



Queensland

Plumbing and Drainage and Other Legislation Amendment Regulation (No. 1) 2012

Subordinate Legislation 2012 No. 167

made under the

Building Act 1975

Plumbing and Drainage Act 2002

Sustainable Planning Act 2009

Contents

		Page
Part 1	Preliminary	
1	Short title	5
2	Commencement	5
Part 2	Amendment of Building Regulation 2006	
3	Regulation amended	5
4	Replacement of s 51BE (Approval of amendment of QDC by replacing part MP 4.1)	5
	51BE Approval of amendment of QDC by replacing part MP 4.1	5
	51BEA Approval of amendment of QDC by replacing part MP 4.2	6
	51BEB Approval of amendment of QDC by replacing part MP 4.3	6
Part 3	Amendment of Plumbing and Drainage Regulation 2003	
5	Regulation amended	6
6	Amendment of s 4 (Licence required for performing regulated and minor work)	6

Contents

7	Omission of s 11 (Fee to accompany notice to local government of particular minor work)	7
8	Amendment of sch 4 (Fees)	7
Part 4	Amendment of Standard Plumbing and Drainage Regulation 2003	
9	Regulation amended	7
10	Amendment of s 6B (Criteria for deciding application for compliance permit for greywater use facility in a sewerred area)	8
11	Insertion of new s 6C	8
	6C Notifiable work—Act, sch, definition notifiable work	8
12	Amendment of s 7 (Minor work—Act, sch, definition minor work)	9
13	Amendment of s 8 (Unregulated work—Act, sch, definition unregulated work)	9
14	Amendment of s 11 (Limited application of AS/NZS 3500.1:2003)	10
15	Amendment of s 13 (Application of pt 3)	10
16	Amendment of s 14 (General requirements for plans the subject of a compliance request)	10
17	Amendment of s 14A (Additional requirements for plans for regulated work)	11
18	Amendment of s 14B (Additional requirements for plans for greywater use facilities in a sewerred area)	11
19	Amendment of s 14C (Additional requirements for plans for greywater use facilities not in a sewerred area)	11
20	Amendment of s 14D (Additional requirements for plans for on-site sewerage facilities)	11
21	Amendment of s 15 (Certificates for plan given by competent person)	11
22	Amendment of s 17 (Definitions for div 3)	12
23	Amendment of s 18 (Request for compliance assessment of regulated work or on-site sewerage work)	12
24	Amendment of s 19 (Stages for assessment of regulated work)	12
25	Amendment of s 20 (Assessment of stages of work by local government)	12
26	Amendment of s 21 (Covering plumbing and drainage or on-site sewerage facility)	13
27	Amendment of s 22 (Testing and commissioning plumbing and drainage)	13
28	Amendment of s 23 (General requirements for plans for assessed work)	13
29	Amendment of s 23A (Additional requirements for plans for assessed regulated work)	13

30	Amendment of s 23B (Additional requirements for plans for assessed greywater use facilities in a sewerred area)	14
31	Amendment of s 23C (Additional requirements for plans for assessed greywater use facilities not in a sewerred area)	14
32	Amendment of pt 3, div 4, hdg (Assessing regulated work or on-site sewerage work in remote areas)	14
33	Amendment of s 24 (Application of div 4).	14
34	Amendment of s 25 (Meaning of remote area).	14
35	Amendment of s 26 (Request for compliance assessment of regulated work or on-site sewerage work)	15
36	Amendment of s 27 (Testing and commissioning plumbing and drainage)	15
37	Amendment of s 28 (Plan of completed work)	15
38	Insertion of new part 3, div 5	15
	Division 5 Assessing notifiable work	
	29A Requests for assessment of notifiable work	15
	29B Rectification notices for assessments under s 29A or the Act, s 87(4).	16
39	Amendment of s 32 (Unsuitable apparatus, fittings, materials and pipes)	18
40	Amendment of s 33 (Disconnection of supply pipes and sanitary drains)	18
41	Amendment of s 53 (Qualifications and experience)	18
42	Replacement of pt 8, hdg (Transitional provisions for Plumbing and Drainage Legislation Amendment Regulation (No. 1) 2005)	18
43	Amendment of s 56 (Definitions for pt 8)	19
44	Insertion of new pt 8, div 2	19
	Division 2 Transitional provision for Plumbing and Drainage and Other Legislation Amendment Regulation (No. 1) 2012	
	60 Plumbing and drainage work	19
45	Insertion of new sch 1A	20
	Schedule 1A Notifiable work	
	Part 1 Notifiable work	
	Part 2 Plumbing and drainage work that is not notifiable work	
46	Amendment of sch 2 (Minor work)	22
47	Amendment of sch 3 (Unregulated work).	23
48	Renumbering of schs 1A to 4.	23
49	Amendment of sch 6 (Dictionary).	23

