



Queensland

# Building and Other Legislation Amendment Regulation (No. 4) 2011

## Subordinate Legislation 2011 No. 265

made under the

*Building Act 1975*

*Fire and Rescue Service Act 1990*

*Plumbing and Drainage Act 2002*

*Sustainable Planning Act 2009*

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## **Part 1 Preliminary**

### **1 Short title**

This regulation may be cited as the *Building and Other Legislation Amendment Regulation (No. 4) 2011*.

### **2 Commencement**

Sections 9, 10 and 11 commence on 1 February 2012.

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

### **3 Regulation amended**

This part amends the *Building Regulation 2006*.

### **4 Amendment of s 6 (Operation of pt 3)**

Section 6(b), from ‘that’ to ‘resolution’—  
*omit, insert—*

‘about which a local government makes or amends in a provision of a local law or planning scheme or a resolution’.

### **5 Amendment of s 18 (Restrictions on deciding competency)**

Section 18(1), after ‘(4)’—  
*insert—*  
‘and section 18A’.

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## 6 Insertion of new s 18A

After section 18—

*insert—*

### ‘18A Individuals competent to give inspection help

- ‘(1) An individual must be a cadastral surveyor to be competent to give inspection help to a building certifier for the boundary clearances aspect of building work for a single detached class 1a building.
- ‘(2) An individual must be a registered professional engineer to be competent to give inspection help to a building certifier for the reinforcement of footing system aspect of building work for a single detached class 1a building.’.

## 7 Amendment of s 31 (Inspection procedure)

- (1) Section 31(3)—

*renumber* as section 31(5).

- (2) Section 31—

*insert—*

- ‘(3) However, subject to subsection (4), the inspecting person may accept an aspect inspection certificate, for an aspect of the stage, instead of inspecting the work.
- ‘(4) For a single detached class 1a building, the inspecting person must not accept aspect inspection certificates for all aspects of the final stage.’.

## 8 Amendment of s 47 (Aspect inspection certificate)

- (1) Section 47(1)—

*omit, insert—*

- ‘(1) Subject to section 47A, a competent person (inspections) for assessable building work may give the building certifier a certificate for a stated aspect of the work if—

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- (a) the competent person inspects the aspect of the work;  
and
- (b) the competent person is satisfied that the aspect of the work has been completed and complies with the building development approval.’.

(2) Section 47—

*insert—*

‘(1A) The inspection must be carried out under best industry practice.’.

(3) Section 47(1A) and (2)—

*renumber* as section 47(2) and (3).

## **9 Insertion of new s 47A**

After section 47—

*insert—*

### **‘47A Competent persons (inspections)—restriction for giving certificates**

‘A competent person (inspections) must not give a building certifier an aspect inspection certificate for an aspect of assessable building work for a single detached class 1a building unless—

- (a) if the certificate is for the boundary clearances aspect of the building—the competent person is a cadastral surveyor; or
- (b) if the certificate is for the reinforcement of footing system aspect of the building—the competent person is a registered professional engineer.’.

## **10 Amendment of s 49 (Optional acceptability by building certifier)**

(1) Section 49(1)—

*insert—*

‘(da) for a certificate that is an aspect inspection certificate, the person complied with section 47A; and’.

(2) Section 49(1)(da) and (e)—

*renumber* as section 49(1)(e) and (f).

## **11 Amendment of s 50 (Optional acceptability by competent person (inspections))**

(1) Section 50(2)—

*insert—*

‘(da) for a certificate that is an aspect inspection certificate, the person complied with section 47A; and’.

(2) Section 50(2)(da) and (e)—

*renumber* as section 50(2)(e) and (f).

## **12 Insertion of new ss 51BLA and 51BLB**

After section 51BL—

*insert—*

### **‘51BLA Approval of amendment of QDC by replacing part MP5.4**

‘(1) The amendment of the QDC by replacing part MP5.4 published by the chief executive on 21 November 2011 is approved under section 13(3) of the Act.

‘(2) The approval takes effect on 1 January 2012.’

### **‘51BLB Approval of amendment of QDC by replacing part MP6.1**

‘(1) The amendment of the QDC by replacing part MP6.1 published by the chief executive on 28 November 2011 is approved under section 13(3) of the Act.

‘(2) The approval takes effect on 1 January 2012.’

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### 13 Amendment of s 54 (Fees)

Section 54—

*insert—*

- ‘(4) The chief executive may refund the fee for a variation application if—
- (a) if the application is accompanied by a request to fast-track a decision for the application—the decision is not made within 2 business days after the application is made; or
  - (b) otherwise—a decision for the application is not made within 20 business days after the application is made.
- ‘(5) In deciding whether to refund the fee, the chief executive must have regard to each of the following—
- (a) if the chief executive requested further information about the application, whether the applicant provided the information in a timely way;
  - (b) any matter about the complexity of the building work that is the subject of the application, including—
    - (i) the scale of the building work; and
    - (ii) whether the department made a request for specialist advice to decide the application.’.

### 14 Amendment of sch 4 (Dictionary)

Schedule 4—

*insert—*

***‘aspect inspection certificate*** means a certificate given under section 47.

***boundary clearances aspect*** means the boundary clearances aspect as described in the inspection guideline called ‘Guidelines for inspection of class 1a and 10 buildings and structures’, published by the department in May 2010.





