



Queensland

Standard Building Amendment Regulation (No. 1) 2006

Subordinate Legislation 2006 No. 23

made under the

Building Act 1975

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1 Short title

This regulation may be cited as the *Standard Building Amendment Regulation (No. 1) 2006*.

2 Commencement

- (1) This regulation, other than section 6, commences on the later of the following—
 - (a) 1 March 2006;
 - (b) the day it is notified in the gazette.
- (2) Section 6 commences on 1 May 2006.

3 Regulation amended

This regulation amends the *Standard Building Regulation 1993*.

4 Amendment of s 3 (Interaction between this regulation and local planning instruments or local laws)

- (1) Section 3(2)—

insert—

‘(ab) under part 3A,¹ states alternative acceptable solutions; or’.
- (2) Section 3(2)(ab) and (b)—

renumber as section 3(2)(b) and (c).
- (3) Section 3(3), after ‘alternative provisions’—

insert—

‘or alternative acceptable solutions’.
- (4) Section 3(4), after ‘However,’—

insert—

‘for part 3,’.

1 Part 3A (Designated rainwater tank areas)

5 Amendment of s 5 (Definitions)

Section 5—

insert—

‘alternative acceptable solution see section 51E(1).

designated rainwater tank area see section 51B(1).

relevant building work, for part 3A and schedule 5, see section 51A(1)(a).’.

6 Replacement of s 13 (Certificate of conformity)

Section 13—

omit, insert—

‘13 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.’.

7 Insertion of new pt 3A

After section 51—

insert—

‘Part 3A Designated rainwater tank areas

‘Division 1 Preliminary

‘51A Application of pt 3A

- ‘(1) This part applies to—
- (a) the construction of a class 1 building in a service area for a retail water service within a designated rainwater tank area (*relevant building work*); and
 - (b) the assessment, under part 2, of relevant building work.
- ‘(2) This part does not apply to alterations or additions to existing class 1 buildings.
- ‘(3) In this section—

retail water service means a retail water service under the *Water Act 2000*.

service area means a service area under the *Water Act 2000*.

‘Division 2 Designation of rainwater tank area

‘51B Designation by local planning instrument of rainwater tank area for QDC, pt 25

- ‘(1) Subject to section 51C, a local government may, in a local planning instrument, designate all or part of its area as a rainwater tank area for QDC, part 25 (a *designated rainwater tank area*).²
- ‘(2) The local planning instrument must state whether water from a rainwater tank installed as part of relevant building work can be used—
- (a) both—
 - (i) for a use external to the building; and
 - (ii) for a use, internal to the building, that is the flushing of each toilet and the use of a cold water tap for each washing machine; or
 - (b) for a use external to the building only.

2 QDC, part 25 (Rainwater tanks)

Example of a use external to a building—

watering grassed areas using a garden hose

- ‘(3) On the making of the designation—
 - (a) any building development application for relevant building work must provide for the installation of a rainwater tank for the building; and
 - (b) subject to section 51E, the provisions of QDC, part 25, apply for any assessment of the work.
- ‘(4) The local government must ensure its planning scheme maps show each of its designated rainwater tank areas.
- ‘(5) The maps must state when each designation was made.
- ‘(6) In this section—

planning scheme maps means maps used in a planning scheme.

‘51C Justification for designating rainwater tank areas

‘A local government may designate all or part of its area as a rainwater tank area under section 51B(1) only if the local government decides that the installation of rainwater tanks for relevant building work is justified, taking into account the costs and benefits to the community.

‘51D Guidelines for justifying designation of rainwater tank areas

- ‘(1) The chief executive may approve guidelines to help a local government make a decision under section 51C.³
- ‘(2) A local government must have regard to the guidelines, if any, in making the decision.

³ See Part 1 (Preliminary), division 5 (Guidelines)

‘Division 3 Other provisions

‘51E Alternative acceptable solution in local planning instrument

- ‘(1) A local government may, in a planning scheme, state a solution (an *alternative acceptable solution*) that is alternative to an acceptable solution stated in QDC, part 25.
- ‘(2) However, subsection (1) applies only if the local government is, under the acceptable solution, permitted to state the alternative acceptable solution.

