following information must be lodged with each application for approval to the carrying out of building work:—

- (a) drawings showing—
  - (i) the plan at each floor level, elevations, sections and dimensions of the building or other structure drawn to a scale of not less than 1:100;  
and
  - (ii) the sizes and locations of structural members to a scale of not less than 1:100;  
and
  - (iii) any other details required by the appropriate building officer drawn to a scale of not less than 1:20;  
and
  - (iv) where the application relates to a Class 1 or 10 building, the heights of the building in relation to the natural ground surface;  
and
- (b) specifications—
  - (i) describing materials to be used in the construction;  
and
  - (ii) where not indicated on the drawings referred to in paragraph (a), providing any other information necessary to show that the building work would, if carried out in accordance with the specifications and drawings, comply with these by-laws;

- and
- (iii) describing the method of drainage, sewerage and water supply;
- and
- (iv) stating whether the materials will be new or second-hand and, if second-hand materials are to be used, giving particulars as required by the appropriate building officer;
- and
- (c) a plan of the allotment to a scale of not less than 1:200 showing—
  - (i) the boundaries and dimensions of the allotment and any relevant easements;
  - and
  - (ii) the position and dimensions of the building or other structure and its relationship to the boundaries of the allotment and any existing building or other structure on the same or adjoining allotments with details of the purposes for which any other buildings or other structures on the same allotment are used or intended to be used;
  - and
  - (iii) the levels of the allotment and of the floors of the building or other structure in relation to the adjacent ground and to any street or drainage channel, and to any drain maintained by the Local Authority, on or adjacent to the allotment;
  - and
  - (iv) any fences, including swimming pool fencing, already erected or to be erected on the allotment or on the boundaries of the allotment;
  - and
  - (v) the location of the nearest fire hydrant situated on a road or on the allotment;
  - and
- (d) reports, and such calculations of stress and other technical details

of or relating to the building work, as may be required by the appropriate building officer;

and

- (e) where more than one professional discipline is involved in the design of the building or structure, the name of the person, being a member of one of those disciplines, who has agreed to be responsible for the co-ordination of the preparation of the plans and specifications relating to the building work in so far as the Act or these by-laws apply to that work;

and

- (f) plans and specifications of all work associated with the building work that is required to comply with the requirements of the town planning scheme in force in the Area in which the allotment is located;

and

- (g) plans and specifications of all work associated with the building work that is required to comply with the requirements of Local Authority by-laws in force in the Area in which the allotment is located;

and

- (h) any other information that the appropriate building officer may reasonably require.

**(2)** In addition to the matters referred to in subclause (1), a list of the required fire safety installations and a list of the required special fire services must be lodged with each application that relates to a building classified in the range Class 2 to Class 9(both inclusive) and, where the Local Authority so requests, there must also be lodged a certificate from a registered professional engineer, or from some other person or body approved by the Local Authority for the purpose, stating that the design of the special fire services is in accordance with these by-laws.

**(3)** In the case of a proposed alteration to an existing building or other existing structure, the drawings must clearly indicate the location of the proposed alterations in relation to that building or other structure.

**(4)** In the case of building work that relates to the demolition or removal

of a building or other structure, the following information and documents must be lodged with each application except where it is otherwise agreed by the appropriate building officer:—

- (a) an outline and a description of the building or other structure to be demolished or removed;
- (b) a plan of the allotment showing the location of the building or other structure in relation to the boundaries of the allotment, any other buildings or structures on the allotment, and any roads, including any footpaths or crossings, bounding the allotment;
- (c) where only a part of the building or other structure is to be demolished or removed, computations or other information showing that the remainder of the building or other structure will comply with the provisions of these by-laws either as it remains after the proposed demolition or removal takes place or after other work (of a specified kind) is carried out.

(5) The Local Authority may determine the number of copies of the information referred to in this by-law that are to be submitted with each application for approval to carry out building work.

### **Local Authority to inform The Commissioner of Fire Service**

**2.5** When a Local Authority receives an application for approval to the carrying out of building work which is required by these by-laws to be provided with special fire services, the Local Authority must advise The Commissioner of Fire Service that the building work will contain special fire services and forward to it, within 7 days of receiving the application, two copies of—

- (a) the drawings referred to in by-law 2.4(1)(a)(i);  
and
- (b) the plan referred to in by-law 2.4(1)(c);  
and
- (c) specifications describing the materials to be used in the construction of the special fire services;  
and



- (d) a list of the special fire services required by these by-laws to be installed in a building of the class to which the application relates together with the certificate (if any) referred to in by-law 2.4(2);  
and
- (e) such other details as The Commissioner of Fire Service may from time to time require to enable it to properly assess the special fire services.

### **Assessment of special fire services by The Commissioner of Fire Service**

**2.6(1)** Within a period of 16 days after receiving the information referred to in by-law 2.5, The Commissioner of Fire Service must cause the special fire services to be assessed and advise the Local Authority in writing that the special fire services either—

- (a) comply with the requirements of these by-laws;  
or
- (b) do not comply with these by-laws and the reasons for non-compliance.

The Local Authority must accept The Commissioner of Fire Service's advice and act upon it unless, within 10 days of receiving that advice, it notifies The Commissioner of Fire Service in writing that it disagrees with that advice. The notification must specify the reasons for that disagreement.

**(2) Prior consideration by The Commissioner of Fire Service.** A person may provide details of the special fire services proposed to be installed in a building to The Commissioner of Fire Service before application for approval to carry out building work is made to the Local Authority.

### **Building application for integrated building work**

**2.7** Where an application to the carrying out of building work—

- (a) indicates that the building to which the application relates is part of integrated building work;  
and

- (b) is not accompanied by plans and specifications and other relevant details of all of the proposed buildings;

the applicant must, within a period of 2 years after the date of approval of the application or within such longer period (if any) as is allowed by the Local Authority, submit to the Local Authority a further application for approval to the carrying out of building work in relation to each of the other buildings connected with the integrated building work.

An approval to the carrying out of building work given by a Local Authority in respect of any one or more buildings the construction of which forms part of any integrated building work has no application to any other building the construction of which may form part of that integrated building work.

### **Responsible design**

**2.8** Where an application for approval to the carrying out of building work relates to—

- (a) the construction of a building having a floor area greater than 400m<sup>2</sup> or an addition to a building where the floor area is increased by more than 400m<sup>2</sup>;  
or
- (b) the construction of a building or the alteration of a building where a reinforced concrete or steel frame or construction (including a steel roof truss) is to be built or altered;  
or
- (c) the erection of a building exceeding two storeys in height;  
or
- (d) the addition of a structure, or part of a structure, to a building containing two or more storeys, or the addition of more than one storey to a building containing only one storey;  
or
- (e) the alteration of a building exceeding two storeys in height in such a manner as to interfere with any structural load bearing member or part, or to alter the stresses transmitted by such member or

part;

the drawings, specifications and other required documents must be prepared by an architect or registered professional engineer and must bear that person's name in a manner that indicates acknowledgement of authorship:

Provided that the Local Authority may exempt the applicant from complying with the foregoing provisions of this clause where the following conditions are met in a manner satisfactory to the Local Authority—

- (i) the function and plan of the building are of a conventional nature and based on commonly accepted and easily identified principles well established by tradition;  
and
- (ii) the building or other structure requires for its design no skills other than a sound knowledge of standard building construction and accepted building trade practices;  
and
- (iii) examples of buildings or other structures for which this exemption is sought have been commonly known in the Area over a substantial period of time;  
and
- (iv) the person responsible for preparing the drawings, specifications and other required documents acknowledges the authorship thereof.

### **Structural drawings: approval subject to conditions**

**2.9** Where in respect of an application for approval to the carrying out of building work the submission of a structural engineer's drawings or other engineering details prepared by a structural engineer is required, the drawings or details may be omitted at the time of lodging the application. If the application is approved by the Local Authority, the approval must be subject to the conditions—

- (a) that work on the footings must not commence until those drawings and details relating to the footings have been submitted to and approved by the Local Authority;

and

- (b) that any other stage of the building work must not commence until those drawings and details relating to that stage and any other stage as may be specified by the Local Authority have been submitted to and approved by the Local Authority.

### **Architectural and engineering companies or firms**

**2.10(1)** Any plan, specification, certificate or other document that is required under any provision of these by-laws to be prepared or given by an architect, a mechanical engineer, a registered professional engineer or a structural engineer must bear the name and signature of the architect or engineer responsible for its preparation and, where it is prepared on behalf of a corporation or firm, may also bear the name of that corporation or firm.

