



*Building Act 1975*

# Building Regulation 2006

Reprinted as in force on 1 May 2010

Reprint No. 4G

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This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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Queensland

# Building Regulation 2006

## Contents

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		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title . . . . .	7
2	Commencement . . . . .	7
3	Definitions . . . . .	7
<b>Part 2</b>	<b>Self-assessable building work and building work that is exempt development</b>	
4	Prescribed building work for Act, s 21 . . . . .	7
5	Building work that is exempt development for the Planning Act—Act, s 22. . . . .	8
<b>Part 3</b>	<b>Prescribed matters or aspects for local laws or local planning instruments</b>	
6	Operation of pt 3. . . . .	8
7	Additional water saving targets. . . . .	9
10	Planning scheme provisions about particular performance criteria under QDC part 1.1 or QDC part 1.2 . . . . .	10
11	Swimming pool construction. . . . .	10
12	Designation by local planning instrument of bush fire prone areas . . . . .	11
13	Land liable to flooding . . . . .	11
<b>Part 4</b>	<b>Swimming pool fencing and signs</b>	
14	Fencing standards for outdoor swimming pools constructed on or after 1 October 2003—Act, s 233. . . . .	12
15	Resuscitation sign requirements and display—Act, s 236 . . . . .	13
16	Warning sign requirements and display—Act, s 238 . . . . .	14
<b>Part 5</b>	<b>Competent persons</b>	
<b>Division 1</b>	<b>General provisions about competent persons</b>	
17	Appointment and functions. . . . .	16
18	Restrictions on deciding competency. . . . .	17

Contents

---

19	Building certifier’s obligation to keep record of decision about competency . . . . .	18
<b>Division 2</b>	<b>Restrictions on functions competent persons may perform</b>	
20	General restrictions . . . . .	18
21	Restriction on signing inspection certificate for single detached class 1a or a class 10 building . . . . .	19
22	Restrictions on giving inspection help . . . . .	19
23	Competent person must not give false or misleading documents	19
<b>Part 5A</b>	<b>Cadet building certifiers</b>	
23A	Appointment of cadet building certifier . . . . .	20
23B	Role of cadet building certifier and supervising certifier. . . . .	20
23C	Application of pt 5 to cadet building certifier. . . . .	21
<b>Part 6</b>	<b>Inspections of assessable building work</b>	
<b>Division 1</b>	<b>Inspections by or for building certifier</b>	
<b>Subdivision 1</b>	<b>Preliminary</b>	
24	What is a stage of assessable building work . . . . .	22
25	Local government’s power to exempt particular assessable building work from particular stages of inspection . . . . .	23
26	Inspection guidelines . . . . .	23
<b>Subdivision 2</b>	<b>Notice for inspection</b>	
27	Builder’s obligation to give notice for inspection at completion of each stage . . . . .	24
28	Prohibition on further building work until stage complies . . . . .	24
29	Notifying BSA if notice for inspection not given . . . . .	25
<b>Subdivision 3</b>	<b>Carrying out inspection</b>	
30	Arranging inspection. . . . .	25
31	Inspection procedure . . . . .	26
32	Certificate of inspection . . . . .	26
33	Noncompliance notice . . . . .	27
<b>Subdivision 4</b>	<b>Procedure if noncompliance notice given</b>	
34	Builder’s obligation to ensure stage complies with development approval . . . . .	27
35	Consequences of builder not complying with obligation. . . . .	28
<b>Subdivision 4A</b>	<b>Additional inspections for chapter 8 pools and their fencing in particular circumstances</b>	
35A	Application of sdiv 4A. . . . .	28
35B	Inspection procedure and process after inspection . . . . .	29
35C	Delaying inspection in particular circumstances. . . . .	31

<b>Subdivision 5</b>	<b>Miscellaneous provision</b>	
36	Declaratory provision about inspections. . . . .	31
<b>Division 2</b>	<b>Referral agency Inspections</b>	
37	Application of div 2 . . . . .	32
38	Notice to referral agency to inspect . . . . .	32
39	Referral agency inspection . . . . .	33
40	Acting on referral agency's inspection notice . . . . .	33
41	Consequence of no referral agency notice. . . . .	34
<b>Part 7</b>	<b>General provisions about certificates</b>	
<b>Division 1</b>	<b>QBSA licensee certificates</b>	
42	Application of div 1 . . . . .	34
43	QBSA licensee certificate if building development approval. . . . .	35
44	QBSA licensee certificate for self-assessable building work . . . . .	36
45	QBSA licensee must not give false or misleading certificate . . . . .	36
<b>Division 2</b>	<b>Competent person certificates other than certificates of inspection</b>	
46	Certificate about building design or specification . . . . .	36
47	Aspect inspection certificate. . . . .	37
48	Content requirements for certificates . . . . .	37
<b>Division 3</b>	<b>Accepting certificates</b>	
49	Optional acceptability by building certifier . . . . .	37
50	Optional acceptability by competent person (inspections) . . . . .	38
<b>Division 4</b>	<b>Certificates under CodeMark Scheme</b>	
51	Certificate of conformity . . . . .	39
<b>Part 8</b>	<b>Miscellaneous provisions</b>	
<b>Division 1</b>	<b>Approvals and miscellaneous prescribed matters</b>	
51B	Approval of amendment of QDC parts 2.1 and 2.2 . . . . .	39
51BC	Approval of amendment of QDC by replacing parts MP4.2 and MP4.3 . . . . .	39
51BD	Approval of amendment of QDC by adding part MP6.1 . . . . .	40
51BE	Approval of amendment of QDC by replacing part MP4.1 . . . . .	40
51BG	Approval of amendment of QDC by adding part MP3.4 . . . . .	40
51BH	Approval of amendment of QDC by replacing part MP4.3 . . . . .	40
51BI	Approval of amendment of QDC by replacing parts MP1.1 and MP1.2 . . . . .	41
51BJ	Approval of amendment of QDC by adding part MP1.3 . . . . .	41
51BK	Approval of amendment of QDC by adding part MP3.3 . . . . .	41

Contents

---

51C	Prescribed day for expiry of existing rainwater tank provisions—Act, s 283 . . . . .	41
52	Prescribed matters for private certification endorsement—Act, s 163 . . . . .	42
53	Information to be supplied by the State—Act, s 255 . . . . .	43
<b>Division 2</b>	<b>Fees</b>	
54	Fees . . . . .	43
<b>Division 3</b>	<b>Transitional provisions</b>	
55	Definition for div 3. . . . .	44
56	Undecided building development applications . . . . .	44
57	Development applications made for relevant building work before designation of rainwater tank area . . . . .	44
58	Declarations under repealed regulation, s 53. . . . .	45
<b>Part 9</b>	<b>Repeals</b>	
59	Repeals . . . . .	45
<b>Schedule 1</b>	<b>Prescribed building work for Act, section 21 . . . . .</b>	<b>46</b>
1	Work for particular fences. . . . .	46
2	Work for particular non-load bearing devices. . . . .	46
3	Work for particular retaining walls . . . . .	47
4	Particular filling or excavation. . . . .	47
5	Work for particular heating devices . . . . .	48
6	Work for particular signs. . . . .	48
7	Particular repairs, maintenance or alterations not affecting structural component or fire safety system. . . . .	48
8	Particular repairs, maintenance or alterations only affecting minor structural component . . . . .	49
9	Particular repairs, maintenance or alterations only affecting minor component of fire safety system. . . . .	50
10	Work for particular budget accommodation buildings built, approved or applied for before 1 January 1992 . . . . .	51
11	Work for particular temporary things on building sites . . . . .	51
12	Erecting particular tents . . . . .	52
13	Other work for class 10 buildings or structures . . . . .	52
14	Work for particular air conditioners. . . . .	53
<b>Schedule 2</b>	<b>Building work prescribed as exempt development for the Planning Act . . . . .</b>	<b>54</b>
1	Work for particular class 10b structures or special structures . . . . .	54
2	Attaching particular sun hoods. . . . .	54

---

3	Erecting particular tents . . . . .	54
4	Other work for class 10 buildings or structures . . . . .	55
<b>Schedule 3</b>	<b>Fees</b> . . . . .	56
<b>Schedule 4</b>	<b>Dictionary</b> . . . . .	57
 <b>Endnotes</b>		
1	Index to endnotes . . . . .	60
2	Date to which amendments incorporated . . . . .	60
3	Key . . . . .	61
4	Table of reprints . . . . .	61
5	Tables in earlier reprints . . . . .	62
6	List of legislation . . . . .	62
7	List of annotations . . . . .	65





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# Building Regulation 2006

[as amended by all amendments that commenced on or before 1 May 2010]

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Building Regulation 2006*.

### 2 Commencement

This regulation commences immediately after the *Building and Other Legislation Amendment Act 2006*, section 5, commences.

### 3 Definitions

The dictionary in schedule 4 defines particular words used in this regulation.

## Part 2 Self-assessable building work and building work that is exempt development

### 4 Prescribed building work for Act, s 21

For section 21(2)(a) of the Act, the prescribed building work is building work that—

- (a) is prescribed under schedule 1; and
- (b) is not exempt development for the Planning Act, under

[s 5]

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section 22 of the Act.

*Note—*

The prescribing of the building work does not automatically make it self-assessable building work. See the additional requirements under section 21(2)(b) (Building work that is self-assessable for the Planning Act) of the Act.

## **5 Building work that is exempt development for the Planning Act—Act, s 22**

For section 22 of the Act, the prescribed building work is the building work prescribed under schedule 2.

# **Part 3 Prescribed matters or aspects for local laws or local planning instruments**

## **6 Operation of pt 3**

This part prescribes, for section 32 of the Act—

- (a) matters that a local planning instrument may designate for the BCA or QDC; and
- (b) aspects of, or matters related or incidental to, building work that a local government makes or amends in a local law, planning scheme or resolution.

