



Queensland

Building and Other Legislation Amendment Regulation (No. 3) 2011

Explanatory Notes for SL 2011 No. 134

made under the

Building Act 1975

Plumbing and Drainage Act 2002

General outline

Short title

The short title of the amendment regulation is the *Building and Other Legislation Amendment Regulation (No. 3) 2011*.

Authorising law

Sections 261 of the *Building Act 1975* and 145 of the *Plumbing and Drainage Act 2002*.

Policy objectives and the reasons for them

Amendment to the *Building Regulation 2006*

The *Building Regulation 2006* (BR) is being amended to prescribe a new date for pool registrations and to amend the Queensland Development Code (QDC) by the adoption of a revised Mandatory Part (MP) 4.1 - Sustainable Buildings (QDC 4.1). The amendments will take effect on 8 July 2011.

Relief from requirement to perform sustainability upgrades when raising houses in flood-prone areas

The recent floods and cyclone events in Queensland have highlighted a need to assist Queensland householders who have been affected by floods.

QDC 4.1 is directed to ensuring that a range of sustainability outcomes is achieved when dwellings are constructed or renovated. As they apply to renovation, these outcomes include standards for energy-efficient air conditioners, lighting and hot water systems and water-efficient shower roses, toilets and tap ware. QDC 4.1 replaces many of the corresponding sustainability outcomes in the Building Code of Australia (BCA) (but not the safety or amenity provisions).

To relieve home owners who are raising their homes from the additional costs of sustainability upgrades, QDC 4.1 is being amended to relax these requirements for house-raising in flood-prone areas.

Extended due date for pool registrations

As part of Queensland's largest pool safety review in over 20 years, Queensland introduced a new two stage pool safety regime which commenced on 1 December 2010 for existing regulated pools. The system is aimed at reducing the number of pool-related immersion events involving young children under five years of age. As part of this system, a requirement was introduced for pool owners to register their pool with the chief executive by 4 May 2011. Following recent Queensland natural disasters this date is now being revised to 4 November 2011 to provide pool owners additional time to register.

Amendments to the Standard Plumbing and Drainage Regulation 2003

Integrated handbasin/toilet cistern

Water conservation is essential to ensure our continued water supply. QDC 4.1 already regulates water efficiency requirements for toilets and tap ware in all new and renovated houses, townhouses and units. QDC 4.2 - 'Water Saving Targets' requires toilets in new houses to be connected to rainwater.

A new water-saving device (has been introduced to the market) that comprises a handbasin that sits on top of a toilet cistern. When the toilet is flushed, the water supply for the cistern is diverted to the spout of the handbasin for handwashing, which in turn directs and discharges greywater into the cistern for future toilet flushing.

Greywater is not considered safe for handwashing, but rainwater is. To ensure that the handbasin in the new water-saving device is not supplied externally by greywater and to allow its use where rainwater supplies the toilet system, it is intended to limit use of the device to systems supplied by reticulated potable water or rainwater.

Plumbing work associated with house-raising

When a house is raised, plumbing work is required to disconnect, extend and reconnect the existing plumbing and drainage infrastructure with the newly raised house.

It is intended that this new plumbing work be permitted to be carried out without the need for a plumbing application.

Achievement of policy objectives

Amendment to the *Building Regulation 2006*

Relief from requirement to perform sustainability upgrades when raising houses in flood-prone areas

The objectives are being achieved by exempting building work from complying with the sustainability requirements of QDC 4.1 where it is for the purpose of house-raising and where a building certifier has certified in writing that the building has been affected by a flood or storm surge or the building is located in a natural hazard management area (flood) or a local government has declared that the building is likely to be affected by a future flood or storm surge by written notice given to the owner or notice published on its website.

For the exclusion to apply, a building certifier is required to certify that the work constitutes, or directly relates to, the raising of the building for flood mitigation purposes. Related works such as the installation of new stairs and landings, replacement of a lowset patio area with an elevated deck area and the like would still need to comply with the current code for safety and other purposes, although any QDC sustainability requirements would not apply. If an owner chooses to add a new bathroom or new rooms beneath the home at the time of raising the house, the new bathroom and the new rooms would still need to comply with the QDC to the extent that it is practical to do so.

