



Queensland

Building and Other Legislation Amendment Regulation (No. 2) 2013

Subordinate Legislation 2013 No. 217

made under the

Building Act 1975

Sustainable Planning Act 2009

Contents

		Page
Part 1	Preliminary	
1	Short title	3
Part 2	Amendment of Building Regulation 2006	
2	Regulation amended	3
3	Amendment of pt 8, div 1, hdg (Approvals and miscellaneous prescribed matters)	3
4	Insertion of new ss 51A and 53A	3
	51A Approval of amendment of QDC by adding part MP 1.4	3
	53A Notice requirement for particular building development approvals	4
5	Amendment of sch 1 (Prescribed building work for Act, section 21)	5
6	Amendment of sch 4 (Dictionary)	7
Part 3	Amendment of Sustainable Planning Regulation 2009	
7	Regulation amended	8
8	Amendment of s 21B (Concurrence agency application fee—Act, s 272)	8
9	Insertion of new s 41A	9
	41A References to maintenance covers	9
10	Amendment of sch 7 (Referral agencies and their jurisdictions)	9

Contents

11	Amendment of sch 15 (Referral agency assessment periods) . . .	9
12	Amendment of sch 26 (Dictionary)	10

[s 1]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Building and Other Legislation Amendment Regulation (No. 2) 2013*.

Part 2 Amendment of Building Regulation 2006

2 Regulation amended

This part amends the *Building Regulation 2006*.

3 Amendment of pt 8, div 1, hdg (Approvals and miscellaneous prescribed matters)

Part 8, division 1, heading, ‘prescribed’—
omit.

4 Insertion of new ss 51A and 53A

Part 8, division 1—
insert—

51A Approval of amendment of QDC by adding part MP 1.4

- (1) The amendment of the QDC by adding part MP 1.4 published by the chief executive on 15 October 2013 is approved under section 13(3) of the Act.
- (2) The approval takes effect on 1 November 2013.

53A Notice requirement for particular building development approvals

- (1) This section applies if—
 - (a) a private certifier approves a building development application for building work for a class 1 building or a class 10 building or structure; and
 - (b) the application is for building work on a lot that contains, or is adjacent to a lot that contains, a sewer of the relevant service provider; and
 - (c) the relevant service provider is not a local government or a concurrence agency for the application.
- (2) This section also applies if—
 - (a) a private certifier approves a building development application for building work for a building given a BCA classification as a class 2, 3, 4, 5, 6, 7, 8 or 9 building; and
 - (b) the application is for building work on a lot that contains, or is adjacent to a lot that contains, a sewer or water main of the relevant service provider; and
 - (c) the relevant service provider is not a local government; and
 - (d) the QDC, part 1.4 does not apply to the building work because of the distance between the building work and the sewer or water main.
- (3) The private certifier must, within 5 business days after approving the building development application, give the relevant service provider notice in the approved form about the building work.

[s 5]

Editor's note—

The approved form can be accessed, free of charge, on the department's website at <www.hpw.qld.gov.au>.

(4) For this section, a reference to a sewer or water main includes a maintenance cover for the sewer or water main.

(5) In this section—

maintenance cover means a cover, whether above, at, or below ground level, for a chamber through which a person, machine or device may gain access to a sewer or water main for the purpose of inspecting, maintaining or replacing the sewer or water main.

relevant service provider means either of the following—

- (a) for a sewer—the sewerage service provider for the sewer;
- (b) for a water main—the water service provider for the water main.

sewer means a sewer under the *Plumbing and Drainage Act 2002*.

sewerage service provider see the *Water Supply (Safety and Reliability) Act 2008*, schedule 3.

water main means infrastructure used for transporting water, other than stormwater.

water service provider see the *Water Supply (Safety and Reliability) Act 2008*, schedule 3.

5 Amendment of sch 1 (Prescribed building work for Act, section 21)

(1) Schedule 1, section 7—

omit, insert—

7 Particular repairs, maintenance or alterations not affecting structural component or fire safety system

- (1) This section applies to building work that consists of repairs, maintenance or alterations to an existing building or structure, other than—
- (a) alterations to existing fencing for a regulated pool; or
 - (b) repairs, maintenance or alterations to an existing solar hot water system or photovoltaic solar panel attached to the roof of a building.
- (2) The building work is prescribed if it does not—
- (a) change the building or structure's floor area or height; or
 - (b) affect a structural component or the fire safety system of the building or structure.
- (2) Schedule 1, section 8(1)—
- omit, insert—*

- (1) This section applies to building work if—
- (a) the building work consists of repairs, maintenance or alterations to an existing building other than—
 - (i) alterations to existing fencing for a regulated pool; or
 - (ii) repairs, maintenance or alterations to an existing solar hot water system or photovoltaic solar panel attached to the roof of a building; and
 - (b) the building work—
 - (i) does not change the building or structure's floor area or height; and

[s 6]

(ii) is for, or only affects, a minor structural component of the building.