**(2)** The signature must not be in the form of a stamp or be a copy of an original signature.

### **Optional acceptability of engineering design certificates**

**2.11** Where an application for approval to the carrying out of building work includes documentation relating to the engineering design of a building or other structure or its components, the appropriate building officer may accept the engineering design documentation without further checking provided that—

- (a) the design is prepared by a registered professional engineer, or by some other person or body approved by the Local Authority for the purpose;

and

- (b) if—
  - (i) the building work is, in the appropriate building officer's opinion, of a minor nature—the documentation is accompanied by a certificate from a registered professional engineer, or from some other person or body approved by the Local Authority for the purpose, specifying that the design complies with these by-laws;

or

- (ii) the building work is, in the appropriate building officer's opinion, not of a minor nature—the documentation is accompanied by—
  - (A) a certificate from a registered professional engineer, or some other person or body approved by the Local Authority for the purpose, specifying that the design complies with these by-laws;  
and
  - (B) a certificate from another registered professional engineer specifying that the part of the design that is critical to the structural sufficiency of the building or other structure complies with these by-laws.

### **Retention of drawings and documents**

**2.12(1)** Where approval to the carrying out of building work is granted—

- (a) in relation to a building classified in the range Class 2 to Class 9 (both inclusive), one set of the drawings and specifications as approved and all documents lodged with the application, or a copy of them, must be retained by the Local Authority until the building is demolished or removed;
- (b) in relation to a Class 1 or Class 10 building or to a special structure, one set of the drawings and specifications as approved and all documents lodged with the application, or a copy of them, must be retained by the Local Authority for at least 10 years or until the building or structure is demolished or removed;
- (c) two sets of the drawings and specifications, with evidence of approval stamped or endorsed on them, must be returned to the applicant who must ensure that one legible set is available for inspection on the allotment while the building work is in progress.

**(2)** The set or copy of the drawings and specifications relating to a building or other structure retained by a Local Authority pursuant to subclause (1)—

- (a) must be open to inspection—

- (i) by the owner of the building or other structure;  
and
  - (ii) by any person authorized in writing by the owner;  
and
  - (iii) by any person authorized by The Commissioner of Fire Service;  
and
- (b) may, with the consent of the Local Authority, be inspected by any other person;

during the normal office hours of the Local Authority.

### **Changes to approved plans**

**2.13(1) Minor changes.** The construction of a building or other structure (except in relation to any fire safety installation) may differ in a minor degree from the drawings, specifications and other documents approved by the Local Authority in relation thereto where the Local Authority consents in writing to that difference. The Local Authority must not so consent unless satisfied that—

- (a) the final construction will meet the requirements of these by-laws;  
and
- (b) there is no significant change to the concept of the building or other structure from that for which approval was given by the Local Authority.

(2) Where the Local Authority consents to a minor alteration or modification to the approved drawings, specifications or other documents in accordance with subclause (1) and that alteration or modification may affect the fire safety installations in, or the safety in the event of a fire of persons using, the building or other structure, the Local Authority must advise The Commissioner of Fire Service of the alteration or modification within 7 days of that consent being given.

(3) **Major changes.** The owner of the building or other structure

concerned or the owner's agent may at any time submit an application for approval of an alteration or modification of any drawings, specifications or other documents previously submitted to the Local Authority in respect of an application for its approval to the carrying out of building work.

(4) The application first referred to in subclause (3) must be taken to be an application for approval to the carrying out of building work and the provisions of the Act and these by-laws apply accordingly.

(5) Where the Local Authority approves any modifications or alterations to any drawings, specifications or other documents previously submitted to the Local Authority, the applicant for the approval of that modification or alteration must lodge with the Local Authority such number of copies as the Local Authority determines of the drawings, specifications or other documents showing the modifications or alterations.

### **Submission of Survey Certificates**

**2.14(1) General.** The Local Authority may, in respect of an application for approval to the carrying out of building work, require the submission of an identification survey in the cases, and subject to the conditions, set out in this by-law.

(2) **Prior to determining application.** The Local Authority may, prior to determining the application, require the submission of an identification survey setting out the boundaries of the allotment and the location of any proposed or existing buildings or other structures on the allotment.

(3) **When giving approval to building application.** When giving approval to the carrying out of building work, the Local Authority may impose a condition that an identification survey must be submitted to the Local Authority setting out the boundaries of the allotment, and the actual situation of the building or other structure on the allotment. The survey must be provided at the earliest stage at which the actual location of the building or other structure on the allotment can be established or at such later time as the Local Authority in any particular case allows.

### **Information to be supplied by the Crown**

**2.15** The prescribed information to be supplied to a Local Authority in

respect of building work under section 4(4) of the Act is—

- (a) in a situation to which paragraph (b) does not apply—
  - (i) a 1:100 scale drawing of the building or structure showing floor plans and elevations;  
and
  - (ii) a site plan of a scale that will enable the Local Authority to effect the provision of water supply, sewerage and storm-water drainage for the allotment on which the building work is to be carried out;
- (b) in a situation where the prescribed Minister considers that the supply of the information referred to in paragraph (a)(i) would not be in the public interest, the site plan as referred to in paragraph (a)(ii) only.

### **Variation of workplace areas**

**2.16(1)** If a Local Authority considers that an application for approval to the carrying out of building work may not comply with these by-laws in so far as they relate to the provision of employee workplace areas, it must consult with the Division of Workplace Health and Safety of the department of the Government in which the *Workplace Health and Safety Act 1989–1990* is being administered as to the adequacy of the workplace areas to be provided and for that purpose must, within 14 days of receiving the application, provide to the Division all information necessary for a determination to be made as to the adequacy of the workplace areas to be provided, including—

- (a) the name and address of the applicant;  
and
- (b) drawings showing the plan at each floor level, elevations, sections and dimensions of the building or other structure;  
and
- (c) the use intended to be made of the building or other structure;  
and
- (d) the number of employees likely to be employed and, if necessary



to the determination, the location of each employee workstation in the building or other structure.

(2) Within a period of 21 days after receiving that information, the Division of Workplace Health and Safety must assess the provision made for workplace areas and advise the Local Authority in writing that that provision is either—

- (a) adequate for the purpose and usage stated in the application;
- or
- (b) inadequate for the purpose and usage stated in the application and specify workplace areas that it considers adequate for the stated purpose and usage.

### **Application for preliminary decision**

**2.17** The form of an application for the decision of a Local Authority under section 30C(1) of the Act is that contained in Appendix 4.

## **PART 3—COMMENCEMENT AND COMPLETION**

### Content

- 3.1 Period for commencement
- 3.2 Period for completion
- 3.3 Integrated building work
- 3.4 Extension of period

### **Period for commencement**

**3.1** Subject to by-law 3.3, every approval to the carrying out of building work must be granted subject to the condition that the building work be commenced within 12 months of the date of approval, except that for building work relating only to the demolition of a building or other structure or the removal, or reconstruction after removal, of a building or other structure, the period is 2 months.

**Period for completion**

**3.2** Subject to by-law 3.3, where a Local Authority has approved the carrying out of building work, that building work must be completed in—

- (a) where the building work relates only to the demolition of a building or other structure or the removal, or reconstruction after removal, of a building or other structure—6 months;
- (b) in a case to which paragraph (a) does not apply—such period (if any) being not less than 18 months, as the Local Authority, after considering the extent of the proposed building work, stipulates in the approval;
- (c) in a case to which paragraph (a) does not apply and where a period is not stipulated in the approval pursuant to paragraph (b)—
  - (i) where the building work is in relation to a Class 1 or Class 10 building—18 months;
  - (ii) where the building work relates to a building of some other class—3 years.

**Integrated building work**

**3.3(1)** An approval to the carrying out of integrated building work lapses if—

- (a) the building work in relation to the construction of the first building—
  - (i) is not commenced within 5 years after the date on which the approval was given;
  - or
  - (ii) is not substantially completed within 3 years after the date on which the building work commenced;
  - or
- (b) the building work in relation to the construction of any subsequent buildings—
  - (i) is not commenced within 5 years after the date on which the

certificate of classification is issued by the Local Authority, in accordance with by-law 6.4, for the building last constructed;

or

- (ii) is not substantially completed within 3 years after the date on which the building work commenced.

(2) Where integrated building work has not commenced within a period of 2 years from the date on which the approval for the building work was given by the Local Authority, a person must not carry out the work until the Local Authority has advised whether or not it has any additional requirements as a result (and if any, has advised those requirements) of any amendments of these by-laws that have come into force after the date on which the approval was granted.

(3) Where a Local Authority imposes additional requirements in accordance with subclause (2) the building work must be carried out in accordance with the additional requirements.

(4) Where the amendments of these by-laws referred to in subclause (2) relate to the structural adequacy or fire safety of the buildings to be constructed, the Local Authority must exercise its power under that subclause to require the building work to comply with the by-laws as so amended unless it is satisfied that—

- (a) the public interest would not be adversely affected by failure to do so;
- and
- (b) to do so would cause undue hardship to the person in whose favour the building approval vests for the time being.

### **Extension of period**

**3.4(1)** The period within which any building work is required to be commenced or completed by these by-laws may, in any particular case, be extended from time to time by the Local Authority by one or more periods upon request by the applicant made prior to the expiration of that period or, as the case may be, extended period.

- (2) A Local Authority may extend a period under subclause (1)

notwithstanding that the period has expired.

