



Queensland

# **Building and Other Legislation Amendment Regulation (No. 1) 2010**

## **Subordinate Legislation 2010 No. 48**

made under the

*Building Act 1975*

*Sustainable Planning Act 2009*

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[s 1]

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## **Part 1                      Preliminary**

### **1              Short title**

This regulation may be cited as the *Building and Other Legislation Amendment Regulation (No. 1) 2010*.

## **Part 2                      Amendment of Building Regulation 2006**

### **2              Regulation amended**

This part amends the *Building Regulation 2006*.

### **3              Amendment of s 10 (Planning scheme provisions about particular performance criteria under QDC part 1.1 or QDC part 1.2)**

Section 10(3)—

*omit.*

### **4              Insertion of new ss 51BI and 51BJ**

After section 51BH—

*insert—*

#### **'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.’.

**Part 3**

**Amendment of Sustainable Planning Regulation 2009**

**5 Regulation amended**

This part amends the *Sustainable Planning Regulation 2009*.

**6 Amendment of sch 4 (Development that can not be declared to be development of a particular type—Act, section 232(2))**

Schedule 4, table 2, item 2(e)—

*omit, insert*—

‘(e) either—

- (i) no overlay, as identified in the planning scheme and relevant to assessment of the material change of use, applies to the premises for the material change of use; or
- (ii) only an overlay about bush fire hazards applies to the premises and the premises are less than 2000m<sup>2</sup>; and
- (f) for a class 1(a)(ii) building comprising not more than 2 attached dwellings—the local government for the planning scheme area has, by resolution, decided to apply this item to that class of building.’.

[s 7]

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**7 Amendment of sch 7 (Referral agencies and their jurisdictions)**

- (1) Schedule 7, table 1, item 19(a), ‘part 1.1 or 1.2’—  
*omit, insert*—  
‘part 1.1, 1.2 or 1.3’.
- (2) Schedule 7, table 1—  
*insert*—

‘Building work for duplexes’			
26	Building work for a class 1(a)(i) building, or a class 1(a)(ii) building comprising not more than 2 attached dwellings, if any material change of use associated with the building work— <ol style="list-style-type: none"><li>(a) is for a residential purpose in a residential zone; and</li><li>(b) would have required a development permit if schedule 4, table 2, item 2 did not apply for the use</li></ol>	The local government—as a concurrence agency	The provisions of the planning scheme that would apply for the development application if schedule 4, table 2, item 2 did not apply for the use’.

**8 Amendment of sch 24 (Clearing of native vegetation—not assessable development under schedule 3, part 1, table 4, item 1)**

- (1) Schedule 24, part 2, section 4(2)(e), ‘shown’—  
*omit, insert*—  
‘not shown’.
- (2) Schedule 24, part 2, section 6(c), ‘shown’—  
*omit, insert*—  
‘not shown’.

**ENDNOTES**

- 1 Made by the Governor in Council on 25 March 2010.
- 2 Notified in the gazette on 26 March 2010.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Infrastructure and Planning.

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