*Notes—*

- 1 A provision of a local law, planning scheme or a resolution about a prescribed aspect is a *building assessment provision*. See section 30(1)(d) of the Act.
- 2 Under the Planning Act, section 724, the local government must make the maps provided for under this part and its register under section 13(3) available for public inspection and purchase.

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## 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 4.2.
- (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 4.2; 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 4.2 and the additional requirements.

[s 10]

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## **10 Planning scheme provisions about particular performance criteria under QDC part 1.1 or QDC part 1.2**

- (1) This section applies for building work (*relevant work*) for a single detached class 1 building or a class 10 building or structure located on the same allotment as a single detached class 1 building.
- (2) A local government planning scheme—
  - (a) may provide that all or some of performance criteria 4, 5, 7, 8 or 9 under QDC part 1.1 or QDC part 1.2 and the relevant acceptable solutions under the part for the performance criteria apply for relevant work; or
  - (b) may, for relevant work, provide for qualitative statements for matters provided for under all or some of the performance criteria if the scheme also provides for quantifiable standards for the statements.

## **11 Swimming pool construction**

- (1) A local law may require—
  - (a) the construction of fencing around swimming pools; or
  - (b) doors, windows and other openings giving access to swimming pools to comply with the local law.
- (2) However—
  - (a) the requirement can not allow the construction of fencing around outdoor swimming pools on residential land to a standard less effective than the standard under section 235 of the Act; and
  - (b) the local law has effect only if it can reasonably be characterised as being directed to inhibiting young children from accessing swimming pools.

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**12 Designation by local planning instrument of bush fire prone areas**

- (1) A local government may, in a local planning instrument, designate all or part of its area as a designated bush fire prone area for the BCA or QDC.
- (2) On the making of the designation, the provisions of the BCA or QDC that apply to a designated bushfire prone area apply for any building assessment work that relates to the area.
- (3) The local government must, if it is practicable to do so, ensure its planning scheme maps show each of its designated bush fire prone areas.
- (4) If it is not practicable for the local government to show each of the areas in its planning scheme maps, it must—
  - (a) prepare maps showing the areas; and
  - (b) ensure the maps are updated from time to time to show its current designated bush fire prone areas.
- (5) The maps must state when each designation was made.

**13 Land liable to flooding**

- (1) A local government may, in a planning scheme or by a temporary local planning instrument under the Planning Act or a resolution—
  - (a) designate part of its area as a natural hazard management area (flood); and
  - (b) declare the level to which the floor levels of habitable rooms as defined under the BCA of buildings on the land must be built.
- (2) The local government must, in designating a natural hazard management area (flood), comply with ‘State Planning Policy 1/03 Mitigating the Adverse Impacts of Flood, Bushfire and Landslide’, adopted by the Minister on 19 May 2003.
- (3) The local government must keep a register of the natural hazard management areas (flood) it designates and when each designation was made.



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- (i) anything that projects from the ground on the inside of the fencing; and
  - (ii) any part of the inside of the fencing that has a horizontal, or substantially horizontal, surface and is more than 10mm deep or wide; and
    - Examples of what may be a part of the inside of the fencing—*
      - a bracing, rail, rod or wire and an indentation into or projection from the surface of the inside of the fencing
  - (iii) the top of any other part of the fencing if the top is more than 50mm wide; and
  - (d) if that part of the fencing is made of perforated materials or mesh, the apertures in the perforated materials or mesh are not more than 13mm.
- (3) In this section—
- inside*, of the fencing, means the side of the fencing of the pool that faces the pool.

## 15 Resuscitation sign requirements and display—Act, s 236

- (1) This section prescribes, for section 236(2) of the Act—
  - (a) the way a resuscitation sign for an outdoor swimming pool on residential land must be displayed; and
  - (b) the requirements for the sign.
- (2) The sign must—
  - (a) be attached to the fencing for the pool, or displayed near the pool, so that the sign is conspicuous and easily visible to anyone near the pool; and
  - (b) be at least 300mm x 300mm in size; and
  - (c) be made of durable and weatherproof material; and
  - (d) include a statement that is prominent on the sign, explaining to anyone reading the sign how to act in an emergency, including, for example, telephoning for an ambulance, staying with the injured person, calling for help and providing first aid; and

[s 16]

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*Example of what sign must state—*

‘In an emergency phone 000 and ask for ambulance.

Stay with injured person, call for help and resuscitate.’

- (e) for a pool constructed before 1 December 2009—at least show enough information about the procedures for providing first aid to enable anyone reading the sign to perform expired air resuscitation or cardiopulmonary resuscitation on an infant or young child; and
- (f) for a pool constructed on or after 1 December 2009—show information about the procedures for providing first aid, including performing cardiopulmonary resuscitation in the way stated in the document called ‘Guideline 7—cardiopulmonary resuscitation’ published by the Australian Resuscitation Council in February 2006.

*Editor’s note—*

At the commencement of subsection (2)(f), the document could be inspected on the Australian Resuscitation Council’s website at <[www.resus.org.au](http://www.resus.org.au)>.

- (3) Each diagram or letter on the sign must be durable, legible and clearly visible.

## **16 Warning sign requirements and display—Act, s 238**

- (1) This section prescribes, for section 238(2)(a) of the Act—
  - (a) the way a warning sign must be displayed on residential land before the construction of an outdoor swimming pool on the land; and
  - (b) the requirements for the sign.
- (2) The sign must—
  - (a) warn members of the public in the vicinity of the land that—
    - (i) a swimming pool is under construction on the land; and



- (ii) there is a potential danger to young children accessing the land; and

*Example of what sign must state—*

‘Danger. Swimming pool under construction. Keep children out.’

- (b) subject to subsection (4), be placed on, or within 1.5m of, the road frontage for the land; and
  - (c) be mounted so that the bottom of the sign is at least 300mm above ground level; and
  - (d) be positioned so that it is visible from the road; and
  - (e) be made of weatherproof material.
- (3) Any lettering on the sign that relates to the warning mentioned in subsection (2)(a) must be at least 50mm in height and in a bold style.
  - (4) If the land has more than 1 road frontage, a sign need only be placed on 1 of the frontages.
  - (5) The sign may include a reference to a matter other than the warning mentioned in subsection (2)(a).
  - (6) In this section—

***road frontage***, for land, means—

- (a) if the only access to the land is across other land—the boundary between the other land and any road adjoining the other land at the point of access; or
- (b) otherwise—the boundary between the land and any road adjoining the land.

[s 17]

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## Part 5                      Competent persons

### Division 1                General provisions about competent persons

#### 17      Appointment and functions

- (1) Subject to section 18, a building certifier may decide an individual—
  - (a) is, or has from a particular day been, competent to perform functions that help (*design/specification help*) the certifier perform building certifying functions for building design or specification; or
  - (b) is, from the making of the decision, competent to perform functions that help (*inspection help*) the certifier perform building certifying functions for the inspection of assessable building work.
- (2) The decision may be that the individual may give the building certifier—
  - (a) design/specification help or inspection help generally; or
  - (b) help limited to a particular aspect of design/specification help or inspection help; or
  - (c) design/specification help or inspection help only for particular assessable building work.
- (3) An individual the subject of a decision under subsection (1) is a *competent person*.
- (4) A competent person decided under subsection (1)(a) is a *competent person (design/specification)*.
- (5) A competent person decided under subsection (1)(b) is a *competent person (inspections)*.

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- (6) A person may be decided to be a competent person (design/specification) and a competent person (inspections) at the same time or for the same matter.

## 18 Restrictions on deciding competency

- (1) A building certifier may decide an individual is a competent person to give design/specification help or inspection help only under subsections (2) to (4).
- (2) If, under a relevant law, the individual must be licensed or registered to be able to give the help—

- (a) the individual must be so licensed or registered; and

*Example—*

The help the subject of the decision is considering whether the design of a building is structurally adequate. The registration required is registration under the *Professional Engineers Act 2002* as a civil engineer for structural matters.

- (b) the building certifier must assess the individual to be competent to be able to give the help, having regard to the individual's experience, qualifications and skills for the matter.
- (3) If no relevant law requires the individual to be licensed or registered to be able to give the help, the building certifier must assess the individual as having appropriate experience, qualifications or skills to be able to give the help.

*Example—*

The help the subject of the decision is assessing whether a building complies with the performance requirements for energy efficiency under the BCA, part 3.12. An individual with the skills to carry out appropriate computer modelling for the assessment has appropriate skills to give the help.

- (4) If the chief executive approves guidelines for making an assessment under this section, the assessment must comply with the guidelines.
- (5) In this section—

[s 19]

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*relevant law* means a law applying in the State that is relevant to practising in the matter the subject of the help.

## **19 Building certifier's obligation to keep record of decision about competency**

If, under this part, a building certifier decides an individual is a competent person, the certifier must, for at least 5 years after the day the decision was made (the *decision day*), keep a record stating each of the following—

- (a) the person;
- (b) the matters for which the person was decided to be a competent person;
- (c) the decision day;
- (d) if, under section 17(1)(a), the individual was decided to be a competent person (design/specification) from a particular day (the *competency day*) that was before the decision day—the competency day;
- (e) details of the documents or information relied on by the certifier to make the decision;
- (f) the certifier's reasons for the decision.

Maximum penalty—20 penalty units.

## **Division 2 Restrictions on functions competent persons may perform**

### **20 General restrictions**

- (1) Only a competent person (design/specification) may give design/specification help.
- (2) Only a competent person (inspections) may give inspection help.