## PART 4—FEES

### Content

#### 4.1 Prescribed fees

#### **Prescribed fees**

**4.1(1)** A Local Authority may from time to time, by resolution, fix a fee that must be paid to the Local Authority at the time of making an application for—

- (a) approval to the carrying out of building work or a preliminary decision in relation thereto;

or

- (b) any inspection of the building work on behalf of the Local Authority;

or

- (c) any other service provided in accordance with the Act or these by-laws, by or on behalf of the Local Authority.

**(2)** Regulations made under the *Fire Services Act 1990* may fix fees for the assessment and inspection of special fire services, that must be paid to—

- (a) in a case to which paragraph (b) does not apply—the Local Authority at the time of making an application for approval to the carrying out of building work;

or

- (b) where The Commissioner of Fire Service is requested to assess the special fire services before the application referred to in paragraph (a) is made—The Commissioner of Fire Service.

The fee received by a Local Authority on behalf of The Commissioner of Fire Service must be forwarded by that Local Authority to The

Commissioner of Fire Service within 30 days of receipt thereof.

## **PART 5—DUTIES AND INSPECTIONS**

### Contents

- 5.1 Notice to inspect
- 5.2 Fire Authority to inspect special fire services
- 5.3 Appointment of principal building surveyor, etc.
- 5.4 Vacation of office
- 5.5 Appropriate building officers to be paid by Local Authority
- 5.6 Appropriate building officers with private interests not to act
- 5.7 Duties of appropriate building officers
- 5.8 Qualifications of principal building surveyor, etc.

### **Notice to inspect**

**5.1(1)** When giving approval to the carrying out of building work, the Local Authority—

- (a) must impose a condition that notice be given to the Local Authority and The Commissioner of Fire Service before any of the following works or stages of construction are complete so that they can be inspected and, in a case to which subparagraph (ii) applies, tested:—
  - (i) installation of special fire services before installation is completed;
  - (ii) special fire services after installation and before interior surface finishes are applied;
- (b) may impose a condition that notice be given to the Local Authority before any of the following works or stages of construction are complete so that they can be inspected:—
  - (i) foundations and excavations before footings are laid;

- (ii) reinforcement before concrete is placed;
- (iii) frames before cladding is fixed;
- (iv) any other work at any stage or stages of construction as the Local Authority may require.

**(2)** The time by which notice must be given under subsection (1) must—

- (a) be specified in the approval;

and

- (b) be not more than 48 hours before the completion of the works or stage of construction concerned.

**(3)** Where the Local Authority has, pursuant to subclause (1), imposed a condition that notice must be given before a particular work or stage of construction is complete, it may, subject to its granting prior approval therefor, accept a certificate of inspection by an approved person to the effect that—

- (a) the particular stage of the building work is in accordance with the approved plans and specifications;

and

- (b) in respect of footings and slabs, the building work is structurally adequate;

which certificate of inspection must be provided to the Local Authority within 7 days of the date of the inspection of the relevant work or stage of construction.

**(4)** For the purpose of subsection (3) an approved person is—

- (a) a registered professional engineer;

or

- (b) an architect;

or

- (c) some other person considered by the Local Authority to be competent to issue a certificate of inspection;

who for the purposes of the particular work or stage of construction is

approved by the Local Authority to issue the certificate of inspection.

(5) An approval given by a Local Authority for the purpose of subclause (3) must be separately given in respect of each work or stage of construction to which it relates and may not relate to more than one approval to the carrying out of building work.

### **Fire Authority to inspect special fire services**

**5.2(1)** A Local Authority must not—

- (a) issue a certificate of classification in respect of a building or part thereof under by-law 6.4;
- or
- (b) approve of the change of use of a building under by-law 7.2(1)(a);

if the building or part contains any special fire services unless the Local Authority has advised The Commissioner of Fire Service that the special fire services are ready for inspection and The Commissioner of Fire Service has either—

- (c) within 10 days of the receipt of that advice, informed the Local Authority in writing that it does not propose to cause the special fire services to be inspected;
- or
- (d) within 17 days of the receipt of that advice, caused the special fire services to be inspected and advised the Local Authority either that they—
  - (i) comply with the requirements of these by-laws;
  - or
  - (ii) do not comply with the requirements of these by-laws and the reasons for that non-compliance.

(2) The Local Authority must accept The Commissioner of Fire Service's advice given pursuant to subclause (1)(d) and act upon it unless, within 10 days of receiving that advice, it notifies The Commissioner of Fire Service in writing that it disagrees with that advice. The notification must specify the reasons for that disagreement.

(3) Where the Local Authority disagrees with the advice of The Commissioner of Fire Service given pursuant to subclause (1)(d) and has so advised it pursuant to subclause (2), the Local Authority must not issue a certificate of classification pursuant to by-law 6.4 in respect of the building or part concerned until—

- (a) in a case to which paragraph (b) does not apply—the time within which The Commissioner of Fire Service may institute an objection under the Act in respect of that disagreement has expired;
- or
- (b) where The Commissioner of Fire Service has instituted such an objection—until the objection is determined or withdrawn.

### **Appointment of principal building surveyor, etc.**

**5.3(1)** For the purposes of these by-laws each Local Authority—

- (a) must appoint a principal building surveyor;
- and
- (b) may appoint one or more deputy principal building surveyors;
- and
- (c) must appoint at least one building surveyor or restricted building surveyor;
- and
- (d) may appoint one or more cadet building surveyors,

on a full-time, part-time or consultancy basis as the need arises to carry out the duties as prescribed in by-law 5.7, of a principal building surveyor, deputy principal building surveyor, building surveyor, restricted building surveyor or cadet building surveyor, as the case may be.

(2) A Local Authority must not appoint a person to an office referred to in subclause (1) unless the person possesses the qualifications referred to in by-law 5.8 that are appropriate to that office.

(3) Notwithstanding subclause (2), a Local Authority may, with the approval of the Building Advisory Committee, appoint a person to an office



referred to in subclause (1) where that person does not hold the qualifications prescribed in by-law 5.8 that are appropriate to that office. The appointment must be for a period not exceeding 3 years and be subject to any terms and conditions as are approved by the Building Advisory Committee from time to time.

Before the Building Advisory Committee approves the appointment of a person under this subclause it must be satisfied that the person has qualifications, experience and knowledge of a standard such as will enable the person to satisfactorily perform and exercise the duties, functions, authorities, powers and discretions of the office concerned.

(4) Upon appointment of a person to an office referred to in subclause (1), the Local Authority must—

(a) advise the Building Advisory Committee in writing—

(i) of the full name of that person;

and

(ii) the office to which the person has been appointed;

and

(b) supply the Building Advisory Committee with a copy of the documents (if any) evidencing that person's qualifications, including those qualifications that relate to experience.

(5) The secretary of the Building Advisory Committee must maintain a register of the names of persons appointed to an office under subclause (1).

(6) A person who immediately before the commencement of this by-law held the appointment of building surveyor, unrestricted building inspector or restricted building inspector in relation to a Local Authority pursuant to the Standard Building By-laws as in force from time to time before that commencement holds, by virtue of this subclause and without any further appointment, the appointment of principal building surveyor, building surveyor or restricted building surveyor respectively in relation to that Local Authority.

### **Vacation of office**

**5.4** A person appointed to an office in accordance with by-law 5.3(2)

vacates that office immediately on that person ceasing to be qualified under by-law 5.8 for appointment to the office.

### **Appropriate building officers to be paid by Local Authority**

**5.5** Every person appointed under by-law 5.3 must be under the direction of the Local Authority and be paid by the Local Authority.

### **Appropriate building officers with private interests not to act**

**5.6** If a person appointed to an office under by-law 5.3 has any private interest (whether direct or indirect) in the performance of any building work, that person must inform the Local Authority of that interest and the Local Authority must appoint some other suitable person to act in that office in respect of that building work.

### **Duties of appropriate building officers**

**5.7(1)** The principal building surveyor and the deputy principal building surveyor may—

- (a) advise the Local Authority on the administration of the Act and these by-laws;  
and
- (b) perform or exercise all the duties, functions, authorities, powers and discretions prescribed by these by-laws to be performed or exercised by the appropriate building officer.

**(2)** A building surveyor may—

- (a) perform or exercise all the duties, functions, authorities, powers and discretions of the principal building surveyor in relation to—
  - (i) Class 1 and 10 buildings;  
and
  - (ii) Class 2 buildings where the rise in storeys is not greater than 3 storeys;  
and

(iii) Classes 7 and 8 buildings where the rise in storeys is 1 storey only and the floor area of the building does not exceed 2 000m<sup>2</sup>;

and

(iv) Classes 3, 4, 5, 6 and 9 buildings where the rise in storeys is not greater than 2 storeys and the floor area of any storey does not exceed 500m<sup>2</sup>;

and

(b) perform or exercise any other duties, functions, authorities, powers and discretions of the principal building surveyor at the direction of the principal building surveyor and when under the supervision and control of the principal building surveyor or the deputy principal building surveyor.