Contents

Part 5	Amendment of Sustainable Planning Regulation 2009	
50	Regulation amended	25
51	Amendment of sch 7 (Referral agencies and their jurisdictions) .	25
52	Amendment of sch 26 (Dictionary)	26

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Plumbing and Drainage and Other Legislation Amendment Regulation (No. 1) 2012*.

2 Commencement

This regulation commences on the commencement of the *Sustainable Planning and Other Legislation Amendment Act 2012*, part 6.

Part 2 Amendment of Building Regulation 2006

3 Regulation amended

This part amends the *Building Regulation 2006*.

4 Replacement of s 51BE (Approval of amendment of QDC by replacing part MP 4.1)

Section 51BE—

omit, insert—

'51BE Approval of amendment of QDC by replacing part MP 4.1

- '(1) The amendment of the QDC by replacing part MP 4.1 published by the chief executive on 10 September 2012 is approved under section 13(3) of the Act.
- '(2) The approval takes effect on 1 November 2012.

‘plumbing work or drainage work, other than unregulated work.’

7 Omission of s 11 (Fee to accompany notice to local government of particular minor work)

Section 11—

omit.

8 Amendment of sch 4 (Fees)

Schedule 4—

insert—

‘4 Notice of notifiable work (Act, s 87(3)(c))—

- (a) if the notice is given by a person, other than a relevant entity—
 - (i) electronically under section 87A of the Act 25.00
 - (ii) in another way 35.00
- (b) if the notice is given by a relevant entity that is a public sector entity. nil
- (c) if the notice is given by another relevant entity. 35.00’.

Part 4 Amendment of Standard Plumbing and Drainage Regulation 2003

9 Regulation amended

This part amends the *Standard Plumbing and Drainage Regulation 2003*.

[s 10]

10 Amendment of s 6B (Criteria for deciding application for compliance permit for greywater use facility in a sewered area)

Section 6B, ‘regulated’—
omit, insert—
‘compliance assessable’.

11 Insertion of new s 6C

After section 6B—
insert—

‘6C Notifiable work—Act, sch, definition *notifiable work*

‘(1) This section prescribes notifiable work for the Act, schedule, definition *notifiable work*.

‘(2) Plumbing and drainage work listed in schedule 2, part 1, item 1 is notifiable work.

Note—

Emergency work is listed in schedule 2, part 1, item 1.

‘(3) Plumbing and drainage work listed in schedule 2, part 1, items 2 to 16 is notifiable work if—

(a) the work is not plumbing and drainage work listed in schedule 2, part 2, or minor work listed in schedule 3; and

(b) the work is carried out as part of a single transaction by a relevant licensee for any of the following—

(i) an existing building;

(ii) an extension to an existing building if the existing building is classified under BCA as a class 1 building;

(iii) a structure that is for an existing building if the existing building is classified under BCA as a class 1 building.

Note—

Notice of notifiable work that has been completed must be given within 10 business days after completion of the work. See the Act, section 87.

- ‘(4) However, plumbing and drainage work mentioned in subsection (3) is not notifiable work if—
- (a) the work is carried out with other plumbing and drainage work that is compliance assessable work; and
 - (b) all the work is assessed under part 4, divisions 1 to 4 of the Act.

- ‘(5) In this section—

existing building means a building that has drainage and an existing water supply.

relevant licensee, for plumbing and drainage work, means—

- (a) a licensee for the work; or
- (b) if the work is carried out by more than 1 licensee for the work and all the licensees are employed by the same employer to perform the work—the licensees for the work.’.