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**21 Restriction on signing inspection certificate for single detached class 1a or a class 10 building**

- (1) This section applies for assessable building work for a single detached class 1a building or a class 10 building or structure.
- (2) Unless a competent person is a building certifier, the person can not sign a certificate of inspection for—
  - (a) the stage of the work that is after excavation of foundation material and before any footings for the building or structure are laid; or
  - (b) the final stage of the work.
- (3) Subsection (2) does not stop a competent person (inspections) who is not a building certifier from giving other inspection help for a stage mentioned in subsection (2) if the building certifier has, under section 17, decided the person can give the help.

**22 Restrictions on giving inspection help**

- (1) This section applies to assessable building work for a building of any class.
- (2) A competent person can only give inspection help if the building certifier has already decided the person is a competent person (inspections) for the work.
- (3) A competent person (inspections) can not sign a certificate of inspection for a stage of the building work if the person—
  - (a) is the builder for the work; or
  - (b) has carried out building work for any aspect of the stage.
- (4) Subsection (3) does not stop the person giving a certificate under part 7 for the work if, under that part, the person can give the certificate.

**23 Competent person must not give false or misleading documents**

A competent person must not, in giving design/specification

[s 23A]

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help or inspection help, give the building certifier a certificate or other document containing information the person knows is false or misleading in a material particular.

Maximum penalty—20 penalty units.

## **Part 5A                      Cadet building certifiers**

### **23A    Appointment of cadet building certifier**

- (1) A person may be appointed as a cadet building certifier to assist a building certifier (the *supervising certifier*) in the performance of building certifying functions, if—
  - (a) the person has been employed by a local government or private certifier for at least 3 months assisting in the performance of building certifying functions under the direct supervision of a building certifier; and
  - (b) the period of employment mentioned in paragraph (a) was completed not more than 6 months before the appointment; and
  - (c) the person is undertaking a course of study that, if successfully completed, meets the educational standard required for accreditation by an accreditation standards body.
- (2) In this section—

*direct supervision*, of a cadet building certifier by a supervising certifier, means that the supervising certifier gives or has given the cadet building certifier technical direction about assisting in the performance of a building certifying function before or during the giving of the assistance, or as soon as reasonably practicable after it has been given.

### **23B    Role of cadet building certifier and supervising certifier**

- (1) A cadet building certifier may assist a supervising certifier in

the performance of building certifying functions only if the functions are permitted under the level of licence held by the supervising certifier.

- (2) If a cadet building certifier assists a supervising certifier in the performance of a function, the supervising certifier is the person responsible for the function.
- (3) In deciding whether to allow a cadet building certifier to assist in the performance of a function, a supervising certifier must have regard to the cadet building certifier's level of ability, experience, qualifications and skills.

### **23C Application of pt 5 to cadet building certifier**

- (1) A building certifier may, under part 5, decide a cadet building certifier is a competent person to give design/specification help or inspection help.
- (2) However, a building certifier can not decide a cadet building certifier is a competent person if the building certifier is—
  - (a) the cadet building certifier's supervising certifier; or
  - (b) the cadet building certifier's employer; or
  - (c) employed by the same employer as the cadet building certifier.
- (3) To remove any doubt, it is declared that the appointment of a person as a cadet building certifier does not, of itself, mean the person appointed is competent to give design/specification help or inspection help under part 5.

[s 24]

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## **Part 6                      Inspections of assessable    building work**

### **Division 1                Inspections by or for building    certifier**

#### **Subdivision 1        Preliminary**

#### **24        What is a *stage of assessable building work***

- (1) This section provides for what are the stages of assessable building work.
- (2) Generally, the stages are all stages at which the building development approval states the work must be inspected.
- (3) If the work is the construction of a single detached class 1a building, the stages also include—
  - (a) after excavation of foundation material and before the footings for the building are laid; and
  - (b) if the building is to have a slab—after the placement of formwork and steel for the slab but before the concrete for the slab is poured; and
  - (c) to the extent the bracing for the frame of the building consists of cladding or lining—after the cladding or lining has been fixed to the frame; and
  - (d) to the extent the bracing for the frame of the building does not consist of cladding or lining—before the cladding or lining is fixed to the frame; and
  - (e) if reinforced masonry construction is used for the frame of the building—before the wall cavities are filled; and
  - (f) at the completion of all aspects of the work.
- (4) If the work is an alteration to a single detached class 1a building, the stages also include each stage mentioned in subsection (3) that is relevant to the alteration.



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- (5) If the work is the construction of, or an alteration to, a class 10 building or structure, other than a swimming pool, the stages also include at the completion of the building or structure or the alteration.
  - (6) If the work is the construction of, or an alteration to, a swimming pool, the stages also include—
    - (a) if a temporary fence for the pool is constructed—
      - (i) after the temporary fence for the pool is constructed and before the pool is filled with water to a depth of 300mm or more; and
      - (ii) if the building certifier for the work extends the period that the temporary fence for the pool can be in place—before the extension is given; and
    - (b) at the completion of the pool and its fencing and, if no temporary fence for the pool was constructed, before the pool is filled with water to a depth of 300mm or more.

## **25 Local government’s power to exempt particular assessable building work from particular stages of inspection**

- (1) A local government may, by resolution, declare localities and forms of buildings or structures in its area exempt from inspection at a stage of assessable building work if the work—
  - (a) is, or is an alteration to, a single detached class 1a building or a class 10 building or structure; and
  - (b) is not for a swimming pool or fencing around it.
- (2) However, the resolution may be made only if the local government is satisfied the absence of a notice for inspection for the stage will not adversely affect public safety.

## **26 Inspection guidelines**

- (1) This section applies if, under section 258 of the Act, the chief executive makes guidelines (*inspection guidelines*) about—

[s 27]

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- (a) what aspects or items make up the completion of assessable building work or a particular stage of assessable building work; and
  - (b) ways of inspecting building work.
- (2) For section 24, the guidelines are evidence of what aspects or items make up the completion of assessable building work or particular stages of assessable building work.
  - (3) A person inspecting and certifying aspects of assessable building work is taken to have complied with this part if the person inspects and certifies the work as required under the inspection guidelines.

## **Subdivision 2      Notice for inspection**

### **27      Builder's obligation to give notice for inspection at completion of each stage**

- (1) This section applies to a builder for assessable building work if it has been carried out to the completion of a stage of the work, other than a stage exempted under section 25.
- (2) The builder must ensure the building certifier is given a notice (a *notice for inspection*) claiming the stage has been completed.

Maximum penalty—20 penalty units.

- (3) The notice for inspection may be written or verbal.
- (4) If the building certifier is a local government building certifier, the notice for inspection may be given to the certifier by giving it in writing to the local government.

### **28      Prohibition on further building work until stage complies**

- (1) This section applies if a builder for assessable building work has given a notice for inspection for a stage of the work (the *relevant stage*).
- (2) The builder must not start the next stage of the work until the

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builder has been given a certificate of inspection for the relevant stage stating that stage complies with the building development approval.

Maximum penalty—20 penalty units.

## 29 Notifying BSA if notice for inspection not given

If—

- (a) the builder for assessable building work is a licensed builder; and
- (b) the builder does not give a notice for inspection for a stage of the work, as required under section 27;

the building certifier must, as soon as practicable after becoming aware of the failure to give the notice for inspection, give BSA a notice stating that fact.

## Subdivision 3 Carrying out inspection

### 30 Arranging inspection

- (1) This section applies if the building certifier for assessable building work (the *relevant certifier*) receives a notice for inspection for a stage of the work.
- (2) The relevant certifier must ensure the stage is, at a time agreed by the builder for the work, inspected by one of the following persons (the *inspecting person*)—
  - (a) generally—the relevant certifier or another building certifier;
  - (b) if section 21 does not prevent a competent person from giving a certificate of inspection for the stage—a competent person (inspections) whom the relevant certifier has decided may carry out the inspection.

Maximum penalty—20 penalty units.

[s 31]

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- (3) For subsection (2), the inspecting person must not unreasonably refuse to agree to a time to inspect the stage.

### **31 Inspection procedure**

- (1) This section applies if, under section 30, the inspecting person inspects a stage of assessable building work.
- (2) The inspecting person must inspect the work to ensure the person is satisfied all relevant aspects of the stage under the building development approval have been completed and comply with the approval.
- (3) The inspection must be carried out under best industry practice.

### **32 Certificate of inspection**

- (1) This section applies only if the inspecting person—
- (a) has complied with section 31 for a stage of assessable building work; and
- (b) is satisfied as mentioned in section 31(2) in relation to the stage.
- (2) The inspecting person must give the builder for the work a certificate of inspection for the stage.

*Notes—*

- 1 If the stage is the final stage, 2 certificates must be given—the certificate of inspection for the final stage and, if particular requirements under the Act are complied with, a final inspection certificate to the owner of the building.
- 2 For final inspection certificates and the giving of inspection documentation see chapter 5, part 1 and section 124 of the Act.
- (3) The certificate of inspection must—
- (a) be in the approved form; and
- (b) be signed by the inspecting person; and
- (c) state in detail—
- (i) the basis for giving the certificate; and

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- (ii) the extent to which the inspecting person has, in carrying out the inspection, relied on tests, specifications, rules, standards, codes of practice or other publications.

### **33 Noncompliance notice**

- (1) This section applies if the inspecting person—
  - (a) has complied with section 31 for a stage of assessable building work; and
  - (b) is not satisfied as mentioned in section 31(2) in relation to the stage.
- (2) The inspecting person must give the builder for the work a notice (a *noncompliance notice*) stating—
  - (a) the stage does not comply with the building development approval; and
  - (b) how it does not comply with the approval.
- (3) If the inspecting person is a competent person (inspections), the person must also give the building certifier a copy of the the noncompliance notice.