(3) A restricted building surveyor may perform or exercise all the duties, functions, authorities, powers and discretions of the principal building surveyor in relation to—

(a) Class 1 and 10 buildings;

and

(b) buildings classified in the range Class 2 to Class 9 (both inclusive) having a rise of not more than 2 storeys and in which the total floor area does not exceed 400m<sup>2</sup>;

except in relation to those components of buildings (other than pre-fabricated engineered components such as timber roof trusses or the like) for which structural calculations are required.

(4) A cadet building surveyor may assist in the performance and exercise of those duties, functions, authorities, powers and discretions of a restricted building surveyor where the cadet does so under the supervision of the principal building surveyor, the deputy principal building surveyor, a building surveyor or a restricted building surveyor.

### **Qualifications of principal building surveyor, etc.**

**5.8(1)** A principal building surveyor and deputy principal building surveyor must either—

- (a) have satisfied the entrance requirements of—
  - (i) the Institution of Engineers, Australia for admission as a corporate member;  
or
  - (ii) the Royal Australian Institute of Architects for admission as an associate;  
or
  - (iii) the Architects Registration Board of Queensland;  
or
- (b) hold the degree of—
  - (i) Bachelor of Applied Science (Construction Management);  
or
  - (ii) Bachelor of Applied Science (Building Surveying);  
from a university or other tertiary institution in Queensland;  
or
- (c) have completed a course of study which, in the opinion of the Building Advisory Committee, is at least equivalent to a qualification referred to in paragraph (a) or (b);

and must also have—

- (d) a working knowledge of—
  - (i) the Act and these by-laws;  
and
  - (ii) the fire engineering practices referred to in sections C, D, E and G of the Building Code of Australia;  
and
- (e) at least 12 months experience related to building control with a Local Authority or with an office associated with building control which experience, in the opinion of the Local Authority, is satisfactory.

**(2)** A building surveyor must have—

(a) completed—

(i) the Associate Diploma of Applied Science (Building) conducted by the Department of Employment, Vocational Education, Training and Industrial Relations, Division of TAFE;

or

(ii) the Associate Diploma in Building Inspection conducted by the University College of Central Queensland;

or

(iii) the Bachelor of Applied Science (Construction Management) conducted by the Queensland University of Technology;

or

(iv) a course of study which, in the opinion of the Building Advisory Committee, is at least equivalent to a qualification referred to in subparagraph (i), (ii) or (iii);

and

(b) at least 12 months experience associated with building control which, in the opinion of the Local Authority, is satisfactory;

and

(c) at least 3 years on site experience in the building industry; (the period specified in paragraph (b) may run concurrently with the period specified in this subparagraph).

**(3)** A restricted building surveyor must—

(a)—

(i) have completed—

(A) a course of study, approved by the Building Advisory Committee for restricted building surveyors conducted by either—

the Department of Employment, Vocational Education, Training and Industrial Relations, Division of TAFE;

or

the Queensland University of Technology;

or

the University College of Central Queensland;

or

- (B) a course of study which, in the opinion of the Building Advisory Committee, is at least equivalent to a course referred to in provision (A);

and

- (ii) at least 12 months experience associated with building control which, in the opinion of the Local Authority, is satisfactory;

and

- (iii) at least 3 years on site experience in the building industry; (the period specified in subparagraph (ii) may run concurrently with the period specified in this subparagraph);

or

(b) be—

- (i) registered under the *Builders' Registration and Home-owners' Protection Act 1979–1989* as either a registered house builder or a registered general builder;

and

- (ii) currently undertaking a course of study specified in subclause (1) or (2) or paragraph (a) of this subclause.

(4) A Local Authority may appoint a person as a cadet building surveyor if that person is currently undertaking any of the courses of study specified in subclause (1), (2) or (3).

(5) For the purposes of this by-law the expression “building control” means—

- (a) work associated with the administration of the Act and these by-laws;

or

- (b) work which would make a person familiar with the duties, functions, authorities, powers and discretions of a principal building surveyor, deputy principal building surveyor, building surveyor or, as the case may be, restricted building surveyor.

## **PART 6—CERTIFICATE OF CLASSIFICATION**

### Contents

- 6.1 Interpretation
- 6.2 Classification as special structure
- 6.3 Doubtful classifications
- 6.4 Certificate of classification
- 6.5 No occupation until certificate is issued
- 6.6 Use of a building for habitable purposes
- 6.7 Certificates for a building occupied in stages
- 6.8 Certificate of classification for certain buildings constructed prior to 1 April 1976 where certificate not previously issued
- 6.9 Statement of classification
- 6.10 Local Authority to advise The Commissioner of Fire Service in certain cases

### **Interpretation**

**6.1** For the purposes of this Part, a building is substantially completed when—

- (a) all wet areas are waterproof as required by these by-laws;  
and
- (b) reticulated water is connected to and, in accordance with the plans and specifications approved by the Local Authority, provided throughout the building;

- and
- (c) all sanitary installations are installed as required by these by-laws and to the satisfaction of the Local Authority and are operational;  
and
- (d) all fire safety installations are installed and operational as required by these by-laws;  
and
- (e) all health and safety matters relating to the building comply with these by-laws;  
and
- (f) the electrical power supply is connected to the building to the extent necessary for the building to be used having regard to the classification sought;  
and
- (g) the building is weatherproof as required by these by-laws;  
and
- (h) the building is structurally adequate as required by these by-laws;  
and
- (i) all means of egress comply with these by-laws.

### **Classification as special structure**

**6.2** A building or other structure that cannot be classified in accordance with Part A3 of the Building Code of Australia must be classified as a special structure.

### **Doubtful classifications**

**6.3** Subject to Part V of the Act, where there is any doubt or dispute as to the classification of a building or any part of a building, the classification of the building or part is that which the appropriate building officer considers appropriate, being a class mentioned in Part A3 of the Building Code of Australia or a special structure.



**Certificate of classification**

**6.4 (1) Preparation.** Where approval is given to the carrying out of any building work, the Local Authority must—

- (a) on the substantial completion of the building concerned;
- or
- (b) on consenting in writing to the occupation of part of the building concerned before the entire building is substantially completed;

prepare, in respect of that building or part, a certificate of classification in duplicate, in or to the effect of the form set out in Appendix 1 of these by-laws. If the building or part contains special fire services, the certificate must be prepared in triplicate.

This subclause must not be construed as requiring a Local Authority to prepare a certificate of classification in relation to a building before the certificate is requested in writing by or on behalf of the owner of the building.

**(2) Issue.** Subject to by-law 5.2, the original of the certificate must be issued to the owner of the building.

**(3) Inspection of certificates.** A copy of the certificate must be retained by the Local Authority and be open to inspection, free of charge, by any person during the normal office hours of the Local Authority.

**(4) Interim certificate.** Subject to by-law 5.2, where, by reason of the remoteness of the location of the building it is not practicable for a Local Authority to have it inspected by an appropriate building officer within a reasonable time, it may prepare and issue an interim certificate of classification in respect of that building or part.

An interim certificate of classification remains in force until—

- (a) it is revoked by the Local Authority on the ground that the basis on which it was prepared and issued was false;
- or
- (b) a certificate of classification under subclause (1) is issued in respect of the building;
- or

(c) the expiration of a period of 6 months from its issue; whichever event occurs first.

**(5) Form.** A certificate of classification must—

(a) show the classification of the building having regard to the purpose for which it is—

(i) designed;

or

(ii) constructed;

or

(iii) adapted to be used;

and

(b) where any part of the building is classified differently to any other part, identify the part to which each classification relates.

**(6) Application.** This by-law applies to every building except a single detached Class 1 building and a Class 10 building.

### **No occupation until certificate is issued**

**6.5** A person must not use or occupy any part of a building for which a certificate of classification is required to be prepared unless the certificate has been issued and remains in force.

### **Use of a building for habitable purposes**

**6.6** Unless otherwise approved of by the Local Authority, a person must not use a building or part of a building for habitable purposes unless it is a Class 1, 2, 3 or 4 building.

### **Certificates for a building occupied in stages**

**6.7** Where a certificate of classification has been issued for part of an uncompleted building to which by-law 6.4 applies and the Local Authority consents to the occupation of a further part of the building, it must—

- (a) revoke that certificate;
- and
- (b) issue a further certificate of classification in accordance with by-law 6.4, covering all parts of the building for which consent to occupy has been given by the Local Authority.

### **Certificate of classification for certain buildings constructed prior to 1 April 1976 where certificate not previously issued**

**6.8(1) Preparation.** Where written application for the issue of a certificate of classification is made by or on behalf of the owner of a building to which this by-law applies, the Local Authority must, in respect of that building, prepare a certificate of classification in duplicate, in or to the effect of the form set out in Appendix 1 of these by-laws.

**(2) Issue.** The original of the certificate must be issued to the owner of the building.

**(3) Inspection of certificates.** A copy of the certificate must be retained by the Local Authority and be open to inspection, free of charge, by any person during the normal office hours of the Local Authority.

