

# **Building Amendment Regulation (No. 2) 2015**

Explanatory notes for SL 2015 No. 84

made under the

*Building Act 1975*

## **General Outline**

### **Short title**

*Building Amendment Regulation (No. 2) 2015*

### **Authorising law**

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

### **Policy objectives and the reasons for them**

On 1 September 2010, the Queensland Development Code Mandatory Part 4.4 – Buildings in a transport noise corridor (QDC 4.4) was introduced to reduce the effects of transport noise on building occupants by requiring habitable areas (e.g. bedrooms and living areas) to achieve certain levels of noise reduction. QDC 4.4 currently applies to new residential dwellings (classes 1 to 4) and major renovations to existing dwellings when a building development application is submitted. QDC 4.4 provides a consistent, state-wide building standard for properties located in designated transport noise corridors.

The Department of Housing and Public Works and Department of Transport and Main Roads have reviewed the QDC 4.4 and identified improvements to better target the noise risk associated with designated transport noise corridors (major road and rail networks).

The objective of the *Building Amendment Regulation (No. 2) 2015* is to introduce an updated version of QDC which will reduce construction costs and time delays associated with complying with noise mitigation requirements for existing dwellings located in designated transport noise corridors at time of renovation, extension or re-location.

### **Achievement of policy objectives**

The amendment regulation will introduce a revised version of QDC 4.4 which will only apply to the construction of new residential buildings in designated transport noise corridors and renovations to existing buildings that have been required to comply with QDC 4.4. Existing dwellings that obtained building development approval for the construction of those dwellings under the building assessment provisions in force immediately prior to 1 September 2010 will be exempt from QDC 4.4 at time of

renovation or extension from complying with the building requirements under QDC 4.4. A re-located dwelling, which is an existing dwelling previously constructed on another site that is to be moved to a separate site or an existing dwelling to be moved to a different location on the same site, will also be exempt from having to comply with QDC 4.4.

## **Consistency with policy objectives of authorising law**

The amendment regulation is consistent with the objectives of the BA.

## **Consistency with policy objectives of other legislation**

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

## **Benefits and costs of implementation**

Imposing noise reduction measures on an existing home without existing noise mitigation measures at time of renovation or extension may not be effective as they only apply to the area of new building work. Such measures for existing homes may have a disproportionate impact given the cost involved and the potential noise reduction achieved for the entire dwelling. Noise reduction measures can also be very costly for re-locatable homes as they may require replacement of windows, alteration to wall cladding, installation of insulation to walls and ceiling, and replacement of doors.

The amendment regulation will exempt existing dwellings located in designated transport noise corridors, which were not constructed to QDC 4.4 requirements, from complying with the building requirements under QDC 4.4 at time of renovation, extension or re-location.

## **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*. It is consistent with the fundamental legislative principles.

## **Consultation**

The following stakeholders were consulted and support the proposal:

- Housing Industry Association;
- Queensland Master Builders Association;
- Queensland Building and Construction Commission;
- Urban Development Institute of Australia;
- Association of Australian Acoustical Consultants;
- Australian Acoustical Society; and
- Australian Institute of Building Surveyors.