



Queensland

Building and Other Legislation Amendment Regulation (No. 2) 2006

Subordinate Legislation 2006 No. 315

made under the

Building Act 1975

Integrated Planning Act 1997

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Building and Other Legislation Amendment Regulation (No. 2) 2006*.

2 Commencement

This regulation commences on 1 January 2007.

Part 2 Amendment of Building Regulation 2006

3 Regulation amended in pt 2

This part amends the *Building Regulation 2006*.

4 Omission of pt 3, divs 1 to 3 hdgs

Part 3, divisions 1, 2 and 3, headings—
omit.

5 Replacement of ss 7 to 9

Sections 7 to 9—
omit, insert—

‘7 Additional water saving targets

- ‘(1) This section applies for work (*relevant work*) that—
- (a) is the subject of building assessment work or self-assessable building work; and
 - (b) is for a class 1 building.
- ‘(2) A provision of a local law or planning instrument or a local government resolution may impose a requirement (an

additional requirement) for relevant work about the matters provided for under performance criteria 1 and 2 under QDC part 25.

- ‘(3) However, an additional requirement may be imposed only if—
- (a) it includes acceptable solutions that apply for the performance criteria; and
 - (b) the acceptable solutions are—
 - (i) a more effective measure for saving water than under QDC part 25; and
 - (ii) a qualitative statement or quantifiable standard.

Examples of requirements that may comply with subsection (3)—

- a dual reticulation requirement under which 2 separate water pipelines must supply the building, one of which delivers recycled water and the other delivers drinking water
- a stormwater reuse requirement under which stormwater is required to be harvested and stored, above or below ground, for reuse
- a communal rainwater tank requirement under which harvested rainwater must be stored in an above or below ground community storage tank for use by a community the area of which includes the building

- ‘(4) If there are additional requirements for relevant work, the work must comply with QDC part 25 and the additional requirements.’.

6 **Amendment of s 10 (Planning scheme provisions about particular performance criteria under QDC part 11 or QDC part 12)**

Section 10(3), definitions *qualitative statement* and *quantifiable standard*—
relocate to schedule 4.

7 **Insertion of new s 51A**

Part 8, division 1—
insert—

‘51A Approval of replacement QDC part 25

- ‘(1) Replacement QDC part 25 published by the chief executive on 5 December 2006 is approved under section 13(3) of the Act.
- ‘(2) The approval takes effect on 1 January 2007.

‘51B Prescribed day for expiry of existing rainwater tank provisions—Act, s 283

- ‘(1) The following days are prescribed for section 283(3)(a) of the Act—
 - (a) for a rainwater tank provision made by any of the prescribed local governments—1 January 2007;
 - (b) for a rainwater tank provision made by another local government—1 July 2007.

- ‘(2) In this section—

prescribed local governments means—

- (a) the councils of the cities of Brisbane, Caloundra, Gold Coast, Ipswich, Logan, Maryborough, Redcliffe and Toowoomba; and
- (b) the councils of the shires of Beaudesert, Boonah, Caboolture, Cooloola, Crow’s Nest, Esk, Gatton, Jondaryan, Kilcoy, Laidley, Maroochy, Nanango, Noosa, Pine Rivers, Redland and Rosalie.

rainwater tank provision means a rainwater tank provision under section 283 of the Act.’.

8 Amendment of s 57 (Development applications made for relevant building work before designation of rainwater tank area)

- (1) Section 57(1), ‘this regulation’—
 - omit, insert—*
 - ‘former section 7’.

(2) Section 57—

insert—

‘(3) In this section—

former section 7 means section 7 as in force immediately before 1 January 2007.

relevant building work means relevant building work under this regulation immediately before 1 January 2007.’

9 **Amendment of sch 1 (Prescribed building work for Act, s 21)**

(1) Schedule 1, section 13(1)(b)—

omit, insert—

‘(b) for a rainwater tank for a new building; or’.

(2) Schedule 1, section 13(2)(b)(ii), ‘a mean’—

omit, insert—

‘if the class 10 is not a rainwater tank—a mean’.

(3) Schedule 1, section 13(3)(b), after ‘comply’—

insert—

‘with’.

(4) Schedule 1, section 13(4)—

insert—

‘*rainwater tank* means—

(a) a covered tank used to collect rainwater from a building;
and

(b) any stand or other structure that supports the tank.’.

10 **Amendment of sch 4 (Dictionary)**

(1) Schedule 4, definitions *designated rainwater tank area*, *rainwater tank* and *relevant building work*—

omit.

- (2) Schedule 4, definition *competent person*, ‘section 16(3)’—
omit, insert—
‘section 17(3)’.

Part 3 Amendment of Integrated Planning Regulation 1998

11 Regulation amended in pt 3

This part amends the *Integrated Planning Regulation 1998*.

12 Amendment of sch 2 (Referral agencies and their jurisdiction)

Schedule 2, table 1, item 24 and heading—
omit, insert—

‘Required water savings targets		
24 Building work if— (a) the Queensland Development Code, part 25, applies to the work; and (b) the building work does not include an acceptable solution for a relevant performance criteria under the part	The local government—as a concurrence agency	Whether the proposed building complies with the performance criteria
25 Building work if— (a) under the <i>Building Regulation 2006</i> , section 7, an additional requirement applies for the building work; and (b) under the requirement, the proposed building is not of the quantifiable standard for a relevant qualitative statement under the requirement	The local government—as a concurrence agency	Whether the proposed building complies with the qualitative statement’.

ENDNOTES

- 1 Made by the Governor in Council on 14 December 2006.
- 2 Notified in the gazette on 15 December 2006.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Local Government, Planning, Sport and Recreation.