**(4) Application.** This by-law applies to every building (except a single detached Class 1 building and a Class 10 building) constructed prior to 1 April 1976.

### **Statement of classification**

**6.9(1) Preparation.** Where a written application for the issue of a statement of classification is made by a prescribed person in respect of—

- (a) a building the use of which is proposed to be changed;
- or
- (b) a building proposed to be constructed;

the Local Authority must upon payment of the fee for the time being fixed by the Local Authority by resolution, prepare a statement of classification in duplicate in or to the effect of Appendix 2 of these by-laws.

**(2) Issue.** The original of the statement of classification must be issued

to the person making the application.

**(3) Inspection of certificates.** A copy of the statement must be retained by the Local Authority and be open to inspection, free of charge, by any person during the normal office hours of the Local Authority.

**(4) Form.** A statement of classification must show—

(a) the classification of the building having regard to the purpose for which it is proposed to be used;

and

(b) where any part of the building is classified differently to any other part, identify the part to which each classification relates.

**(5)** In subsection (1) the expression “prescribed person” means—

(a) where the application is in respect of an existing building—the owner of that building or a person acting on the owner’s behalf;

(b) where the application is in respect of a proposed building—the person who, if the proposed building were then completed, would be its owner or a person acting on that person’s behalf.

### **Local Authority to advise The Commissioner of Fire Service in certain cases**

**6.10** When a Local Authority has issued a certificate of classification for a building that is required by these by-laws to be provided with fire safety installations, the Local Authority must, within 10 days after issuing the certificate, provide The Commissioner of Fire Service with—

(a) a copy of the certificate;

and

(b) a list of all fire safety installations installed in the building together with drawings showing the location of those installations.

## **PART 7—CHANGE OF USE**

- 7.1 Interpretation
- 7.2 Change of use
- 7.3 Buildings constructed on or after 1 April 1976
- 7.4 New certificate
- 7.5 Concessional approval for certain existing buildings

### **Interpretation**

**7.1** For the purposes of these by-laws the use of a building is changed if the purpose for which the building is designed, constructed or adapted to be used is changed such that the change would alter the classification of the building under these by-laws.

### **Change of use**

**7.2 (1)** The use of a building must not be changed unless—

(a)—

(i) the building complies with the requirements of these by-laws applicable to its new classification;

and

(ii) the owner of the building has obtained the approval of the Local Authority to that change of use;

or

(b) the change of use involved has been approved by resolution of the Local Authority under by-law 7.5.

**(2)** An application for approval of a Local Authority to a change of use must be in or to the effect of the form set out in Appendix 3 of these by-laws.

### **Buildings constructed on or after 1 April 1976**

**7.3** A building constructed on or after 1 April 1976 must not be used for a purpose that does not conform with the classification of the building specified in the certificate of classification last issued in respect of that

building.

### **New certificate**

**7.4** If it approves a change of use of a building the Local Authority must—

- (a) revoke any existing certificate of classification for the building;
- and
- (b) prepare and issue a certificate of classification in accordance with by-law 6.4 having regard to the new use.

### **Concessional approval for certain existing buildings**

**7.5(1)** The use of a building or part of a building, in existence before the commencement of this by-law, may be changed without the entire building, or part, being made to comply with the provisions of these by-laws applicable to its new classification (Parts E1 and E4 of the Building Code of Australia excepted) if the Local Authority, after consideration of a report by the appropriate building officer and having regard to the circumstances of the case, resolves that in its opinion the building, or part—

- (a) will be structurally sound and capable of withstanding the loadings likely to arise from the new use;
- and
- (b) will contain reasonable provision for—
  - (i) the safety of persons to be accommodated in the building or part in the event of fire including means of egress;
  - and
  - (ii) the prevention of fire;
  - and
  - (iii) the suppression of fire;
  - and
  - (iv) the prevention of the spread of fire.

**(2)** Before the appropriate building officer submits a report to the Local

Authority for the purpose of this by-law in respect of a building or part that contains any special fire services, the appropriate building officer must obtain from The Commissioner of Fire Service a report as to the suitability of those fire services.

(3) An approval under this by-law may be made subject to such conditions (being conditions which relate to any of the matters referred to in Part E1 or E4 of the Building Code of Australia or in paragraph (a) or (b) of subclause (1)) as the Local Authority considers necessary.

## **PART 8—FLOATING BUILDINGS—SPECIAL REQUIREMENTS**

### Contents

- 8.1 Interpretation
- 8.2 Application of this Part
- 8.3 Access
- 8.4 Flotation system
- 8.5 Mooring piles
- 8.6 Materials
- 8.7 Location
- 8.8 Safety equipment
- 8.9 Minimum water depth
- 8.10 Balustrades and handrails
- 8.11 Non-slip surfaces
- 8.12 Carparking, recreation and landscaping facilities

### **Interpretation**

**8.1** In this Part, unless a contrary intention appears—

**“floating building”** means a permanently moored floating building constructed on a flotation system and not intended for, or usable in,

navigation;

**“metacentre”**, in relation to a floating building, means the intersection of the verticals through the centre of buoyancy of the floating building when in equilibrium and when tilted;

**“metacentric height”**, in relation to a floating building, means the distance between the centre of gravity and the metacentre.

### **Application of this Part**

**8.2** The provisions of this Part are in addition to and not in substitution for other provisions of these by-laws which have application to floating buildings.

### **Access**

**8.3(1)** A floating building must have—

(a) where more than one exit is required pursuant to these by-laws, at least one permanent access for each required exit;

or

(b) in any other case, at least one permanent access;

by way of a gangway, bridge or the like, which is not less than 900mm in width measured clear of all obstructions and which gives access to—

(c) the shore;

or

(d) a pontoon, float or wharf or the like which is not less than 1.5m in width measured clear of handrails and which gives permanent access to the shore.

**(2)** Notwithstanding the provisions of subclause (1), the Local Authority may require a greater width than that prescribed therein if in its opinion, having regard to the number of persons likely to be accommodated in the floating building, it is necessary in the interests of safety to do so.



**Flotation system**

**8.4** A floating building must be provided with a flotation system which—

- (a) extends—
  - (i) over the total plan area of the superstructure disregarding projections such as roof overhangs, bay windows, enclosed decks and other architectural features;  
and
  - (ii) to within 2m of such projections;  
and
- (b) is a solid structure of reinforced concrete;  
and
- (c) is a fully enclosed cellular construction with voids provided for buoyancy filled with expanded polystyrene or similar durable foam material;  
and
- (d) is watertight;  
and
- (e) is provided with a timber buffer or the like to protect it from minor accidental impact;  
and
- (f) is designed—
  - (i) to maintain positive stability with a minimum measurement of not less than 250mm from the waterline to the top edge of the flotation system under the most adverse combination of loads to which the floating building is likely to be subject including dead loads, live loads and wind loads calculated in accordance with these by-laws and loads resulting from—
    - (A) water turbulence;  
or
    - (B) flooding of the waterway;

or

(C) tidal action;

or

(D) water flooding associated with fire fighting or accidental cause;

or

(E) accidental impact;

and

(ii) to maintain a minimum freeboard, being the measurement from the waterline to the top edge of the flotation system at the point where it has the least dimension under the action of dead and live loads only, of not less than 400mm;

and

(iii) so that the metacentre is always above the centre of gravity when the floating building is tilted and so that the metacentric height is not less than 300mm;

and

(g) is provided with buoyancy tanks or other devices to enable a reasonably horizontal floor level to be provided when subject to various combinations of asymmetrical dead and live loads both before and after occupation;

and

(h) is permanently restrained under the most adverse combination of loads to which it is likely to be subjected, by at least 4 mooring piles that allow it to freely float with the rise and fall of the water resulting from tides, flood, storm surge, wave action or other cause, but limit lateral movement relative to the mooring pile to 20mm.

### **Mooring piles**

**8.5** Mooring piles must be designed to adequately and safely resist all lateral loads resulting from the most adverse combination of loads which

are likely to act on the flotation system and superstructure of the floating building and any vessel attached to the floating building or mooring piles.

## Materials

**8.6(1) General.** All material used for decking, cladding, waterproofing, or structural purposes in a floating building or any mooring, gangway, bridge, pontoon, float, wharf or the like providing support or access to a floating building must be suitable for marine use.

**(2) Fastenings.** All nails, bolts, brackets and other fastenings used for structural purposes must—

- (a) when easily visible and accessible for maintenance purposes, be hot dip galvanised steel or other material of equivalent durability;
- (b) when not easily visible and accessible for maintenance purposes, be marine grade bronze, copper, stainless steel or other material of equivalent durability;
- (c) if of metal and used in combination with other metals, be designed to minimise the effect of electrolytic action.

## Location

**8.7** A floating building must be located so that the minimum distance between the outermost projection thereof to any other building or the location of any proposed building is 3m plus 1mm for every 3mm in height in excess of 4.5m.