Where a home is raised to avoid damage from a future flood or storm surge, building certifiers are encouraged to use their discretion and apply

'like-for-like' reinstatement of affected homes that are being raised to keep rebuilding and recovery costs low. The affected dwellings will generally be required to comply with the sustainability standards that were applicable at the time of the original construction or the most recent renovation.

Extended due date for pool registrations

Recent amendments to section 246AR(2) of the *Building Act 1975* (BA) replaced the fixed final date for registration of a pool by a pool owner with the chief executive, with a date to be prescribed by a regulation.

The BR is now being amended to prescribe 4 November 2011 as the date by which a pool owner must register their pool.

Amendments to the *Standard Plumbing and Drainage Regulation 2003*

Integrated handbasin/toilet cistern

The SPDR is being amended to permit the installation of these devices in class 1a, 2 and 4 buildings provided the devices comply with certain specifications that ensure the health and safety of users.

Plumbing work associated with house-raising

Under the *Plumbing and Drainage Act 2002*, minor work that is prescribed as 'notifiable minor work' in the SPDR, must be notified to the relevant local government in the approved form. The local government may, but need not, assess the work.

It is intended to prescribe as 'notifiable minor work', plumbing work that is necessary because a house located in a flood-prone area is being raised.

Consistency with policy objectives of authorising law

The amendment regulation is consistent with the main objectives of the *Building Act 1975*, which include regulating particular matters about building work.

The amendment regulation is consistent with the main objectives of the *Plumbing and Drainage Act 2002*, which include regulating plumbing and drainage.

Inconsistency with policy objectives of other legislation

The amendment regulation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

Relief from requirement to perform sustainability upgrades when raising houses in flood-prone areas

Adopting the amendments to the QDC will provide notable benefits to flood affected residents. While the QDC sets a number of sustainability standards for new and altered residential dwellings that can provide occupiers with savings from ongoing running costs, they also have the potential to increase rebuilding costs. Providing an exemption from having to comply with the current sustainability criteria affords flood affected residents the ability to rebuild at lower cost.

Costs may stem from the reduced uptake in sustainability features at a time they would normally have been required. Residential buildings account for notable energy and water consumption throughout Queensland and prescribing criteria to improve the efficiency of fixtures and the building envelope is part of a broader improvement strategy. Given the circumstances of the recent disasters it is considered reasonable to reduce the costs of rebuilding by allowing owners to raise homes at the minimum cost.

Extended due date for pool registrations

As part of the pool safety review, a requirement was introduced for pool owners to register their pools by a prescribed date. This requirement served the purpose of forming a comprehensive State-wide register to assist pool barrier compliance and promote consistency of records across Local Governments.

Following the recent natural disasters, it was determined that the original compliance date should be revised to provide pool owners time to focus on recovery efforts. The new compliance date allows pool owners an additional six months from the original date to register their pool.

An additional reason for delaying the compliance date is that the State-wide media campaign was suspended in early January following the Brisbane floods. As a result, many pool owners may not currently be

aware of the requirement to register their pool. It is intended that this campaign recommence at an appropriate time later in the year.

Integrated handbasin/toilet cistern

Amendments to the SPDR to permit the use of a new integrated handbasin/toilet cistern design will result in further improved water efficiency as the water a person uses to wash their hands will be used for the further purpose of flushing the toilet.

Prescribing requirements for the design of the device and water supply source will help ensure the continued health and safety of users and prescribe when greywater may be used.

Plumbing work associated with house-raising

Under normal circumstances, work to raise a house would involve plumbing work to extend and connect the existing plumbing and drainage infrastructure with the newly raised house. By prescribing this work as notifiable minor work, the requirement for a plumbing application will be removed, thus streamlining the process and reducing the cost.

Consistency with fundamental legislative principles

Fundamental legislative principles have been considered in the preparation of the amendment regulation and it is consistent with fundamental legislative principles.

Consultation

The amendment to provide relief from the requirement to perform sustainability upgrades when raising houses in flood-prone areas was a result of representations by members of the community and discussions with the Queensland Reconstruction Authority.

Queensland Health was consulted in relation to the amendment to the SPDR permitting the installation of an integrated hand basin/toilet cistern which uses greywater to flush the toilet. Queensland Health has confirmed that this is a safe use of greywater for residential uses.

Relevant stakeholders, including the Pool Safety Council, were consulted in determining a revised extension date for pool registrations.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Local Government and Planning.

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