## **Subdivision 4 Procedure if noncompliance notice given**

### **34 Builder's obligation to ensure stage complies with development approval**

If a builder for assessable building work is given a noncompliance notice—

- (a) the builder must perform the work required to ensure the stage the subject of the notice complies with the building development approval; and
- (b) after paragraph (a) has been complied with, the builder must, under section 27, give the building certifier

[s 35]

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another notice for inspection for the work.

*Note—*

For the relevant appeal right, see the Planning Act, section 532.

### **35 Consequences of builder not complying with obligation**

- (1) If a builder for assessable building work does not comply with section 34, the building certifier must, under chapter 9 of the Act, take enforcement action against the builder for the work.
- (2) However, if the noncompliance notice was given by a competent person (inspections), the building certifier need only take the enforcement action if the certifier agrees the stage the subject of the notice does not comply with the building development approval.
- (3) If, under subsection (2), the building certifier decides not to take the enforcement action, the certifier must give—
  - (a) the competent person written reasons for not taking the action; and
  - (b) the builder a certificate of inspection for the stage.
- (4) If the building certifier gives the builder an enforcement notice and the builder does not comply with it, the certifier must notify the following of that fact—
  - (a) the BSA;
  - (b) if the assessment manager was a private certifier (class A)—the local government.

## **Subdivision 4A Additional inspections for chapter 8 pools and their fencing in particular circumstances**

### **35A Application of sdiv 4A**

- (1) This subdivision applies if—
  - (a) a building development approval is given on or after 1

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December 2009 for building work that is the construction of, or alteration to, a chapter 8 pool or its fencing (the *pool work*); and

- (b) the relevant entity for the pool work is not given a notice for inspection for the final stage of the pool work—
  - (i) for a building development approval that is only for the pool work—by the earlier of the following days (the *inspection day*)—
    - (A) the day that is 6 months after the building development approval is given;
    - (B) the day that is 2 weeks before the building development approval lapses; or
  - (ii) for a building development approval that includes work that is the construction of, or alteration to, a class 1 building or class 2 building—by the earlier of the following days (also the *inspection day*)—
    - (A) the day that is 2 years after the building development approval is given;
    - (B) the day that is 2 weeks before the building development approval lapses.

(2) In this section—

*relevant entity*, for the pool work, means—

- (a) generally—the building certifier for the pool work; or
- (b) if the building certifier for the pool work is a local government building certifier—the local government.

### **35B Inspection procedure and process after inspection**

- (1) The building certifier for the pool work must, unless the building certifier has a reasonable excuse, inspect, or ensure another building certifier inspects, the pool work as soon as practicable after the inspection day and before the building development approval lapses.

[s 35B]

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*Example of a reasonable excuse—*

the building certifier is refused access to the premises on which the pool work is being carried out

Maximum penalty—50 penalty units.

- (2) The building certifier who inspects the stage is called the *inspecting certifier*.
- (3) The inspection must be carried out under best industry practice.
- (4) The building certifier must, for at least 3 years after the inspection is carried out, keep a record of the inspection, including details of the time the inspection was carried out and the results of the inspection.
- (5) If the pool work has not started, the inspecting certifier need not take any further action in relation to the inspection.

*Note—*

If the builder later carries out the pool work, the builder for the work must take action under section 27 for each stage of the pool work.

- (6) If the inspecting certifier is satisfied all relevant aspects of the final stage of the pool work under the building development approval have been completed and comply with the approval, the inspecting certifier must give the builder for the work a certificate of inspection for the stage.
- (7) If a stage of the pool work has been completed and the inspecting certifier is not satisfied the stage complies with the building development approval, the inspecting certifier must give the builder for the work a noncompliance notice for the stage.
- (8) If the occupier of the premises on the relevant land or the builder for the pool work refuses to allow the inspecting certifier to enter the relevant land to carry out the inspection, the building certifier must, within 2 business days after the refusal, give the local government notice of the refusal.
- (9) This section is subject to section 35C.
- (10) In this section—



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*relevant land* means the land on which the chapter 8 pool or its fencing is, or is intended to be, constructed.

### **35C Delaying inspection in particular circumstances**

- (1) The builder for the pool work may, before the inspection day, give the building certifier for the pool work a notice asking the building certifier to inspect the pool work on a day that is later than the inspection day (the *later day*).
- (2) The later day must be before the building development approval lapses.
- (3) If the building certifier is a local government building certifier, a notice under subsection (1) may be given to the building certifier by giving it to the local government.
- (4) Subsections (5) and (6) apply despite section 35B(1).
- (5) If the building certifier receives a notice under subsection (1), the pool work need not be inspected before the later day.
- (6) The building certifier must, unless the building certifier has a reasonable excuse, inspect, or ensure another building certifier inspects, the pool work before the building development approval lapses.  
Maximum penalty—50 penalty units.
- (7) Section 35B(2) to (8) and (10) apply in relation to an inspection mentioned in subsection (6).

## **Subdivision 5 Miscellaneous provision**

### **36 Declaratory provision about inspections**

- (1) To remove any doubt, it is declared that the giving of a notice under this division about a stage of assessable building work does not, of itself, prevent any of the following from inspecting any aspect of another stage of the work—
  - (a) the building certifier for the work (the *relevant certifier*);

[s 37]

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- (b) another building certifier;
  - (c) a competent person (inspections) whom the relevant certifier has decided may carry out the inspection.
- (2) Subsection (1) applies whether or not a notice for inspection has been given for the other stage.

## **Division 2                      Referral agency Inspections**

### **37            Application of div 2**

This division applies if—

- (a) an entity was, for a building development application, a referral agency for aspects of the building work (the *referral agency aspects*); and
- (b) the building development approval applied for is granted; and
- (c) a condition of the approval requires the builder for the work to give the agency a notice to inspect it to check the referral agency aspects comply with the approval.

*Note—*

For the condition allowing QFRS to inspect and test special fire service installation, see section 74 of the Act.

### **38            Notice to referral agency to inspect**

- (1) This section does not apply if the condition is imposed under section 74 of the Act.
- (2) The builder must—
  - (a) give the referral agency a notice to inspect the building work when, under the building development approval, the referral agency aspects are at a stage at which they must be inspected by the agency; and
  - (b) give a copy of the notice to the building certifier when it is given to the referral agency.

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### **39 Referral agency inspection**

- (1) This section applies if the referral agency receives—
  - (a) a notice to inspect under section 38; or
  - (b) a notice to inspect the installation of, or test, a special fire service under section 74 of the Act.
- (2) The agency may inspect the building work or inspect or test the service to check the referral agency aspects comply with the building development approval.
- (3) The agency must—
  - (a) within 5 business days after receiving a notice under subsection (1), give the builder and the building certifier a notice stating it does not propose to inspect the building work or inspect or test the service; or
  - (b) within 15 business days after receiving a notice under subsection (1), inspect the work or inspect or test the service, and give the builder and the building certifier a notice stating—
    - (i) the referral agency aspects comply with the building development approval; or
    - (ii) the referral agency aspects do not comply with the approval, and the reasons why they do not.
- (4) If the building certifier is a local government building certifier, a notice under subsection (3) may be given to the certifier by giving it in writing to the local government.

### **40 Acting on referral agency's inspection notice**

- (1) The building certifier must, in performing functions under the Act for the building work, accept and act on a notice given under section 39(3)(b).
- (2) However, subsection (1) does not apply if, within 5 business days after the building certifier receives the notice, the certifier—
  - (a) decides to disagree with the decision the subject of the

[s 41]

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- notice; and
- (b) gives the referral agency an information notice about the the decision.

*Note—*

For the relevant appeal right, see the Planning Act, section 532.

#### **41 Consequence of no referral agency notice**

If the referral agency does not comply with section 39(3) within the following period, the referral agency aspects are taken to comply with the building development approval—

- (a) 15 business days after the agency receives the notice to inspect;
- (b) any longer period agreed to between the agency and the building certifier within the 15 business days.

## **Part 7 General provisions about certificates**

### **Division 1 QBSA licensee certificates**

#### **42 Application of div 1**

- (1) This division applies if—
- (a) building work is for a single detached class 1a building or a class 10 building or structure; and
- (b) work (the *aspect work*) is carried out for an aspect of the building work; and

*Example of aspect work—*

waterproofing

- (c) either—

- 
- (i) the aspect work is carried out by a person (the ***QBSA licensee***) who, when it was carried out, held a licence of an appropriate class under the QBSA Regulation for the aspect work; or
- Example of a licence of an appropriate class—*  
for waterproofing—a waterproofing licence
- (ii) under the QBSA Regulation, a person (also the ***QBSA licensee***) other than the person mentioned in subparagraph (i) may give a QBSA licensee certificate for the aspect work.
- (2) However this division does not apply if, when the aspect work was carried out—
- (a) there was more than 1 class of licence under the QBSA Regulation under which the aspect work may be carried out; and
- (b) under the QBSA Regulation, schedule 2, only a licence (a ***certification licence***) of 1 or some of the classes allows the QBSA licensee to give a QBSA licensee certificate for the aspect work; and
- (c) the QBSA licensee does not hold a certification licence for the work.
- (3) In this section—

***QBSA Regulation*** means the *Queensland Building Services Authority Regulation 2003*.

***waterproofing*** means work mentioned in the QBSA Regulation, schedule 2, part 56, section 2.

***waterproofing licence*** a licence under the QBSA Regulation, schedule 2, part 56.

#### **43 QBSA licensee certificate if building development approval**

If the building work is subject to a building development approval, the QBSA licensee may give the building certifier a certificate in the approved form that the aspect work complies

[s 44]

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with the approval.

*Note—*

For when a building certifier or competent person may accept and rely on the certificate, see sections 49 and 50.