## Safety equipment

**8.8** A floating building must—

- (a) be provided with at least one marine type life ring;  
and
- (b) unless otherwise approved by the Local Authority after consultation with The Commissioner of Fire Service, be located so that no point on the floor of the floating building is either—
  - (i) beyond the reach of a fully extended hose reel that is

connected to the water supply and situated in or in the vicinity of the floating building;

or

- (ii) more than 90m from a hydrant.

### **Minimum water depth**

**8.9** The water depth under a floating building must be at least 1.0m at all times.

### **Balustrades and handrails**

**8.10(1)** Unless otherwise approved by the Local Authority, the perimeter of every part of a floating building not wholly enclosed by walls must be provided with a balustrade that complies with the following standards:—

- (a) a continuous handrail or guardrail or the like must be fixed at a vertical height of not less than 1 000mm above the floor surface and in the space between the handrail, guardrail or the like and the floor surface there must be no openings, or windows or panels which can be opened, which are either wider than 125mm when measured horizontally, or if wider than 125mm when measured horizontally, wider than 125mm when measured vertically;
- (b) all members located more than 150mm and up to and including 760mm above the floor surface must be vertical or otherwise designed to eliminate any toe hold;
- (c) if access through the balustrade is required, a gate specifically designed to restrict access by young children and approved by the Local Authority must be provided.

**(2)** The perimeter of all gangways, pontoons, wharfs, stairways, ramps and the like which provide access to a floating building must be provided with a balustrade that complies with the following standard:—

a continuous handrail must be fixed at a vertical height of not less than 865mm above the nosings of the treads and the floor surface of the access bridge or landing, and in the space between the handrail and stair treads or floor there must be no openings, or windows or panels which can be opened, which are either wider than 300mm when measured horizontally or

if wider than 300mm when measured horizontally, wider than 420mm when measured vertically.

### **Non-slip surfaces**

**8.11** All external floor surfaces of a floating building and the floor surfaces of all gangways, pontoons, wharfs, stairways, ramps and the like which provide access to a floating building must have an approved non-slip finish.

### **Carparking, recreation and landscaping facilities**

**8.12** In respect of a floating building, carparking, recreation and landscaping facilities must be provided as required by the Local Authority.

## **PART 9—SITING REQUIREMENTS**

### Contents

- 9.1 Application of this Part
- 9.2 Clearance from a reserve, lake, canal, river, waterway, or the high water mark of any foreshore or the like
- 9.3 Boundary clearances
- 9.4 Boundary clearances—particular allotments
- 9.5 Concession for fences, screens and ornamental or horticultural structures
- 9.6 Allotment coverage
- 9.7 Basic minimum floor area of Class 1 building

9.8 Special requirements for corner allotments

9.9 Concession for siting requirements

### **Application of this Part**

**9.1(1) Generally.** This Part applies to—

- (a) single detached Class 1 buildings;  
and
- (b) Class 10a buildings and other structures located on the same allotment as a single detached Class 1 building.

**(2) Local Authority resolution.** A Local Authority may, by resolution, require—

- (a) Class 1 buildings other than those specified in subclause (1)(a);  
and
- (b) Class 2, 3 and 4 buildings;  
and
- (c) Class 10 buildings and other structures located on the same allotment as a building specified in paragraph (a) or (b);

to comply with any or all of the provisions of this Part.

### **Clearance from a reserve, lake, canal, river, waterway, or the high water mark of any foreshore or the like**

**9.2(1)** Notwithstanding section 11 of the Act and by-law 9.1, a Local Authority may, by by-law, prohibit the construction of all or any classes of buildings or other structures within a distance, specified in the by-law, of any reserves, lakes, canals, rivers, other waterways or the like situated wholly or partly within its Area or of any foreshore abutting upon its Area.

**(2) Saving.** Any building clearance from any reserve, lake, canal, river, other waterway or the like or from any foreshore fixed by by-law in force immediately before these by-laws came into force, continues to apply until amended or repealed in accordance with a by-law made under this Part.

**Boundary clearances**

**9.3(1) Road boundary clearance.** The minimum road boundary clearance must be 6m.

**(2) Concession for open garage.** An open garage may be erected within 6m of the road boundary, provided—

- (i) the total width of its supports located within the 6m clearance limit does not exceed 10 per centum of the perimeter of that portion of the open garage that is located within 6m of the road boundary;

and

- (ii) the Local Authority is satisfied that it is necessary or expedient to erect the open garage in that location.

**(3) Side and rear boundary clearances—general.** Where the maximum height of the outermost projection above the natural ground surface is—

- (a) 4.5m or less, the minimum side and rear boundary clearances must be 1.5m;

or

- (b) greater than 4.5m but not exceeding 7.5m, the minimum side and rear boundary clearances must be 2m;

or

- (c) greater than 7.5m, the minimum side and rear boundary clearances must be 2m plus 0.5m for every 3m or part of 3m by which that height exceeds 7.5m.

**(4) Stepped design.** Where a building is erected so that its height is stepped, the side and rear boundary clearances, measured to the outermost projections of each step of the building must comply with subclause (3) as if each step of the building were a separate building.

**(5) Concession for narrow allotments.** Where an allotment is rectangular or near rectangular in shape and has a frontage to a road of 15.5m or less, the minimum side and rear boundary clearances must be—

(a) in accordance with the following table:—

ROAD FRONTAGE in metres	Minimum side and rear boundary clearances where—	
	BUILDING HEIGHT 4.5m OR LESS	BUILDING HEIGHT 4.5m to 7.5m
15.001—15.500	1.500	2.000
14.501—15.000	1.425	1.900
14.001—14.500	1.350	1.800
13.501—14.000	1.275	1.700
13.001—13.500	1.200	1.600
12.501—13.000	1.125	1.500
12.001—12.500	1.050	1.400
11.501—12.000	0.975	1.300
11.001—11.500	0.900	1.200
10.501—11.000	0.825	1.100
10.500 or less	0.750	1.000

or

(b) in accordance with subclause (3) (c) for a building or other structure more than 7.5m high.

**(6) Concession for Class 10a buildings.** A Class 10a building may be constructed within the prescribed side and rear boundary clearances provided—

(a) the appropriate building officer is satisfied that adequate precautions have been taken to avoid the discharge of rainwater onto any adjoining allotment;

and

(b) except for an open garage, the Class 10a building is at least 1m from any Class 1 building on the same allotment;

and

(c) the Class 10a building has a height of not more than 4.5m and a mean height of not more than 3.5m, both measured above the natural ground surface;

and



- (d) the total length of all elevations of all buildings facing and within the prescribed boundary clearance to any one boundary does not exceed 9m;  
and
- (e) the Class 10a building is at least 1.5m from every required window of any habitable room in an existing building on an adjoining allotment.

### **Boundary clearances—particular allotments**

**9.4(1) Application.** A Local Authority may, by resolution, apply the provisions of this by-law to any part of its Area identified in the resolution and where it does so, to the extent that the provisions of this by-law are in conflict with by-law 9.3, these provisions apply in that part in the place of by-law 9.3.

The Local Authority must keep a map which identifies those parts of its Area to which this by-law applies and a register of all resolutions to which this by-law applies, both of which are to be open to inspection free of charge by any person during the normal office hours of the Local Authority.

**(2) Road boundary clearance.** Subject to subclause (4), the minimum road boundary clearance is 3m, provided that—

- (a) the building or that part of the building within 6m of the road boundary has a maximum height of not more than 4.5m and a maximum mean height of not more than 3.5m;  
and
- (b) no building or other structure is located on a 6m x 6m area of the allotment (as shown in figure 9.4(2)(b)) which adjoins a road alignment and another allotment—
  - (i) on which there is a Class 1 building which was constructed before 19 December 1987;  
or
  - (ii) in respect of which there is a current approval to construct a Class 1 building that was issued before 19 December 1987.

## TAKE IN FIGURE 9.4(2)(b)

**(3) Side and rear boundary clearances—general.** Subject to subclause (4), the minimum side and rear boundary clearances must be—

- (a) at least 900mm where a paved pedestrian accessway 750mm or more wide is installed for the full length of that part of the building or other structure that is within 1.5m of the boundary;
- or
- (b) within a range of 25mm to 75mm, in which case the external enclosing walls within that range must be constructed of maintenance free materials of uniform colour.

That part of the building or other structure which is within 1.5m of a side or the rear boundary must—

- (c) have a mean height of not more than 3.5m above the level of the natural ground surface;
- and
- (d) have a maximum height of not more than 4.5m above the level of the natural ground surface;
- and
- (e) provide, to the satisfaction of the appropriate building officer, for the discharge of rainwater.

The total length of all elevations of the parts of all buildings facing and within 1.5m of a side or the rear boundary must not exceed 9m.

This subclause—

- (f) does not apply in respect of a side or the rear boundary of an allotment which adjoins another allotment on which there is a building constructed before 19 December 1987 or in respect of which there is a current building approval for the construction of a Class 1 building issued before 19 December 1987;

and

- (g) does not apply in respect of each of two side boundaries which are opposite or near opposite each other on the same allotment but applies in respect of one such boundary only.