Note—

See QDC, part 25, A1(a).

- ‘(3) If a planning scheme states an alternative acceptable solution that applies to relevant building work in a designated rainwater tank area, the alternative acceptable solution applies to the work.

‘51F Local governments to assess compliance with performance criteria of QDC, pt 25

- ‘(1) This section applies if—
 - (a) a building development application for relevant building work is made to a private certifier; and
 - (b) either of the following applies to the work—
 - (i) an alternative acceptable solution;
 - (ii) an acceptable solution stated in QDC, part 25; and
 - (c) the application does not comply with the alternative acceptable solution or the acceptable solution stated in the part.
- ‘(2) The private certifier must not decide the application unless advice has been obtained under section 20⁴ that the application complies with the performance criteria mentioned

4 Section 20 (Local government must consider certain matters)

in QDC, part 25, that are relevant to the alternative acceptable solution or the acceptable solution stated in the part.’.

8 Insertion of new pt 14, div 4

After section 140—

insert—

‘Division 4 Transitional provision for Standard Building Amendment Regulation (No. 1) 2006

‘141 Definitions for div 4

‘In this division—

relevant building work, in a local government area, means the construction of a class 1 building in a service area for a retail water service within the local government area.

retail water service means a retail water service under the *Water Act 2000*.

service area means a service area under the *Water Act 2000*.

‘142 Development applications made for relevant building work before designation under s 51B

‘(1) Subsection (2) applies if—

(a) before a designation by a local government under section 51B⁵, a building development application was made for relevant building work; 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.

5 Section 51B (Designation by local government of rainwater tank area for QDC, pt 25)

‘143 Rainwater tank provisions in planning schemes before commencement

- ‘(1) Subsection (2) applies if a provision of a planning scheme, other than a designation made under section 51B, requires the installation of a rainwater tank for a building that is the subject of relevant building work for part 3A, in the local government area (a *rainwater tank provision*).
- ‘(2) Despite section 3, the rainwater tank provision continues in force, unless it is earlier repealed, until the earlier of the following—
- (a) the day the local government makes a designation under section 51B;
 - (b) 1 September 2006.
- ‘(3) Subsection (2) applies whether or not the local government makes a designation under section 51B.’.

9 Amendment of sch 5 (Development)

- (1) Schedule 5, part 1, item 1(a)—
omit, insert—
- ‘(a) the building or structure—
- (i) is a rainwater tank (including its supporting stand), other than a rainwater tank installed for a building that is the subject of relevant building work for part 3A; or
 - (ii) is used only as a greenhouse, unroofed pergola, unroofed deck not higher than 1m above natural ground level, gazebo, conservatory, summerhouse, fuel shed, lawn locker, tool house, cycle shed, aviary, milking bail, hay shed, stable, fowl house, pigsty, barn or for a similar purpose; and’.
- (2) Schedule 5, part 1, item 1(d), ‘building has’—
omit, insert—
- ‘building or structure has’.

10 Amendment of sch 6 (Building work requiring local government approval or decision)

Schedule 6—

insert—

- ‘7 For proposed development that does not, under section 51F(1)(c), comply with an alternative acceptable solution or an acceptable solution stated in QDC, part 25, compliance with the performance criteria mentioned in QDC, part 25, that are relevant to the alternative acceptable solution or the acceptable solution stated in the part.’.

11 Amendment of sch 13 (Queensland Development Code)

- (1) Schedule 13, table 1—

insert—

‘29—Sustainable buildings	1 March 2006’.
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- (2) Schedule 13, table 2—

insert—

‘25—Rainwater tanks	1 March 2006’.
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- (3) Schedule 13, table 2, ‘25 October 2005’—

omit, insert—

‘1 March 2006’.

ENDNOTES

- 1 Made by the Governor in Council on 23 February 2006.
- 2 Notified in the gazette on 24 February 2006.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Local Government, Planning, Sport and Recreation.