12 Amendment of s 7 (Minor work—Act, sch, definition *minor work*)

- (1) Section 7(1), ‘schedule 2’—

omit, insert—

‘schedule 3’.

- (2) Section 7(2)—

omit.

13 Amendment of s 8 (Unregulated work—Act, sch, definition *unregulated work*)

Section 8, ‘schedule 3’—

[s 14]

omit, insert—

‘schedule 4’.

14 Amendment of s 11 (Limited application of AS/NZS 3500.1:2003)

(1) Section 11(1)(a), ‘regulated’—

omit, insert—

‘compliance assessable’.

(2) Section 11(1)(b)—

omit, insert—

‘(b) conducting an assessment, investigation or inspection of compliance assessable work, notifiable work or minor work.’.

15 Amendment of s 13 (Application of pt 3)

(1) Section 13, ‘regulated’—

omit, insert—

‘compliance assessable’.

(2) Section 13—

insert—

‘(2) This part also applies for assessment by a local government of notifiable work.’.

Note—

See the Act, sections 87(4) and 90(b).’.

16 Amendment of s 14 (General requirements for plans the subject of a compliance request)

Section 14(3)(a), ‘regulated’—

omit, insert—

‘compliance assessable’.

17 Amendment of s 14A (Additional requirements for plans for regulated work)

Section 14A, ‘regulated’—

omit, insert—

‘compliance assessable’.

18 Amendment of s 14B (Additional requirements for plans for greywater use facilities in a sewerred area)

Section 14B(1), ‘regulated’—

omit, insert—

‘compliance assessable’.

19 Amendment of s 14C (Additional requirements for plans for greywater use facilities not in a sewerred area)

Section 14C(1) and (2)(e), examples, first dot point, ‘regulated’—

omit, insert—

‘compliance assessable’.

20 Amendment of s 14D (Additional requirements for plans for on-site sewerage facilities)

Section 14D(2)(e), examples, first dot point, ‘regulated’—

omit, insert—

‘compliance assessable’.

21 Amendment of s 15 (Certificates for plan given by competent person)

Section 15(1), ‘regulated’—

omit, insert—

‘compliance assessable’.

[s 22]

22 Amendment of s 17 (Definitions for div 3)

- (1) Section 17, definition *responsible person*—
omit.
- (2) Section 17, definition *48 hours*, ‘regulated’—
omit, insert—
‘compliance assessable’.

23 Amendment of s 18 (Request for compliance assessment of regulated work or on-site sewerage work)

Section 18, ‘regulated’—
omit, insert—
‘compliance assessable’.

24 Amendment of s 19 (Stages for assessment of regulated work)

- (1) Section 19, heading, ‘regulated’—
omit, insert—
‘**compliance assessable**’.
- (2) Section 19(1), ‘regulated’—
omit, insert—
‘compliance assessable’.

25 Amendment of s 20 (Assessment of stages of work by local government)

Section 20(1), ‘regulated’—
omit, insert—
‘compliance assessable’.

26 Amendment of s 21 (Covering plumbing and drainage or on-site sewerage facility)

Section 21(1), ‘regulated’—

omit, insert—

‘compliance assessable’.

27 Amendment of s 22 (Testing and commissioning plumbing and drainage)

(1) Section 22(1), (6), and (7), definition *approved person*, ‘regulated’—

omit, insert—

‘compliance assessable’.

(2) Section 22(2) and (3), ‘schedule 4’—

omit, insert—

‘schedule 5’.

28 Amendment of s 23 (General requirements for plans for assessed work)

Section 23(1), ‘regulated’—

omit, insert—

‘compliance assessable’.

29 Amendment of s 23A (Additional requirements for plans for assessed regulated work)

Section 23A, ‘regulated’—

omit, insert—

‘compliance assessable’.

[s 30]

30 Amendment of s 23B (Additional requirements for plans for assessed groundwater use facilities in a sewerred area)

Section 23B(1), ‘regulated’—

omit, insert—

‘compliance assessable’.