**(4) Special areas to be provided on the allotment.** The provisions of subclauses (2) and (3) do not apply unless—

- (a) an outdoor area (which may be landscaped) is provided on the allotment adjacent to the road boundary having a minimum depth of 6m measured at right angles to the road boundary for at least one-third of the width of the road frontage of the allotment: (A driveway of maximum width of 2.4m that provides vehicular access to the car parking spaces required by paragraph (b) may be constructed over this area);

and

- (b) in addition to the outdoor area referred to in paragraph (a), sufficient area for two car parking spaces is provided on the allotment with each space—

- (i) having vehicular access to a road;

and

- (ii) being not less than 2.7m wide by not less than 5.5m long;

and

- (iii) being located—

- (A) not less than 3m from any road boundary;

and

- (B) so that at least one car parking space, if roofed or enclosed at any time, would not infringe the provisions of this Part.

### **Concession for fences, screens and ornamental or horticultural structures**

**9.5** Except as provided in by-law 9.8, there may be constructed within the prescribed boundary clearances—

- (a) a screen or fence of not more than 2m in height above the level of the natural ground surface;  
and
- (b) a structure which is not part of a building and which is not more than 1m above the level of the natural ground surface;  
and
- (c) a pergola or other structure, provided that it is—
  - (i) not enclosed or roofed;  
and
  - (ii) not higher than 2.4m above the level of the natural ground surface measured at the boundary;  
and
  - (iii) in the opinion of the Local Authority, primarily ornamental or for horticultural purposes;  
and
  - (iv) not located within the minimum road boundary clearances prescribed in this Part.

### **Allotment coverage**

**9.6** The maximum area covered by all buildings and roofed structures including garages and outbuildings must not exceed 50% of the total area of the allotment. Measurements must be taken—

- (a) for enclosed spaces, to the outside face of external walls;

and

- (b) for unenclosed spaces, along a line 600mm in from the external perimeter of the roof.

### **Basic minimum floor area of a Class 1 building**

**9.7** Notwithstanding section 11 of the Act, a Local Authority may, by by-law, require a single detached Class 1 building to have a minimum floor area of not less than 60m<sup>2</sup> where it considers the circumstances warrant it.

### **Special requirements for corner allotments**

**9.8(1)** Fences, screens, ornamental structures and the like on an allotment must not, without the approval of the Local Authority, be higher than 1m above the level of the natural ground surface in any corner of that allotment that is bounded by 2 road boundaries and a 6m x 6m three equal chord truncation, as shown in figure 9.8(1).

TAKE IN FIGURE 9.8(1)

**(2)** A building or other structure on a corner allotment must be constructed in accordance with the distances prescribed in by-law 9.3 or 9.4, as the case may be, but where the average depth of the allotment measured at right angles to any alignment is not greater than 24m, the distances may

be reduced for one road frontage nominated by the Local Authority in accordance with the scale shown in figure 9.8(2)A:

Provided in any case that a building or other structure higher than 2m above the level of the natural ground surface must not be erected in the corner of the allotment bounded by two road boundaries and a 12m x 12m truncation, as shown in figure 9.8(2)B.

TAKE IN FIGURE 9.8(2) A and 9.8(2) B

### **Concession for siting requirements**

**9.9** A Local Authority may in respect of a particular allotment modify the requirements of this Part in so far as they apply to that allotment if the applicant for approval to the carrying out of building work on that allotment satisfies the Local Authority that—

- (a) because of the levels, depth, shape or conditions of the allotment or adjoining allotments;  
or
- (b) because of the nature of the proposed building or other structure or adjoining buildings;  
or
- (c) because the allotment is a corner allotment;  
or
- (d) because the allotment has two road frontages;  
or
- (e) because of any other reason the Local Authority may consider relevant;

the proposed building or other structure will not do any of the following:—

- (f) unduly obstruct the natural light and ventilation of adjoining allotments;
- (g) unduly interfere with the privacy of adjoining allotments;
- (h) unduly restrict the areas suitable for landscaping;

- (i) unduly obstruct the outlook from adjoining allotments;
- (j) unduly overcrowd the allotment;
- (k) unduly restrict off-street car parking;
- (l) unduly obstruct access for normal building maintenance.

## **PART 10—TEMPORARY AND SPECIAL STRUCTURES**

### Contents

- 10.1 Temporary buildings or other structures
- 10.2 Special structures
- 10.3 Additional provisions for certain buildings

### **Temporary buildings or other structures**

**10.1(1)** A Local Authority may approve an application for approval to the carrying out of building work in connection with the construction of a temporary building or other structure notwithstanding that the building work will not comply in every respect with the other provisions of these by-laws if, after consideration of a report by the appropriate building officer and having regard to the circumstances of the case, the Local Authority resolves that in its opinion the building or other structure—

- (a) will be structurally sound and capable of withstanding the loadings likely to arise from its use;  
and
- (b) will contain reasonable provision for—
  - (i) the safety of persons to be accommodated in the building or other structure in the event of fire including means of egress;  
and
  - (ii) the prevention of fire;

and

(iii) the suppression of fire;

and

(iv) the prevention of the spread of fire;

and

(v) the health and amenity of persons to be accommodated in the building or other structure.

(2) Before the appropriate building officer submits a report to the Local Authority for the purpose of this by-law in respect of a building or other structure that contains any special fire services, the appropriate building officer must obtain from The Commissioner of Fire Service a report as to the suitability of those fire services.

(3) If a Local Authority approves an application under subclause (1)—

(a) it must limit the time during which the building or other structure is allowed to remain in place;

and

(b) it may subject its approval to such conditions as to the removal or demolition of the building or other structure or otherwise as it thinks fit.

(4) By-laws 2.5 and 2.6 do not apply in respect of an application to which this by-law applies.

### **Special structures**

**10.2(1) Owner to seek approval.** The owner of any land upon which it is proposed to construct a special structure must apply to the Local Authority for approval in accordance with the provisions of Part 2 of these by-laws.

(2) **Local Authority must approve if satisfied.** The Local Authority, if satisfied that the special structure—

(a) complies with these by-laws;

and



- (b) will contain reasonable provision for—
  - (i) the safety of persons using the structure in the event of fire including means of egress;  
and
  - (ii) the prevention of fire;  
and
  - (iii) the suppression of fire;  
and
  - (iv) the prevention of the spread of fire;  
and
  - (v) the health and amenity of persons using the structure;

must approve the construction of the special structure.

**(3) Exemption by Local Authority.** The Local Authority may, by resolution, exempt from the application of any of these by-laws any special structure or class thereof.

### **Additional provisions for certain buildings**

**10.3(1)** Where a Local Authority approves the carrying out of building work in relation to a prescribed building it may, by resolution, subject its approval to such conditions directed to restricting or combating the spread of fire within or from the building as it considers appropriate.

**(2)** A Local Authority must not act under subclause (1) unless it has first consulted with The Commissioner of Fire Service as to the appropriateness of those conditions.

**(3)** In this by-law the expression “prescribed building” means a Class 5, 6, 7 or 8 building—

- (a) which has a total floor area in excess of 36 000m<sup>2</sup>;  
or
- (b) in respect of which the Local Authority is of the opinion that special provision should be made to restrict or combat the spread of fire within or from the building by reason of the purpose or

purposes for which the building is being or is to be used.

(4) The provisions of this by-law apply in addition to any other provisions of these by-laws.

## **PART 11—SPECIAL PROVISIONS**

### Contents

- 11.1 Earthworks and retaining walls
- 11.2 Land liable to flooding
- 11.3 Drainage of building or allotment
- 11.4 Swimming pool fencing

### **Earthworks and retaining walls**

**11.1** Wherever building work is being carried out and the soil conditions, ground levels, excavation or filling so require—

- (a) retaining walls or other suitable methods for preventing the movement of the soil must be provided;
- and
- (b) such provision must be made for the drainage of the building or allotment concerned;

as may be necessary to protect land, buildings and other structures in the neighbourhood.

### **Land liable to flooding**

**11.2(1)** A Local Authority may, by resolution, declare an allotment as being liable to flooding (including by tidal surge) and determine the height which the floor levels of habitable rooms to be constructed on that allotment must be above the level of the natural ground surface of the allotment.

(2) A Local Authority must maintain a register of resolutions under

subclause (1) and make it available for inspection by any person free of charge during the normal office hours of the Local Authority.

### **Drainage of building or allotment**

**11.3** Where a building or allotment is to be drained provision must be made to protect land, buildings and other structures in the neighbourhood.

### **Swimming pool fencing**

**11.4** For the purposes of section 49H of the *Local Government Act 1936-1990*—

- (a) the prescribed standards for the design, construction and performance of swimming pool fencing are the standards set out in AS 1926-1986, Fences and Gates for Private Swimming Pools, as in force on 4 August 1986;
- (b) the prescribed standards for—
  - (i) the fitting of self-closing and self-latching devices;  
and
  - (ii) the enclosing, fixing and location of windows;are the standards set out in clause 9.2.2 of AS 2818-1986, Guide to Swimming Pool Safety, as in force on 5 September 1986.

