

Building Amendment Regulation (No. 1) 2014

Explanatory notes for 2014 SL No. 14

made under the

Building Act 1975

General Outline

Short title

Building Amendment Regulation (No. 1) 2014

Authorising law

Sections 13 and 261 of the *Building Act 1975* (BA)

Policy objectives and the reasons for them

From 4 to 15 April 2018, the Gold Coast will be hosting the Commonwealth Games (the Games). As part of hosting the Games, a village containing accommodation buildings and other facilities will be developed.

The Commonwealth Games Federation (CGF) is the body responsible for direction and control of the Games and has set minimum requirements for buildings included in the development of the village. One of the CGF's directives requires maximum occupancy numbers for a particular class of accommodation building that is in excess of those set out under the National Construction Code (NCC).

The policy objective of the amendment regulation is to introduce a new Queensland Development Code (QDC) part as a vehicle to meet the directives of the CGF.

Achievement of policy objectives

One of the requirements of the CGF is to increase the maximum number of residents permitted to occupy class 1b buildings, as classified under the NCC. Under the current provisions of the NCC class 1b buildings have a maximum occupancy limit of 12 residents.

A new mandatory part of the QDC called MP 3.6 – *Commonwealth Games Village Accommodation Buildings* (MP 3.6) sets out the technical aspects that meet the CGF's directive relating to increased occupancy limits for class 1b buildings. It is intended MP 3.6 will apply only to class 1b buildings that are located on Lot 460 on Survey Plan 222438. The application is limited to this Lot to ensure only class 1b buildings relating to the Commonwealth Games Village are assessed against MP 3.6.

MP 3.6 contains one performance criteria that must be satisfied and an acceptable solution that is deemed to satisfy the criteria.

MP 3.6 incorporates its own definition of a class 1b building which has the effect of increasing the maximum number of residents to 14. A new definition has been created clarifying that an 'accommodation building' means a class 1b building for the purposes of MP 3.6.

If building work for a class 1b building is proposed to be carried out on Lot 460 on Survey Plan 222460, it will be subject to the increased maximum occupancy limit of 14 residents. It will also be subject to enhanced fire safety requirements relating to smoke alarms in sleeping areas.

The NCC requires class 1b buildings to have smoke alarms located in every bedroom or hall way associated with a bedroom. MP 3.6 increases the NCC requirements to include additional smoke alarms located in temporary sleeping areas, and the interconnection of all smoke alarms. These requirements have been included in recognition of the increased maximum number of residents permitted in a class 1b building.

Under the BA, a part of the QDC is introduced or replaced only when a regulation approves the introduction or replacement. The amendment regulation will achieve its policy objective by amending the *Building Regulation 2006* (BR) to approve the introduction of the new MP 3.6.

Consistency with policy objectives of authorising law

The amendments of the BR are consistent with the objectives of the BA, which regulates, among other things, building work.

Inconsistency with policy objectives of other legislation

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

Alternative ways of achieving policy objectives

The amendment regulation provides the only reasonable means of achieving the directive of the CGF and the requisite level of safety for residents while ensuring there are minimal impacts on the regulatory burden, costs and delays associated with obtaining building approvals.

Benefits and costs of implementation

The amendment regulation will benefit the community by ensuring a world class sporting event is serviced by accommodation and infrastructure that meets the directives and expectations of the international community. Long-term benefits will be derived through the amendment regulation by delivering a safe built environment for use after the Commonwealth Games.

No significant administrative costs will be associated with implementing the amendment regulation.

Consistency with fundamental legislative principles

The amendment regulation has been drafted with regard to fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992*. The amendment regulation is consistent with fundamental legislative principles.

Consultation

As part of the process of regulatory amendment, targeted consultation was carried out with key industry stakeholders and relevant government agencies.

The proposed changes are supported by the Queensland Fire and Emergency Services, Economic Development Queensland (Department of State Development, Infrastructure and Planning) and the Gold Coast Commonwealth Games Corporation.