#### **44 QBSA licensee certificate for self-assessable building work**

- (1) This section applies if the building work—
  - (a) is building work prescribed under schedule 1; and
  - (b) is not subject to a building development approval.
- (2) The QBSA licensee may give the builder for the building work or the owner of the building a certificate in the approved form that the aspect work complies under section 21(1)(b) of the Act.
- (3) A certificate under subsection (2) is evidence that the building work is self-assessable building work.

#### **45 QBSA licensee must not give false or misleading certificate**

The QBSA licensee must not give a QBSA licensee certificate that the licensee knows is false or misleading in a material particular.

Maximum penalty—20 penalty units.

### **Division 2                      Competent person certificates other than certificates of inspection**

#### **46 Certificate about building design or specification**

- (1) A competent person (design/specification) may give the building certifier a certificate that a building design or specification will, if installed or carried out under the

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certificate, comply with the building assessment provisions.

- (2) The certificate must comply with section 48.

#### **47 Aspect inspection certificate**

- (1) A competent person (inspections) for assessable building work may give the building certifier a certificate that a stated aspect of the work complies with the building development approval.
- (2) The certificate must comply with section 48.

#### **48 Content requirements for certificates**

A certificate by a competent person must—

- (a) be in the approved form; and
- (b) be signed by the competent person; and
- (c) state in detail—
- (i) the basis for giving the certificate; and
- (ii) the extent to which the person has relied on tests, specifications, rules, standards, codes of practice or other publications.

### **Division 3 Accepting certificates**

#### **49 Optional acceptability by building certifier**

- (1) A building certifier may, in performing functions under the Act for a building development application or assessable building work, accept and, without further checking, rely on a certificate from a competent person if—
- (a) the certifier has, under part 5, decided the person is a competent person of a type relevant to the functions; and
- (b) if the person was decided to be a competent person only for a particular aspect of the decided type—the

[s 50]

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- certificate relates to the aspect; and
  - (c) if the person was decided to be a competent person only for particular assessable building work—the certificate relates to the building work; and
  - (d) the person was, under part 5 and this part, permitted to give the certificate; and
  - (e) the certificate complies with section 48.
- (2) A building certifier may, in performing functions under the Act for assessable building work, accept and, without further checking, rely on a QBSA licensee certificate given under section 43 if the certificate relates to the work.

## **50 Optional acceptability by competent person (inspections)**

- (1) This section applies to a competent person (inspections) who is giving a building certifier inspection help for assessable building work.
- (2) The competent person may accept and, without further checking, rely on a certificate from another competent person if—
- (a) the building certifier has, under part 5, decided the other competent person is a competent person of a type relevant to the inspection help; and
  - (b) if the other competent person was decided to be a competent person only for a particular aspect of the decided type—the certificate relates to the aspect; and
  - (c) if the other competent person was decided to be a competent person only for particular assessable building work—the certificate relates to the building work; and
  - (d) the person was, under part 5 and this part, permitted to give the certificate; and
  - (e) the certificate complies with section 48.
- (3) The competent person may accept and, without further checking, rely on a QBSA licensee certificate given under section 43 if the certificate relates to the work.



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## **Division 4                      Certificates under CodeMark Scheme**

### **51            Certificate of conformity**

- (1) If there is a current recognised certificate about a building element, the element is, to the extent stated in the certificate, taken to comply with the BCA.
- (2) In this section—

*building element* means the properties and performance of a material, system, method of building or other thing relating to building work.

*recognised certificate* means a certificate of conformity issued by the Australian Building Codes Board or under the scheme known as the CodeMark Scheme administered by the Australian Building Codes Board.

## **Part 8                              Miscellaneous provisions**

### **Division 1                      Approvals and miscellaneous prescribed matters**

#### **51B      Approval of amendment of QDC parts 2.1 and 2.2**

- (1) The amendment of the QDC parts 2.1 and 2.2 published by the chief executive on 5 March 2008 is approved under section 13(3) of the Act.
- (2) The approval takes effect on 4 April 2008.

#### **51BC    Approval of amendment of QDC by replacing parts MP4.2 and MP4.3**

- (1) The amendment of the QDC by replacing parts MP4.2 and

[s 51BD]

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MP4.3 published by the chief executive on 22 October 2008 is approved under section 13(3) of the Act.

- (2) The approval takes effect on 1 January 2009.

**51BD Approval of amendment of QDC by adding part MP6.1**

- (1) The amendment of the QDC by adding part MP6.1 published by the chief executive on 20 November 2008 is approved under section 13(3) of the Act.
- (2) The approval takes effect on 1 January 2009.

**51BE Approval of amendment of QDC by replacing part MP4.1**

- (1) The amendment of the QDC by replacing part MP4.1 published by the chief executive on 13 April 2010 is approved under section 13(3) of the Act.
- (2) The approval takes effect on 1 May 2010.

**51BG Approval of amendment of QDC by adding part MP3.4**

- (1) The amendment of the QDC by adding part MP3.4 published by the chief executive on 31 October 2009 is approved under section 13(3) of the Act.
- (2) The approval takes effect on 1 December 2009.

**51BH Approval of amendment of QDC by replacing part MP4.3**

- (1) The amendment of the QDC by replacing part MP4.3 published by the chief executive on 27 November 2009 is approved under section 13(3) of the Act.
- (2) The approval takes effect on 1 January 2010.

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**51BI Approval of amendment of QDC by replacing parts MP1.1 and MP1.2**

- (1) The amendment of the QDC by replacing parts MP1.1 and MP1.2 published by the chief executive on 11 March 2010 is approved under section 13(3) of the Act.
- (2) The approval takes effect on 26 March 2010.

**51BJ Approval of amendment of QDC by adding part MP1.3**

- (1) The amendment of the QDC by adding part MP1.3 published by the chief executive on 11 March 2010 is approved under section 13(3) of the Act.
- (2) The approval takes effect on 26 March 2010.

**51BK Approval of amendment of QDC by adding part MP3.3**

- (1) The amendment of the QDC by adding part MP3.3 published by the chief executive on 22 March 2010 is approved under section 13(3) of the Act.
- (2) The approval takes effect on 1 July 2010.

**51C 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

[s 52]

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- (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.

## **52 Prescribed matters for private certification endorsement—Act, s 163**

- (1) For section 163(1)(a) of the Act, the insurance prescribed for private certification is professional indemnity insurance that provides for all of the following—
  - (a) a minimum limit of indemnity of \$1m for any 1 claim and a total during any 1 period of insurance that may arise from the performance of private certifying functions;
  - (b) as well as the limit of indemnity mentioned in paragraph (a)—indemnity for costs and expenses incurred with the consent of the insurer of defending or settling a claim;
  - (c) indemnity for breaches of professional duty as a private certifier arising from an act, error or omission of the private certifier after the day the certifier first became a private certifier;
  - (d) at least 1 automatic reinstatement of indemnity;
  - (e) indemnity for negligent performance of a building certifying function (other than for claims for fraudulent or illegal acts or omissions);
  - (f) if the private certifying functions are performed as an employee—indemnity to former principals, partners and directors of the employer who were, but no longer are, private certifiers.
- (2) For subsection (1), a private certifier who is a member of a corporation, or an employee of an individual, corporation or public sector entity, has the required insurance if the

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corporation, individual or entity has the professional indemnity insurance mentioned in subsection (1).

- (3) For subsection (1)(b), the indemnity may, for any 1 claim, be limited to 20% of the limit of indemnity the insurance provides under item 1 for the claim.
- (4) For section 163(2) of the Act, the prescribed course is the course called 'Issuing development permits for building work', conducted by Mackee and Associates Pty Ltd, trading as AssentTECHS.

### **53 Information to be supplied by the State—Act, s 255**

- (1) The information prescribed for section 255 of the Act is—
  - (a) a 1:100 scale drawing of the building or structure showing floor plans and elevations; and
  - (b) a site plan of a scale enabling the local government to provide water supply, sewerage and stormwater drainage for the land on which the building work is to be carried out.
- (2) However, if the Minister responsible for the building work to which this section applies considers the giving of the information mentioned in subsection (1)(a) is not in the public interest, subsection (1)(a) does not apply.

## **Division 2 Fees**

### **54 Fees**

- (1) The fees payable under the Act are in schedule 3.
- (2) The fee (the *fast-track fee*) accompanying a request, under section 39 of the Act, to fast-track a decision for a variation application is in addition to the fee payable for the application.

[s 55]

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- (3) If the chief executive refuses a request to fast-track the decision, the chief executive must refund the fast-track fee to the applicant.

## **Division 3                      Transitional provisions**

### **55            Definition for div 3**

In this division—

*repealed regulation* means the repealed *Standard Building Regulation 1993*.

### **56            Undecided building development applications**

- (1) This section applies if, immediately before 1 September 2006—
  - (a) a building development application had not been decided; and
  - (b) the application is a properly made application.
- (2) The application must be decided as if the repealed regulation had not been repealed and this regulation were not in force.

*Note—*

Section 278 of the Act makes a corresponding provision for amendments made under the related *Building and Other Legislation Amendment Act 2006*.

### **57            Development applications made for relevant building work before designation of rainwater tank area**

- (1) This section applies if—
  - (a) before a designation, under former section 7 or the repealed regulation, by a local government of a designated rainwater tank area a building development application was made for relevant building work in the area; and

- (b) immediately before the designation, the application had not been decided.
- (2) The application must be decided as if the designation had not been made.
- (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.

## **58 Declarations under repealed regulation, s 53**

On 1 September 2006—

- (a) a declaration under the repealed regulation, section 53(1)(a) becomes a designation under section 13(1)(a) of this regulation; and
- (b) a declaration under the repealed regulation, section 53(1)(b) becomes a designation under section 13(1)(b) of this regulation.