(3) Schedule 1, section 13(1)—

insert—

(e) for a solar hot water system or photovoltaic solar panel.

(4) Schedule 1—

insert—

15 Work for solar hot water systems or photovoltaic solar panels

Building work is prescribed if it consists of—

- (a) the installation of a solar hot water system or photovoltaic solar panel on the roof of a building; or
- (b) repairs, maintenance or alterations to an existing solar hot water system or photovoltaic solar panel attached to the roof of a building.

6 Amendment of sch 4 (Dictionary)

Schedule 4—

insert—

solar hot water system includes any part of a water heating system designed to heat water using light or heat from the sun.

Part 3 Amendment of Sustainable Planning Regulation 2009

7 Regulation amended

This part amends the *Sustainable Planning Regulation 2009*.

8 Amendment of s 21B (Concurrence agency application fee—Act, s 272)

Section 21B—

insert—

- (3) Subsection (4) applies if a relevant aspect of the development application is—
 - (a) building work to which the Queensland Development Code, part 1.4 applies; and
 - (b) the work is in relation to a sewer, water main or stormwater drain; and
 - (c) the work—
 - (i) does not comply with an acceptable solution for a relevant performance criteria stated in the part; or
 - (ii) is for a class of building or structure for which the part does not state an acceptable solution.
- (4) Despite subsection (1), the concurrence agency application fee for the relevant aspect is an amount—
 - (a) the concurrence agency considers to be reasonable; and
 - (b) that is not more than the reasonable cost of the concurrence agency performing its functions under the Act for the relevant aspect.

[s 9]

9 Insertion of new s 41A

Part 7—

insert—

41A References to maintenance covers

For this regulation, a reference to a sewer, stormwater drain or water main includes a maintenance cover for the sewer, water main or stormwater drain.

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

Schedule 7, table 1—

insert—

Building work for Queensland Development Code, part 1.4		
27A Building work if— (a) the Queensland Development Code, part 1.4 applies to the work in relation to a sewer, water main or stormwater drain; and (b) either— (i) the work does not comply with an acceptable solution for a relevant performance criteria stated in the part; or (ii) the work is for a class of building or structure for which the part does not state an acceptable solution; and (c) the relevant service provider is not the applicant	The relevant service provider—as a concurrence agency	Whether the proposed building or structure complies with the performance criteria in relation to the sewer, water main or stormwater drain.

11 Amendment of sch 15 (Referral agency assessment periods)

Schedule 15—

insert—

4 The relevant service provider as the concurrence agency for building work on a lot that contains, or is adjacent to a lot that contains, a sewer, water main or stormwater drain operated by or for the relevant service provider.	20
--	----

12 Amendment of sch 26 (Dictionary)

Schedule 26—

insert—

maintenance cover means a cover, whether above, at, or below ground level, for a chamber through which a person, machine or device may gain access to a sewer, water main or stormwater drain for the purpose of inspecting, maintaining or replacing the sewer, water main or stormwater drain.

relevant service provider means any of the following—

- (a) for a sewer—the sewerage service provider for the sewer;
- (b) for a water main—the water service provider for the water main;
- (c) for a stormwater drain—the owner of the stormwater drain.

sewer means a sewer under the *Plumbing and Drainage Act 2002*.

Note—

See section 41A (References to maintenance covers).

sewerage service provider see the *Water Supply (Safety and Reliability) Act 2008*, schedule 3.

stormwater drain means infrastructure used for receiving, storing, transporting or treating stormwater.

[s 12]

Note—

See section 41A (References to maintenance covers).

water main means infrastructure used for transporting water other than stormwater.

Note—

See section 41A (References to maintenance covers).

water service provider see the *Water Supply (Safety and Reliability) Act 2008*, schedule 3.

ENDNOTES

- 1 Made by the Governor in Council on 31 October 2013.
- 2 Notified on the Queensland legislation website on 1 November 2013.
- 3 The administering agency is the Department of Housing and Public Works.

© State of Queensland 2013

Authorised by the Parliamentary Counsel