



Queensland

Building and Other Legislation Amendment Regulation (No. 1) 2015

Subordinate Legislation 2015 No. 30

made under the

Building Act 1975

Sustainable Planning Act 2009

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Building and Other Legislation Amendment Regulation (No. 1) 2015*.

2 Commencement

This regulation commences on 1 June 2015.

Part 2 Amendment of Building Regulation 2006

3 Regulation amended

This part amends the *Building Regulation 2006*.

4 Insertion of new s 51BLC

After section 51BLB—

insert—

51BLC Approval of amendment of QDC by adding part 3.7

- (1) The amendment of the QDC by adding part 3.7 published by the chief executive on 25 May 2015 is approved under section 13(3) of the Act.
- (2) The approval takes effect on 1 June 2015.

5 Amendment of s 53A, hdg (Notice requirement for particular building development approvals)

Section 53A, heading, ‘building development approvals’—

omit, insert—

**development approvals for building work near
sewers**

6 Insertion of new s 53B

Part 8, division 1—

insert—

**53B Notice requirement for particular development
approvals for farm buildings**

- (1) This section applies to the assessment manager for a building development application if—
 - (a) the application is for building work for a farm building; and
 - (b) the assessment manager approves the application in whole or in part; and
 - (c) the building work that is approved complies with the QDC, part 3.7, acceptable solution A3(2) or (3).
- (2) The assessment manager must, within 5 business days after approving the building development application, give QFES a notice in the approved form about the approved building work.

Editor's note—

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

- (3) In this section—

farm animal means an animal whose meat or produce is intended for human consumption.

Examples of produce—

eggs, milk, wool

farm building means—

[s 6]

- (a) a class 7 building situated on land used primarily for farming, if the building is used primarily for—
 - (i) farming; or
 - (ii) housing 3 or more farm vehicles; or
- (b) a class 8 building situated on land used primarily for farming, if the building is also used primarily for farming.

farming means the use of land for 1 or more of the following—

- (a) cultivating or propagating plants or fungi or constituent parts of plants or fungi;

Examples of a constituent part of a plant—

a seed, a bulb

Example of a constituent part of a fungus—

a fungal spore

- (b) harvesting or packing a thing mentioned in paragraph (a), other than cutting timber or preparing timber for sale;
- (c) keeping farm animals for 1 or more of the following purposes—
 - (i) gathering or packing produce of the animals in a way that does not result in the death of the animals;

Examples—

gathering eggs laid by chickens, gathering wool shorn from sheep, milking cows or goats

- (ii) selling the animals or their produce;
- (iii) breeding the animals.

farm vehicle means a vehicle used in relation to farming.

Examples—

tractor, harvester, quad bike, utility truck

Part 3 Amendment of Sustainable Planning Regulation 2009

7 Regulation amended

This part amends the *Sustainable Planning Regulation 2009*.

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

Schedule 7, table 1—

insert—

Fire safety—farm buildings		
2AA Building work to which the Queensland Development Code, part 3.7, performance criteria P1 applies, if the building work includes an alternative solution assessed against performance criteria P1	Queensland Fire and Emergency Service—as an advice agency	Compliance with the Queensland Development Code, part 3.7, performance criteria P1
2AB Building work to which the Queensland Development Code, part 3.7, performance criteria P3 applies, if the building work— (a) does not comply with the Queensland Development Code, part 3.7, acceptable solution A3(1)(a)(ii), (2) or (3); and (b) includes an alternative solution assessed against the Queensland Development Code, part 3.7, performance criteria P3	Queensland Fire and Emergency Service—as an advice agency	Compliance with the Queensland Development Code, part 3.7, performance criteria P3

[s 9]

9 Amendment of sch 26 (Dictionary)

Schedule 26—

insert—

alternative solution see the Building Act,
schedule 2.

ENDNOTES

- 1 Made by the Governor in Council on 28 May 2015.
- 2 Notified on the Queensland legislation website on 29 May 2015.
- 3 The administering agency is the Department of Housing and Public Works.

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