## **Part 9 Repeals**

### **59 Repeals**

The following are repealed—

- Standard Building Regulation 1993
- Building Regulation 2003 SL No. 175.

## **Schedule 1      Prescribed building work for Act, section 21**

section 4

### **1      Work for particular fences**

- (1) Building work for a fence is prescribed if the fence—
  - (a) is no higher than 2m above the fence's natural ground surface; and
  - (b) is not for a chapter 8 pool.
- (2) Despite subsection (1), the building work is prescribed if the work consists of repairs or maintenance to an existing fence for a chapter 8 pool.

### **2      Work for particular non-load bearing devices**

- (1) This section applies to building work for any of the following devices if they are non-load bearing—
  - (a) an aerial;
  - (b) an antenna;
  - (c) a satellite dish with a maximum diameter of 900mm;
  - (d) a flagpole, mast or tower, outside areas covered by airport Obstacle Limitation Surfaces Standards (O.L.S.) of the Civil Aviation Safety Authority.
- (2) The building work is prescribed if the device is no more than—
  - (a) if the device is attached to a building or structure—3.5m above the building or structure; or
  - (b) if the device is detached from any building or structure—10m above the device's natural ground surface.



### 3 Work for particular retaining walls

- (1) Building work for a retaining wall is prescribed if—
  - (a) there is no surcharge loading over the zone of influence for the wall; and
  - (b) the total height of the wall and of the fill or cut retained by the wall is no more than 1m above the wall's natural ground surface; and
  - (c) the wall is no closer than 1.5m to a building or another retaining wall.
- (2) Despite subsection (1), the building work is not prescribed if it is for a retaining wall that forms part of the fencing for a chapter 8 pool.
- (3) In this section—

**surcharge loading** means a load applied to a soil stratum that has, or may have, the effect of consolidating the stratum, other than a load arising only from—

- (a) persons or vehicles on, or moving over, the stratum; or
- (b) the effects of rain on the stratum.

*Example of a surcharge loading—*

a concrete driveway laid over the stratum

**zone of influence**, for the retaining wall, means the volume of soil stratum behind the wall that affects the wall's structural integrity.

### 4 Particular filling or excavation

Filling or excavation is prescribed if—

- (a) the proposed cut or fill is no deeper than 1m above or below the natural ground surface for the relevant building or structure; and
- (b) any cut embankment is only into soil of a following type and no steeper than gradient stated for the soil type—
  - (i) for sand—2 horizontal to 1 vertical;
  - (ii) for silt—4 horizontal to 1 vertical;

- (iii) for firm clay—1 horizontal to 1 vertical;
- (iv) for soft clay—3 horizontal to 2 vertical; and
- (c) any fill embankment is no steeper than 4.0 horizontal to 1.0 vertical; and
- (d) any compacted fill embankment is only into soil of a following type and no steeper than gradient stated for the soil type—
  - (i) for sand—3 horizontal to 2 vertical;
  - (ii) for silt—4 horizontal to 1 vertical;
  - (iii) for firm clay—2 horizontal to 1 vertical.

## **5 Work for particular heating devices**

Building work is prescribed if it consists of the installation, repair, maintenance or alteration of a heating device for a building, other than a heating device that is an integral part of, or abuts, the building.

*Example—*

a free-standing pot belly stove or other combustion heater, the chimney of which passes through the building's ceiling and roof space

## **6 Work for particular signs**

Building work is prescribed if it consists of the erection of a sign that is—

- (a) detached from a building; and
- (b) no higher than 2m; and
- (c) no wider than 1.2m.

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

Building work that consists of repairs, maintenance or alterations to an existing building or structure, other than alterations to an existing fence for a chapter 8 pool, is prescribed if they do not—

- (a) change the building or structure's floor area or height; and
- (b) affect a structural component or the fire safety system of the building or structure.

## **8 Particular repairs, maintenance or alterations only affecting minor structural component**

- (1) This section applies to building work that consists of repairs, maintenance or alterations to an existing building, other than alterations to an existing fence for a chapter 8 pool, if they—
  - (a) do not change the building or structure's floor area or height; and
  - (b) are for, or only affect, a minor structural component of the building.
- (2) The building work is prescribed if—
  - (a) the work does not affect more than 20% of the building's structural components of the same type; or
  - (b) if the work is carried out on a sole-occupancy unit in the building—the work and other building work of the same type carried out on the unit in the previous 3 years does not affect more than the lesser of the following—
    - (i) 20% of the unit's gross floor area;
    - (ii) 40m<sup>2</sup> of the unit's floor area; or
  - (c) if the building consists of stories and the work is not carried out on a sole-occupancy unit—the work and other building work of the same type carried out on the same storey in the previous 3 years does not affect more than the lesser of the following—
    - (i) 20% of the storey's gross floor area;
    - (ii) 40m<sup>2</sup> of the storey's floor area.
- (3) For subsection (1)(b), a structural component is minor only if—
  - (a) the component is—

- (i) a roof beam or lintel supporting no more than 5m<sup>2</sup> of roof area; or
- (ii) a sun hood or sun blind projecting no more than 1m from the building; or
- (b) if the work is repairing or maintaining the component—were it not present in the building, the building's general safety and structural integrity would not be at risk; or

*Examples—*

- replacing a verandah post
- replacing a metal connector or bracing member
- (c) if the work is adding the component to the building—the addition does not pose a risk to the building's general safety and structural integrity.

(4) In this section—

***building*** includes structure.

***gross floor area***, of a sole-occupancy unit or storey, means the total area of—

- (a) all parts of the unit or storey within its external walls; and
- (b) any other roofed part of the unit or storey.

*Example for paragraph (b)—*

a roofed balcony

## **9 Particular repairs, maintenance or alterations only affecting minor component of fire safety system**

- (1) This section applies to building work that consists of repairs, maintenance or alterations to an existing building if they—
  - (a) do not change the building's floor area or height; and
  - (b) only affect a minor component of the building's fire safety system.
- (2) The building work is prescribed if the work—
  - (a) only affects a minor component of the system; and

- (b) does not affect more than 20% of the system's components of the same type.
- (3) For subsection (2)(a), a component is minor only if, were it not present in the fire safety system, the safety of occupants of the building would not be compromised.

*Examples of a minor component of a fire safety system—*

- a sprinkler head
- a smoke alarm

- (4) In this section—  
*building* includes structure.

## 10 **Work for particular budget accommodation buildings built, approved or applied for before 1 January 1992**

- (1) Building work is prescribed if it consists of the installation of any of the following for a budget accommodation building to which chapter 7, part 3 of the Act applies—
- (a) smoke alarms;
  - (b) a smoke detection system unless—
    - (i) the system is a 1670 system; and
    - (ii) the fire safety standard requires the installation of a 1670 system in the building;
  - (c) internally illuminated exit signs;
  - (d) fire extinguishers.
- (2) Subsection (1) applies despite section 9 of this schedule.
- (3) In this section—

**1670 system** means a fire safety system to which AS 1670.1-1995 applies.

## 11 **Work for particular temporary things on building sites**

Building work is prescribed if it is for a temporary site office, gantry or scaffolding on a building site.

## 12 Erecting particular tents

Building work is prescribed if it consists of erecting a tent if the tent's floor area is no more than 500m<sup>2</sup>.

## 13 Other work for class 10 buildings or structures

- (1) This section applies to building work for a class 10 building or structure (the *class 10*), unless the building work is—
- (a) within Wind Region C (tropical cyclone area) mentioned in AS 1170.2 SAA Wind Loading Code; or
  - (b) for a rainwater tank for a new building; or
  - (c) for a deck that is roofed or higher than 1m above the deck's natural ground surface; or
  - (d) for a chapter 8 pool or its fence.

*Editor's note—*

BCA (2009 edition), part A3.2 (Classifications)—

**Class 10:** A non-habitable building or structure—

- (a) **Class 10a**—a non-habitable building being a *private garage*, carport, shed or the like; or
- (b) **Class 10b**—a structure being a fence, mast, antenna, retaining or free-standing wall, *swimming pool* or the like.

- (2) The building work is prescribed if—
- (a) the plan area of the class 10 is no more than 10m<sup>2</sup>; and
  - (b) the class 10 has, above its natural ground surface—
    - (i) a height of no more than 2.4m; and
    - (ii) if the class 10 is not a rainwater tank—a mean height of no more than 2.1m, worked out by dividing its total elevational area facing the boundary by its horizontal length facing the boundary; and
  - (c) any side of the class 10 is no longer than 5m.
- (3) Despite subsection (2), the building work is not prescribed if—
- (a) another section of this schedule applies to the work; and

- (b) the work does not comply with the requirements under the other section for it to be prescribed.
- (4) In this section—
- plan area***, of the class 10, means the area contained within its extremities after the building work has been completed, including, overhangs and, if the class 10 is existing, its existing area.
- 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.

#### **14 Work for particular air conditioners**

Building work is prescribed if it consists of the installation, repair, maintenance or alteration of an air conditioner for cooling or heating a class 1 or class 2 building, other than an air conditioner that is an integral part of the building.

*Example of air conditioner that is an integral part of a building—*

air conditioner that is part of the fire safety system or mechanical ventilation system for the building

## **Schedule 2      Building work prescribed as exempt development for the Planning Act**

section 5

### **1      Work for particular class 10b structures or special structures**

Building work for a class 10b structure or special structure is prescribed if—

- (a) the structure is not—
  - (i) a fence; or
  - (ii) a retaining wall; or
  - (iii) a free standing wall; or
  - (iv) a swimming pool; and
- (b) the structure is no higher than 3m above its natural ground surface.