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- (2) Schedule 2, item 4, column 3, paragraphs (a) and (b)—  
*omit, insert*—  
‘no prescribed practical experience’.
  - (3) Schedule 2, item 5, column 2, paragraphs (a) and (b)—  
*omit, insert*—  
‘the competencies in an apprenticeship in fire protection’.
  - (4) Schedule 2, item 5, column 3, paragraphs (a) and (b)—  
*omit, insert*—  
‘no prescribed practical experience’.

**19 Amendment of sch 3 (Qualifications, practical experience and scope of work for endorsements)**

- (1) Schedule 3, item 4, column 2, paragraph (b)—  
*omit*.
- (2) Schedule 3, item 4, column 2, paragraph (c)—  
*renumber* as paragraph (b).
- (3) Schedule 3, item 4, column 3, paragraphs (a) and (b)—  
*omit, insert*—  
‘no prescribed practical experience’.

**Part 5 Amendment of Standard Plumbing and Drainage Regulation 2003**

**20 Regulation amended**

This part amends the *Standard Plumbing and Drainage Regulation 2003*.

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**21 Amendment of s 5 (What are the *applied provisions and glossary*)**

Section 5(2), from ‘the document’—

*omit, insert—*

‘AS/NZS 3500.0:2003 (Plumbing and drainage—Glossary of terms).’.

**22 Amendment of s 8A (Compliance with Plumbing Code of Australia)**

(1) Section 8A(1), after ‘Plumbing’—

*insert—*

‘work’.

(2) Section 8A(2), from ‘and drainage’—

*omit, insert—*

‘work and drainage work is not required to comply with any of the following—

(a) AS/NZS 3500.5:2000 (National plumbing and drainage—domestic installations);

(b) AS/NZS 3500.3:2003 (Plumbing and drainage—stormwater drainage);

(c) AS/NZS 1546.2:2001 (On-site domestic wastewater treatment units—waterless composting toilets).’.

(3) Section 8A(3), after ‘Plumbing’—

*insert—*

‘work’.

**23 Amendment of s 8B (Compliance with QPW code)**

Section 8B(1) and (2), from ‘Plumbing’ to ‘sewerage’—

*omit, insert—*

‘Plumbing work and drainage’.

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**24 Amendment of s 9 (Regulated work and on-site sewerage work)**

(1) Section 9, heading—

*omit, insert—*

**‘9 Compliance with applied provisions’.**

(2) Section 9(1), from ‘regulated’ to ‘sewerage’—

*omit, insert—*

‘plumbing work and drainage’.

**25 Omission of s 10 (Minor work and unregulated work)**

Section 10—

*omit.*

**26 Amendment of s 11 (Limited application of AS/NZS 3500.1:2003)**

Section 11(2), ‘The local’—

*omit, insert—*

‘For the PCA, the local’.

**27 Amendment of s 12 (Limited application of AS/NZS 3500.4:2003)**

Section 12, ‘for regulated work’—

*omit, insert—*

‘under the PCA’.

**28 Insertion of new s 12A**

Part 2—

*insert—*

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**‘12A Limited application of some applied provisions**

‘The applied provisions mentioned in schedule 1, items 1 to 3, apply to plumbing work and drainage work—

- (a) to the extent that the applied provisions refer to plumbing work and drainage work; and
- (b) at the stage of completion of the work.’.

**29 Amendment of s 25 (Meaning of *remote area*)**

Section 25(3), definition *local government*—  
*omit.*

**30 Replacement of sch 1 (Applied provisions)**

Schedule 1—  
*omit, insert—*

**‘Schedule 1 Applied provisions**

section 5

- 1 Queensland Development Code, part MP4.1 (Sustainable buildings)
- 2 Queensland Development Code, part MP4.2 (Water savings targets)
- 3 Queensland Development Code, part MP4.3 (Alternative water sources—commercial buildings)’.

**31 Omission of sch 5 (Local governments for remote areas)**

Schedule 5—  
*omit.*



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‘(c) includes an alternative solution assessed against the relevant performance requirements of the BCA or the performance criteria stated in the Queensland Development Code, part 2.3, for the fire safety system.’.

(2) Schedule 7, table 1, item 1, column 3, ‘item (1)(b)’—

*omit, insert—*

‘item 1(b) and (c)’.

(3) Schedule 7, table 1—

*insert—*

‘Water-based fire safety installations			
2A	A water-based fire safety installation for a building or structure, if the building work includes—  (a) the installation of the water-based fire safety installation; and  (b) an alternative solution assessed against the performance criteria 3, 4 and 5 of the Queensland Development Code, part 6.1	Queensland Fire and Rescue Service—as a concurrence agency	Compliance with the performance criteria 3, 4 and 5 of the Queensland Development Code, part 6.1.’.

### 35 Amendment of sch 26 (Dictionary)

Schedule 26—

*insert—*

‘***water-based fire safety installation*** see the *Building Fire Safety Regulation 2008*, schedule 3.’.

#### ENDNOTES

- 1 Made by the Governor in Council on 8 December 2011.
- 2 Notified in the gazette on 9 December 2011.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Local Government and Planning.

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