31 Amendment of s 23C (Additional requirements for plans for assessed greywater use facilities not in a sewerred area)

Section 23C(1), ‘regulated’—

omit, insert—

‘compliance assessable’.

32 Amendment of pt 3, div 4, hdg (Assessing regulated work or on-site sewerage work in remote areas)

Part 3, division 4, heading, ‘regulated’—

omit, insert—

‘compliance assessable’.

33 Amendment of s 24 (Application of div 4)

Section 24, ‘regulated’—

omit, insert—

‘compliance assessable’.

34 Amendment of s 25 (Meaning of *remote area*)

Section 25(1)(a), ‘*Water Act 2000*’—

omit, insert—

‘Water Supply Act’.

35 Amendment of s 26 (Request for compliance assessment of regulated work or on-site sewerage work)

Section 26, ‘regulated’—

omit, insert—

‘compliance assessable’.

36 Amendment of s 27 (Testing and commissioning plumbing and drainage)

Section 27, ‘regulated’—

omit, insert—

‘compliance assessable’.

37 Amendment of s 28 (Plan of completed work)

Section 28, ‘regulated’—

omit, insert—

‘compliance assessable’.

38 Insertion of new part 3, div 5

Part 3, after section 29—

insert—

‘Division 5 Assessing notifiable work

‘29A Requests for assessment of notifiable work

‘(1) The responsible person for notifiable work may request the local government to assess the work for compliance with this regulation.

‘(2) If the responsible person makes a request under subsection (1), the local government, the responsible person and the occupier of the place where the notifiable work was performed may agree—

[s 38]

- (a) for the local government to assess the work for compliance with this regulation; and
 - (b) the time within which the local government must start assessing the work.
- ‘(3) If the local government, responsible person and occupier agree under subsection (2), the local government must start assessing the work within 1 hour after the time agreed.

Notes—

- 1 Under the *Local Government Act 2009*, section 97 and the *City of Brisbane Act 2010*, section 99, a local government may fix a cost-recovery fee for the performance of a responsibility imposed on the local government under the Act.
- 2 An inspector for the local government may only enter private property with the permission of the occupier of the property or with a warrant. See the Act, section 114(3) and the *Local Government Act 2009*, chapter 5, part 2.

‘29B Rectification notices for assessments under s 29A or the Act, s 87(4)

- ‘(1) This section applies to notifiable work the subject of an assessment under section 29A, or section 87(4) of the Act.
- ‘(2) If the local government reasonably believes the work does not comply with this regulation, the local government may give the responsible person for the work written notice (a *rectification notice*) of the action required to make the work comply.
- ‘(3) However, if the council has been given notice under section 87 of the Act about the work, the local government may only give a rectification notice for the work within 12 months of the day notice of the work is given to the council.
- ‘(4) The rectification notice must state the following—
- (a) the action the local government considers necessary to make the work comply with this regulation (the *rectification work*);
 - (b) the rectification period;

-
- (c) if the local government reasonably believes an assessment of the rectification work is required—that the responsible person must, before the end of the rectification period, request the local government to assess the rectification work;

Note—

See section 29A for requests for assessment of notifiable work.

- (d) any conditions the local government considers reasonable;

Example of a condition the local government may consider reasonable—

a condition that the work not be covered until the local government has assessed the work

- (e) that the responsible person must comply with the notice unless the person has a reasonable excuse;
- (f) that it is an offence to fail to comply with the notice unless the responsible person has a reasonable excuse.

- ‘(5) A person who is given a rectification notice must comply with the notice unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

- ‘(6) If the local government decides to give a rectification notice the local government must also give the responsible person an information notice about the decision.

- ‘(7) A decision to give a rectification notice is a decision under part 4 of the Act.

Note—

For appeals against the decision, see the *Sustainable Planning Act 2009*, chapter 7, part 2, divisions 6, 8 and 9.

- ‘(8) In this section—

rectification period, for a rectification notice, means the following period within which the responsible person for notifiable work the subject of the rectification notice must comply with the rectification notice—

[s 39]

- (a) if the local government and the responsible person have agreed on a period within which the responsible person must comply with the rectification notice—the period agreed;
- (b) otherwise—the period the local government allows that is at least 5 business days.’.