## **PART 12—STATE ACCREDITATION**

### Contents

- 12.1 Purpose
- 12.2 Interpretation
- 12.3 Application
- 12.4 Effect of accreditation
- 12.5 Director to accredit

- 12.6 Conditions
- 12.7 Register
- 12.8 Cancellation or alteration of accreditation
- 12.9 Director to issue certificate
- 12.10 Records
- 12.11 Register open to inspection

### **Purpose**

**12.1** The purpose of this Part is to provide for the establishment and maintenance of a system of state accreditation of building products that are suitable for use in building work.

### **Interpretation**

**12.2** In this Part—

“**building product**” means any building material or method of construction or design used in building work.

### **Application**

**12.3** This Part applies to a building product that is new or innovative, but does not apply to a building product—

- (a) in respect of which there is a current Certificate of Accreditation, or a Standards Mark Certificate issued by Standards Australia;  
or
- (b) that is manufactured, fabricated or constructed in accordance with the requirements of an Australian Standard that is referenced in the Building Code of Australia;  
or
- (c) that is a product to which none of the other Parts of these by-laws apply.

**Effect of State accreditation**

**12.4** A building product accredited under this Part is suitable for use in building work if used in accordance with the conditions (if any) to which the accreditation is subject.

**Director to accredit**

**12.5(1)** A person may apply to the Director to have a building product accredited under this Part.

**(2)** The Director must accredit the building product unless satisfied that the building product is not suitable to be used in building work.

**(3)** The application must be—

(a) in accordance with the form from time to time approved by the Director;

and

(b) be accompanied by—

(i) an appraisal of the product from an authority that is recognised by the Director as competent to make the appraisal;

and

(ii) a test report from a Registered Testing Authority within the meaning of the Building Code of Australia;

and

(c) accompanied by a fee of \$200.00.

**(4)** Where the accreditation sought for a building product relates only to its structural adequacy, the Director may dispense with the need for an application to be accompanied by the information referred to in subsection (3) (b) if it is accompanied by a certificate from a registered professional engineer stating that the product is structurally adequate and suitable for use in building work.

**(5)** The Director may request the applicant to supply such additional information as the Director considers necessary to enable a proper assessment of the suitability or otherwise of the building product.

**Conditions**

**12.6** The accreditation of a building product may be made subject to conditions that are relevant to the use of the product.

**Register**

**12.7(1)** The Director must cause to be maintained a register of building products accredited under this Part and the conditions (if any) to which the accreditation is subject and is to assign to each product an accreditation number.

(2) The register is to be called the Queensland Accreditation Register.

**Cancellation or alteration of accreditation**

**12.8(1)** If it comes to the knowledge of the Director that a substantial alteration has occurred in respect of a building product accredited under this Part or that the product is no longer marketed, the Director may cancel or alter the accreditation as to the Director appears appropriate.

(2) If the Director is satisfied that a building product accredited under this Part is not suitable for the use in respect of which it is accredited the Director may cancel its accreditation.

(3) The Director must not cancel or alter the accreditation of a building product unless the applicant for accreditation or a manufacturer of the product has been given an opportunity to make representations to the Director in relation to the matter.

(4) In subsection (1) the expression “substantial alteration” means—

- (a) any alteration to the manufacturer’s specifications or literature relating to the building product;
- (b) any alteration to the product such that it may no longer be suitable for the use in respect of which it is accredited.

**Director to issue certificate**

**12.9** Where the Director accredits a building product under this Part the applicant for accreditation must be issued with a Certificate of Accreditation

that relates to the product.

### **Records**

**12.10** All documentation considered by the Director when deciding to accredit a building product under this Part is to be retained by the Director while the accreditation continues.

### **Register open to inspection**

**12.11** The Queensland Accreditation Register is to be open to inspection by any person free of charge during normal office hours.

## **PART 13—BUILDING PRODUCTS REGISTRATION**

### Contents

- 13.1 Purpose
- 13.2 Duration
- 13.3 Interpretation
- 13.4 Application
- 13.5 Effect of registration
- 13.6 Director to register
- 13.7 Conditions
- 13.8 Register
- 13.9 Cancellation or alteration of registration
- 13.10 Director to issue certificate
- 13.11 Records
- 13.12 Register open to inspection

**Purpose**

**13.1** The purpose of this Part is to provide for the establishment and maintenance of a register of building products that are suitable for use in single detached Class 1 and 10 buildings.

**Duration**

**13.2** This Part continues in force until 31 December 1993 and then expires.

**Interpretation**

**13.3** In this Part—

“building product” means any building material or method of construction or design used in building work.

**Application**

**13.4** This Part does not apply to a building product—

- (a) in respect of which there is a current Certificate of Accreditation, or a current Standards Mark Certificate issued by Standards Australia;
- or
- (b) that is not in common use in the building industry in Queensland at the commencement of this by-law;
- or
- (c) that is a generic material, including brick, masonry, concrete or steel, that is manufactured, fabricated or constructed in accordance with the requirements of an Australian Standard that is referenced in the Building Code of Australia;
- or
- (d) that is a product to which none of the other Parts of these by-laws apply.



**Effect of registration**

**13.5** A building product registered under this Part is suitable for use in single detached Class 1 and 10 buildings if used in accordance with the conditions (if any) to which the registration is subject.

**Director to register**

**13.6(1)** A person may apply to the Director to have a building product registered under this Part.

(2) The Director must register the product unless the Director is satisfied that the product is not suitable to be used in single detached Class 1 and 10 buildings.

(3) The application must be—

(a) in accordance with the form from time to time approved by the Director;

and

(b) be lodged with the secretary to the Building Advisory Committee.

(4) The Director may request the applicant to supply such additional information as the Director considers necessary to enable a proper assessment of the suitability or otherwise of the building product.

**Conditions**

**13.7** The registration of a building product may be made subject to conditions that are relevant to the use of the product.

**Register**

**13.8(1)** The Director must cause to be maintained a register of building products registered under this Part and the conditions (if any) to which the registration is subject and is to assign to each product a registration number.

(2) The register is to be called the Building Products Register.

**Cancellation or alteration of registration**

**13.9(1)** If it comes to the knowledge of the Director that a substantial alteration has occurred in respect of a building product registered under this Part, the Director may cancel or alter the registration as to the Director appears appropriate.

(2) If the Director is satisfied that a building product registered under this Part is not suitable for the use in respect of which it is registered the Director may cancel its registration.

(3) The Director must not cancel or alter the registration of a building product unless the applicant for registration or the manufacturer of the product has been given an opportunity to make representations to the Director in relation to the matter.

(4) In subsection (1) the expression “substantial alteration” means—

- (a) any alteration to the manufacturer's specifications or literature relating to the building product;
- (b) any alteration to the product such that it may no longer be suitable for the use in respect of which it is registered.

**Director to issue certificate**

**13.10** Where the Director registers a building product under this Part the applicant for registration must be issued with a certificate of registration that relates to the product.

**Records**

**13.11** All documentation considered by the Director when deciding to register a building product under this Part is to be retained by the Director while the registration continues.

**Register open to inspection**

**13.12** The Building Products Register is to be open to inspection by any person free of charge during normal office hours.

APPENDICES 1 TO 4—5 Pages









## APPENDIX 5

**Fire safety installations***Structural features*

- access panels through fire-rated construction
- penetrations through fire-rated construction
- fire dampers
- fire shutters and fire doors
- fire windows
- fire curtains
- structural fire protection
- systems required to have a fire-resistance level
- fire control centres

*Fire protection systems*

- sprinklers (including wall-wetting sprinklers)
- special automatic fire suppression systems (including foam, deluge and gas flooding systems)
- fire detection and alarm systems
- stairwell pressurisation systems
- air-handling systems
  - smoke and heat venting systems
  - smoke exhaust systems

*Fire fighting equipment*

- fire mains
- fire hydrants (including hydrant boosters)
- fire hoses
- fire extinguishers (portable)



*Occupant safety features*

- emergency warning and intercommunication systems
- exit door hardware
- emergency lighting
- exit signs
- emergency lifts
- emergency power supply
- fire doors
- solid core doors
- smoke proof doors

*Other features*

- vehicular access for large isolated buildings
- services provided under conditions imposed under by-law 10.3
- services required under clause E1.10 of the Building Code of

## APPENDIX 6

**Special fire services**

fire mains

fire hydrants

sprinklers (including wall-wetting sprinklers)

specialty fire fighting systems (including foam, deluge and gas flooding systems)

fire detection and alarm systems

fire control centres

stairwell pressurisation systems

air-handling systems used for smoke control

smoke and heat venting systems

smoke exhaust systems

emergency warning and intercommunication systems

emergency lifts

vehicular access for large isolated buildings

services provided under conditions imposed under by-law 10.3

services required under clause E1.10 of the Building Code of Australia”.