*Examples—*

playground and sporting equipment, garden furniture, temporary market stalls, minor plant and equipment covers that are no more than 3m above their natural ground surface

### **2      Attaching particular sun hoods**

Attaching a sun hood to an existing building is prescribed if the sun hood's area is less than 2m<sup>2</sup>.

### **3      Erecting particular tents**

Erecting a tent is prescribed if the tent's floor area is no more than 100m<sup>2</sup>.



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**4 Other work for class 10 buildings or structures**

- (1) Building work for a class 10 building or structure (the *class 10*) is prescribed if—
- (a) the work is not building work to which another section of this schedule applies; and
  - (b) the class 10 is on land used for agricultural, floricultural, horticultural or pastoral purposes; and
  - (c) no part of the class 10 is within 200m of a road or a boundary of the land on which the class 10 is situated; and
  - (d) the class 10 is not a chapter 8 pool or its fence.
- (2) Despite subsection (1), the building work is not prescribed if—
- (a) another section of this schedule applies to the work; and
  - (b) the work does not comply with the requirements under the other section for it to be prescribed.

## Schedule 3 Fees

section 54

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1	For variation application (Act, s 38)—	
	(a) if a site inspection by the chief executive is not required and the building has a floor area of—	
	(i) 500m <sup>2</sup> or less . . . . .	421.00
	(ii) more than 500m <sup>2</sup> . . . . .	608.00
	(b) if a site inspection by the chief executive is required and the building has a floor area of—	
	(i) 500m <sup>2</sup> or less . . . . .	608.00
	(ii) more than 500m <sup>2</sup> . . . . .	902.00
2	Fee to fast-track decision for variation application (Act, s 39) . . . . .	50% of the fee payable for the application
3	Application fee for licensing as a building certifier (Act, s 156) . . . . .	115.00
4	Licence fee for licensing as a building certifier (Act, s 156) . . . . .	608.00

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## Schedule 4 Dictionary

### section 3

**aspect**, of building work, means a component of a stage of the work.

**aspect work** see section 42(1)(b).

**assessable building work** means building work that is not development requiring compliance assessment under the Planning Act, self-assessable building work or exempt development.

**builder**, for building work, means the person in charge of carrying out the work.

*Examples of a builder for building work—*

- 1 a person who contracts with an owner to perform building work for the owner
- 2 a person who holds an owner-builder permit under the *Queensland Building Services Authority Act 1991* for building work and who, under that Act, engages subcontractors to perform all or part of the work

**building certifier** for—

- (a) a provision about a competent person, means the building certifier who decided the person is a competent person; or
- (b) a provision about assessable building work, means the building certifier who performed, or is performing, building certifying functions for the building development approval for the work.

**building design or specification** means any material, system, method of building or other thing related to the design of or specifications for building work.

**certificate of inspection** means a certificate under section 32 that states a stage of assessable building work complies with the building development approval.

***chapter 8 pool*** means a swimming pool to which chapter 8 of the Act applies.

***competent person*** see section 17(3).

***competent person (design/specification)*** see section 17(4).

***competent person (inspections)*** see section 17(5).

***design/specification help***, for a competent person, see section 17(1)(a).

***final stage***, of building work, means the last stage of the building work provided for under section 24.

***floor area***, of a building or structure, sole-occupancy unit or storey, means its floor area as defined under the BCA.

***inspecting person*** see section 30(2).

***inspection day***, for part 6, division 1, subdivision 4A, see section 35A(1)(b).

***inspection guidelines*** see section 26(1).

***inspection help***, for a competent person, see section 17(1)(b).

***natural ground surface***, for a building, device or structure, means the ground surface located at site of the building or structure on the day the first plan of survey showing the relevant allotment was first registered.

***noncompliance notice*** see section 33(2).

***notice for inspection*** see section 27(2).

***planning scheme maps*** means maps used in a planning scheme.

***pool work***, for part 6, division 1, subdivision 4A, see section 35A(1)(a).

***QBSA licensee*** see section 42(1)(c).

***QBSA licensee certificate*** means a certificate under section 43 or 44.

***qualitative statement*** means a statement about a performance or outcome sought to be achieved when buildings or structures for relevant work are completed.

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**quantifiable standard** means a standard that achieves a performance or outcome sought under a qualitative statement.

**referral agency aspects** see section 37(a).

**road**—

1 a *road* is—

- (a) an area of land dedicated to public use as a road; or
- (b) an area open to, or used by, the public and developed for, or has, as 1 of its main uses, the driving or riding of motor vehicles.

2 However a *road* does not include a pedestrian or bicycle path.

**sole-occupancy unit** means a sole-occupancy unit as defined under the BCA.

**stage**, of assessable building work, means a stage of the work provided for under section 24.

**storey** means a storey as defined under the BCA.

**structural component**, of a building, means an element or a part of a building that carries or transfers a load in addition to its own weight.

**supervising certifier** see section 23A.

**temporary fence** means a temporary fence that complies with QDC part MP3.4.

**tent** means a temporary structure clad in canvas, plastic or similar material, with or without walls, supported by poles or similar supports and fastened to the ground using ropes, pegs or ballast.

*Examples*—

circus tent, box frame marquee

## Endnotes

### 1 Index to endnotes

	Page
2 Date to which amendments incorporated . . . . .	60
3 Key . . . . .	61
4 Table of reprints . . . . .	61
5 Tables in earlier reprints . . . . .	62
6 List of legislation . . . . .	62
7 List of annotations . . . . .	65

### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 May 2010. Future amendments of the Building Regulation 2006 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

### 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1	none	1 September 2006	
1A	2006 SL No. 315	1 January 2007	
1B	2007 SL No. 87	18 May 2007	
1C	2007 SL No. 150	29 June 2007	R1C withdrawn, see R2
2	—	29 June 2007	
2A	2007 SL No. 280	23 November 2007	
2B	2007 SL No. 326	14 December 2007	
2C	2008 SL No. 91	4 April 2008	
2D	2008 SL No. 113	1 May 2008	
2E	2008 SL No. 227	18 July 2008	R2E withdrawn, see R3
3	—	18 July 2008	
3A	2008 SL No. 375	14 November 2008	
3B	2008 SL No. 413	1 January 2009	
3C	2009 SL No. 17	1 March 2009	

Endnotes

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Reprint No.	Amendments included	Effective	Notes
3D	2009 SL No. 45	1 May 2009	
3E	2009 SL No. 136	26 June 2009	
3F	2009 SL No. 92	1 July 2009	
4	2009 SL No. 191	11 September 2009	
4A	2009 SL No. 262	1 December 2009	
4B	2009 SL No. 280	18 December 2009	
4C	2009 SL No. 298	1 January 2010	
4D	2010 SL No. 20	26 February 2010	
4E	2010 SL No. 48	26 March 2010	
4F	2010 SL No. 68	23 April 2010	
4G	2010 SL No. 68	1 May 2010	

## 5 Tables in earlier reprints

Name of table	Reprint No.
Corrected minor errors	1

## 6 List of legislation

### **Building Regulation 2006 SL No. 227**

made by the Governor in Council on 14 August 2006

notfd gaz 18 August 2006 pp 1821–5

ss 1–2 commenced on date of notification

remaining provisions commenced 1 September 2006 immediately after the commencement of s 5 of the Building and Other Legislation Amendment Act 2006 No. 36 (see s 2 and 2006 SL No. 226)

exp 1 September 2016 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

### **Building and Other Legislation Amendment Regulation (No. 2) 2006 SL No. 315 pts 1–2**

notfd gaz 15 December 2006 pp 1861–5

ss 1–2 commenced on date of notification

remaining provisions commenced 1 January 2007 (see s 2)

### **Building and Other Legislation Amendment Regulation (No. 1) 2007 SL No. 87 s 1, pt 2**

notfd gaz 18 May 2007 pp 345–8

commenced on date of notification



**Building and Other Legislation Amendment Regulation (No. 2) 2007 SL No. 150 pts 1–2**

notfd gaz 29 June 2007 pp 1157–65  
commenced on date of notification

**Building Amendment Regulation (No. 1) 2007 SL No. 280**

notfd gaz 23 November 2007 pp 1682–4  
commenced on date of notification

**Building and Other Legislation Amendment Regulation (No. 3) 2007 SL No. 326 pts 1–2**

notfd gaz 14 December 2007 pp 2131–5  
commenced on date of notification

**Building Amendment Regulation (No. 1) 2008 SL No. 91**

notfd gaz 4 April 2008 p 1854  
commenced on date of notification

**Building Amendment Regulation (No. 2) 2008 SL No. 113**

notfd gaz 1 May 2008 pp 1–2  
ss 4, 6 commenced 1 May 2008 (see s 2)  
remaining provisions commenced on date of notification

**Building and Other Legislation Amendment Regulation (No. 1) 2008 SL No. 227 pts 1–2**

notfd gaz 18 July 2008 pp 1710–12  
commenced on date of notification

**Building and Other Legislation Amendment Regulation (No. 2) 2008 SL No. 375 pts 1–2**

notfd gaz 14 November 2008 pp 1346–7  
commenced on date of notification

**Building Fire Safety and Other Legislation Amendment Regulation (No. 1) 2008 SL No. 413 pts 1, 3**

notfd gaz 12 December 2008 pp 2044–53  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 January 2009 (see s 2)

**Building and Other Legislation Amendment Regulation (No. 1) 2009 SL No. 17 pts 1–2**

notfd gaz 20 February 2009 pp 852–3  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 March 2009 (see s 2)

**Building Amendment Regulation (No. 1) 2009 SL No. 45**

notfd gaz 1 May 2009 pp 100–1  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 May 2009 (see s 2)

**Building and Other Legislation Amendment Regulation (No. 2) 2009 SL No. 92 pts 1–2**

notfd gaz 19 June 2009 pp 707–11  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2009 (see s 2)