39 Amendment of s 32 (Unsuitable apparatus, fittings, materials and pipes)

Section 32(b)(i), second occurring—
renumber as section 32(b)(ii).

40 Amendment of s 33 (Disconnection of supply pipes and sanitary drains)

Section 33, ‘*Editor’s note*’—
omit, insert—
‘*Note*’.

41 Amendment of s 53 (Qualifications and experience)

Section 53(3)(b)(i) and (ii), ‘*Editor’s note*’—
omit, insert—
‘*Note*’.

42 Replacement of pt 8, hdg (Transitional provisions for Plumbing and Drainage Legislation Amendment Regulation (No. 1) 2005)

Part 8, heading—
omit, insert—

‘Part 8 Transitional provisions

‘Division 1 Transitional provisions for Plumbing and Drainage Legislation Amendment Regulation (No. 1) 2005’.

43 Amendment of s 56 (Definitions for pt 8)

Section 56, ‘In this section’—

omit, insert—

‘In this division’.

44 Insertion of new pt 8, div 2

Part 8, after section 59—

insert—

‘Division 2 Transitional provision for Plumbing and Drainage and Other Legislation Amendment Regulation (No. 1) 2012

‘60 Plumbing and drainage work

‘(1) This section applies if—

(a) before the commencement a person has a compliance permit for regulated work and a compliance certificate has not been issued for the work; and

(b) on the commencement the work is notifiable work, minor work or unregulated work.

‘(2) Despite sections 6C, 7 and 8, the work is not notifiable work, minor work or unregulated work.

‘(3) In this section—

commencement means the commencement of this section.’

[s 45]

45 Insertion of new sch 1A

After schedule 1—

insert—

‘Schedule 1A Notifiable work

section 6C

‘Part 1 Notifiable work

- 1 emergency work
- 2 work necessary for extending, altering, replacing or removing existing water supply piping, other than extending or removing a fire service
- 3 work necessary for extending or removing a fire service if the work is associated with a building development approval as defined under the *Building Act 1975*, schedule 2
- 4 work necessary for extending, altering, replacing or removing existing sanitary drainage, other than a combined sanitary drain, for a building classified under BCA as a class 1 or 10 building
- 5 work necessary for extending, altering, replacing or removing existing sanitary plumbing for a building classified under BCA as a class 2 to 9 building
- 6 work necessary for installing, replacing or removing a temperature control device
- 7 work necessary for installing, replacing or removing a water heater
- 8 work necessary for installing, replacing or removing a testable backflow prevention device
- 9 work necessary for installing, replacing or removing a dual check valve with an atmospheric port

-
- 10 work necessary for replacing a greywater treatment plant for a building classified under BCA as a class 1 building
 - 11 work necessary for installing a fixture in a building classified under BCA as a class 1 building
 - 12 work necessary for relocating a fixture in a building classified under BCA as a class 1 building
 - 13 work, other than work for sanitary drainage, necessary for installing or relocating a fixture in a building, classified under BCA as a class 2 to 9 building, of 1 or 2 storeys
 - 14 work necessary for installing or relocating a fixture in a building, classified under BCA as a class 10 building
 - 15 work necessary for sealing a sanitary drain upstream from the connection point for a service provider's sewerage system
 - 16 work necessary for sealing an existing water service downstream from a water meter for a building classified under BCA as a class 2 to 9 building

'Part 2

Plumbing and drainage work that is not notifiable work

- 1 plumbing and drainage work for installing a new fixture for a building with dual reticulated water supply provided by a water service provider
- 2 plumbing and drainage work for, or connected to, trade waste
- 3 plumbing and drainage work necessary for installing a fixture for a building connected to a combined sanitary drain
- 4 plumbing and drainage work that complies with—

[s 46]

- (a) the performance requirements of the PCA by formulating an alternative solution that is a means of compliance with the PCA; or
- (b) the performance criteria of the QPW code by formulating an alternative solution within the meaning of the QPW code; or
- (c) the performance requirements of the QDC by formulating an alternative solution within the meaning of the *Building Act 1975* that is a means of compliance with the QDC’.

46 Amendment of sch 2 (Minor work)

Schedule 2, parts 1 and 2—

omit, insert—

- ‘1 work necessary for replacing, maintaining, repairing or removing a fitting or fixture
- 2 work necessary for repairing a broken or damaged pipe
- 3 work necessary for installing, replacing, maintaining, repairing or removing an apparatus, but not if the work involves the following—
 - (a) work necessary for installing, replacing or removing any of the following apparatus—
 - (i) a temperature control device;
 - (ii) a water heater;
 - (iii) a testable backflow prevention device;
 - (iv) a dual check valve with an atmospheric port;
 - (b) replacing a domestic water filter cartridge

Note—

Replacing a domestic water filter cartridge is unregulated work. See schedule 4.

- 4 work necessary for sealing an existing water service downstream from the water meter for a building classified under BCA as a class 1 or 10 building
- 5 work necessary for maintaining, repairing or replacing fire hydrants or fire hose reels
- 6 work necessary for unblocking a pipe that is sanitary plumbing or sanitary drainage
- 7 work necessary for repairing or maintaining an on-site sewerage facility
- 8 work necessary for maintaining or repairing a greywater use facility
- 9 work necessary for installing or replacing an automatic switching device, within the meaning of the QPW code, for a rainwater tank installation’.

47 Amendment of sch 3 (Unregulated work)

- (1) Schedule 3, entry for sanitary plumbing and sanitary drainage, third dot point, after ‘facility’—

insert—

‘or greywater use facility’.

- (2) Schedule 3, entry for water plumbing—

insert—

• replacing a domestic water filter cartridge’.

48 Renumbering of schs 1A to 4

Schedules 1A to 4—

renumber as schedules 2 to 5.

49 Amendment of sch 6 (Dictionary)

- (1) Schedule 6, definitions *bend*, *component*, *notifiable minor work*, *other minor work* and *responsible person*—

[s 49]

omit.

(2) Schedule 6—

insert—

'building see the *Building Act 1975*, schedule 2.

dual check valve with an atmospheric port see glossary.

Note—

See glossary, definition *backflow prevention device*.

dual reticulated water supply, for a building, means water supply for the building consisting of both a network utility operator's supply and recycled water.

network utility operator's supply see glossary.

Note—

See glossary, definition *water supply*.

pipng see glossary.

QDC see the *Building Act 1975*, schedule 2.

rectification notice, for part 3, division 5, see section 29B.

recycled water see glossary.

Note—

See glossary, definition *water supply*.

responsible person means—

- (a) for compliance assessable work or notifiable work—a person who—
 - (i) is a licensed person for the work; and
 - (ii) performs, directs the performance of, or supervises, the work; or
- (b) for on-site sewerage work that must be assessed—a person who performs, directs the performance of, or supervises, the work.

temperature control device means a tempering valve or a thermostatic mixing valve.

tempering valve see glossary.

thermostatic mixing valve see glossary.

water supply see glossary.’.

- (3) Schedule 6, definition *local planning instrument*, after ‘Act’—
insert—
‘2009’.

Part 5 Amendment of Sustainable Planning Regulation 2009

50 Regulation amended

This part amends the *Sustainable Planning Regulation 2009*.

51 Amendment of sch 7 (Referral agencies and their jurisdictions)

Schedule 7, table 1—

insert—

‘Building work for class 1 buildings on premises with on-site wastewater management system		
29	Building work for a class 1 building if— (a) the building is on premises that have an on-site wastewater management system, as defined under the QPW code, installed; and (b) the work involves adding one or more bedrooms to the building	The local government—as a concurrence agency Compliance with the QPW code, part 1, performance criteria P2’.

[s 52]

52 Amendment of sch 26 (Dictionary)

Schedule 26—

insert—

‘QPW code see the Standard Plumbing and Drainage Regulation 2003, schedule 6.’.

ENDNOTES

- 1 Made by the Governor in Council on 27 September 2012.
- 2 Notified in the gazette on 28 September 2012.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Housing and Public Works.

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