**Building Amendment Regulation (No. 2) 2009 SL No. 136**

notfd gaz 26 June 2009 pp 831–7  
commenced on date of notification

**Building Amendment Regulation (No. 3) 2009 SL No. 191**

notfd gaz 11 September 2009 pp 148–9  
commenced on date of notification

**Building and Other Legislation Amendment Regulation (No. 3) 2009 SL No. 262 pts 1–2**

notfd gaz 20 November 2009 pp 900–3  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 December 2009 (see s 2)

**Sustainable Planning Regulation 2009 SL No. 280 ss 1–2, pt 9 div 5**

notfd gaz 27 November 2009 pp 1001–6  
ss 1–2 commenced on date of notification  
remaining provisions commenced 18 December 2009 (see s 2)

**Building and Other Legislation Amendment Regulation (No. 4) 2009 SL No. 298 pts 1–2**

notfd gaz 11 December 2009 pp 1187–91  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 January 2010 (see s 2)

**Building Amendment Regulation (No. 1) 2010 SL No. 20**

notfd gaz 26 February 2010 pp 465–7  
commenced on date of notification

**Building and Other Legislation Amendment Regulation (No. 1) 2010 SL No. 48 pts 1–2**

notfd gaz 26 March 2010 pp 722–4  
commenced on date of notification

**Building Amendment Regulation (No. 2) 2010 SL No. 68**

notfd gaz 23 April 2010 pp 1008–11  
ss 1–2 commenced on date of notification  
s 5 commenced 1 May 2010 (see s 2)  
remaining provisions commenced on date of notification

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**Building and Other Legislation Amendment Regulation (No. 2) 2010 SL No. 69 pts 1–2**

notfd gaz 23 April 2010 pp 1008–11

ss 1–2 commenced on date of notification

s 5 commences 1 July 2010 (see s 2)

remaining provisions commenced on date of notification

Note—A regulatory impact statement and explanatory note were prepared.

## 7 List of annotations

**Prescribed building work for Act, s 21**

s 4 amd 2009 SL No. 280 s 52

**Building work that is exempt development for the Planning Act—Act, s 22**

s 5 prov hdg amd 2009 SL No. 280 s 53

**PART 3—PRESCRIBED MATTERS OR ASPECTS FOR LOCAL LAWS OR LOCAL PLANNING INSTRUMENTS**

pt hdg amd 2009 SL No. 280 s 54

**Division 1—Preliminary**

div hdg om 2006 SL No. 315 s 4

**Operation of pt 3**

s 6 amd 2009 SL No. 280 s 55

**Division 2—Designated rainwater tank areas**

div hdg om 2006 SL No. 315 s 4

**Additional water saving targets**

s 7 sub 2006 SL No. 315 s 5

amd 2007 SL No. 326 s 3

**Justification for designating rainwater tank areas**

s 8 om 2006 SL No. 315 s 5

**Guidelines for justifying designation of rainwater tank areas**

s 9 om 2006 SL No. 315 s 5

**Division 3—Other prescribed matters and aspects**

div hdg om 2006 SL No. 315 s 4

**Planning scheme provisions about particular performance criteria under QDC part 1.1 or QDC part 1.2**

prov hdg amd 2007 SL No. 326 s 4(1)

s 10 amd 2006 SL No. 315 s 6; 2007 SL No. 326 s 4; 2010 SL No. 48 s 3

**Designation by local planning instrument of bush fire prone areas**

prov hdg amd 2009 SL No. 191 s 3(1)

s 12 amd 2008 SL No. 227 s 3; 2009 SL No. 191 s 3(2)–(3)

**Land liable to flooding**

s 13            amd 2009 SL No. 280 s 56

**PART 4—SWIMMING POOL FENCING AND SIGNS**

**pt hdg**        amd 2009 SL No. 262 s 4

**Fencing standards for outdoor swimming pools constructed on or after 1 October 2003—Act, s 233**

s 14            amd 2009 SL No. 262 s 5

**Resuscitation sign requirements and display—Act, s 236**

s 15            amd 2009 SL No. 262 s 6

**PART 5A—CADET BUILDING CERTIFIERS**

**pt 5A (ss 23A–23C) ins** 2009 SL No. 191 s 4

**What is a “stage” of assessable building work**

s 24            amd 2009 SL No. 262 s 7

**Certificate of inspection**

s 32            amd 2010 SL No. 20 s 3

**Noncompliance notice**

s 33            amd 2010 SL No. 20 s 4

**Builder’s obligation to ensure stage complies with development approval**

s 34            amd 2009 SL No. 280 s 57

**Subdivision 4A—Additional inspections for chapter 8 pools and their fencing in particular circumstances**

**sdiv 4A (ss 35A–35C) ins** 2009 SL No. 262 s 8

**Referral agency inspection**

s 39            amd 2009 SL No. 191 s 5

**Acting on referral agency’s inspection notice**

s 40            amd 2009 SL No. 280 s 58

**Approval of replacement QDC parts**

s 51A          ins 2006 SL No. 315 s 7  
                  sub 2007 SL No. 326 s 5  
                  om 2008 SL No. 113 s 4

**Approval of amendment of QDC parts 2.1 and 2.2**

s 51B          prev s 51B ins 2007 SL No. 87 s 5  
                  om 2007 SL No. 326 s 5  
                  pres s 51B ins 2008 SL No. 91 s 3

**Approval of amendment of QDC by replacing parts MP4.2 and MP4.3**

s 51BA        prev ins 2007 SL No. 280 s 3  
                  om 2007 SL No. 326 s 5  
                  pres s 51BA ins 2008 SL No. 113 s 5  
                  om 2009 SL No. 45 s 4

**Approval of amendment of QDC by adding part MP5.9**

s 51BB ins 2008 SL No. 113 s 5  
om 2009 SL No. 45 s 4

**Approval of amendment of QDC by replacing parts MP4.2 and MP4.3**

s 51BC ins 2008 SL No. 375 s 3

**Approval of amendment of QDC by adding part MP6.1**

s 51BD ins 2008 SL No. 413 s 14

**Approval of amendment of QDC by replacing part MP4.1**

s 51BE ins 2009 SL No. 17 s 4  
sub 2009 SL No. 45 s 5; 2009 SL No. 136 s 3  
amd 2009 SL No. 298 s 4; 2010 SL No. 20 s 5  
sub 2010 SL No. 68 s 4

**Approval of amendment of QDC by adding part MP2.4**

s 51BF ins 2009 SL No. 191 s 6  
om 2010 SL No. 68 s 5

**Approval of amendment of QDC by adding part MP3.4**

s 51BG ins 2009 SL No. 262 s 9

**Approval of amendment of QDC by replacing part MP4.3**

s 51BH ins 2009 SL No. 298 s 5

**Approval of amendment of QDC by replacing parts MP1.1 and MP1.2**

s 51BI ins 2010 SL No. 48 s 4

**Approval of amendment of QDC by adding part MP1.3**

s 51BJ ins 2010 SL No. 48 s 4

**Approval of amendment of QDC by adding part MP3.3**

s 51BK ins 2010 SL No. 69 s 4

**Prescribed day for expiry of existing rainwater tank provisions—Act, s 283**

s 51C (prev s 51B) ins 2006 SL No. 315 s 7  
renum and reloc 2007 SL No. 87 s 4

**Development applications made for relevant building work before designation of rainwater tank area**

s 57 amd 2006 SL No. 315 s 8

**SCHEDULE 1—PRESCRIBED BUILDING WORK FOR ACT, SECTION 21**

sch hdg amd 2007 SL No. 87 s 6

**Work for particular fences**

s 1 amd 2009 SL No. 262 s 10(1)–(2)

**Work for particular retaining walls**

s 3 amd 2009 SL No. 262 s 10(3)–(4)

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

s 7 amd 2009 SL No. 262 s 10(5)

**Particular repairs, maintenance or alterations only affecting minor structural component**

s 8 amd 2009 SL No. 262 s 10(6)

**Other work for class 10 buildings or structures**

s 13 amd 2006 SL No. 315 s 9; 2009 SL No. 262 s 10(7)

**Work for particular air conditioners**

s 14 ins 2009 SL No. 17 s 5

**SCHEDULE 1A—THE QDC FROM 1 JANUARY 2008**

ins 2007 SL No. 326 s 6

om 2008 SL No. 113 s 6

**SCHEDULE 2—BUILDING WORK PRESCRIBED AS EXEMPT DEVELOPMENT FOR THE PLANNING ACT**

sch hdg amd 2009 SL No. 280 s 59

**Other work for class 10 buildings or structures**

s 4 amd 2009 SL No. 262 s 11

**SCHEDULE 3—FEES**

sub 2007 SL No. 150 s 3; 2008 SL No. 227 s 4; 2009 SL No. 92 s 4

**SCHEDULE 4—DICTIONARY**

def “**assessable building work**” amd 2009 SL No. 280 s 60

def “**chapter 8 pool**” ins 2009 SL No. 262 s 12

def “**competent person**” amd 2006 SL No. 315 s 10(2)

def “**designated rainwater tank**” om 2006 SL No. 315 s 10(1)

def “**inspection day**” ins 2009 SL No. 262 s 12

def “**pool work**” ins 2009 SL No. 262 s 12

def “**qualitative statement**” reloc from s 10 2006 SL No. 315 s 6

def “**quantifiable standard**” reloc from s 10 2006 SL No. 315 s 6

def “**rainwater tank**” om 2006 SL No. 315 s 10(1)

def “**relevant building work**” om 2006 SL No. 315 s 10(1)

def “**supervising certifier**” ins 2009 SL No. 191 s 7

def “**temporary fence**” ins 2009 SL No. 262 s 12