



Queensland

Building Amendment Regulation (No. 1) 2012

Subordinate Legislation 2012 No. 112

made under the

Building Act 1975

Contents

| | | Page |
|---|---|------|
| 1 | Short title | 2 |
| 2 | Regulation amended | 2 |
| 3 | Insertion of new s 16DA | 2 |
| | 16DA Inspection of particular prescribed work. | 2 |
| 4 | Replacement of s 51BL (Approval of amendment of QDC by replacing part MP3.4) | 2 |
| | 51BL Approval of amendment of QDC by replacing part MP 3.4 | 3 |
| 5 | Amendment of sch 1 (Prescribed building work for Act, section 21) | 3 |
| 6 | Amendment of sch 2B (Minor repairs) | 3 |
| 7 | Amendment of sch 2C (Repairs and maintenance for regulated pools) | 3 |
| 8 | Amendment of sch 4 (Dictionary) | 5 |

1 Short title

This regulation may be cited as the *Building Amendment Regulation (No. 1) 2012*.

2 Regulation amended

This regulation amends the *Building Regulation 2006*.

3 Insertion of new s 16DA

Part 4, division 2, after section 16D—

insert—

‘16DA Inspection of particular prescribed work

- ‘(1) This section applies to an owner of a regulated pool if work prescribed under schedule 2C, section 5 is carried out in relation to the pool.
- ‘(2) However, this section does not apply to the owner if the work carried out in relation to the pool consists only of work that is also prescribed under schedule 2C, sections 1 to 4.
- ‘(3) The owner must, unless the owner has a reasonable excuse, ensure that a pool safety inspector inspects the pool—
 - (a) if the work is carried out during the reinspection period stated in a nonconformity notice given for the regulated pool—within the reinspection period; or
 - (b) if the work is for a specified pool in relation to which a nonconformity notice has not been given—on a day that is not more than 3 months after the day the owner arranged the inspection under schedule 2C, section 5(2)(c)(ii).

Maximum penalty—20 penalty units.’.

4 Replacement of s 51BL (Approval of amendment of QDC by replacing part MP3.4)

Section 51BL—

omit, insert—

‘51BL Approval of amendment of QDC by replacing part MP 3.4

- ‘(1) The amendment of the QDC by replacing part MP 3.4 published by the chief executive on 18 July 2012 is approved under section 13(3) of the Act.
- ‘(2) The approval takes effect on 27 July 2012.’.

5 Amendment of sch 1 (Prescribed building work for Act, section 21)

Schedule 1, section 1(2)(b), after ‘maintenance of’—
insert—
‘, or other work for,’.

6 Amendment of sch 2B (Minor repairs)

- (1) Schedule 2B, section 1(2)(a), example—
omit, insert—
‘Example of reducing a gap under the barriers for the pool—
laying paving to reduce the gap under the barriers’.
- (2) Schedule 2B, section 1(2)—
insert—
‘(c) installing shielding material.’.

7 Amendment of sch 2C (Repairs and maintenance for regulated pools)

- (1) Schedule 2C, heading, ‘Repairs and maintenance’—
omit, insert—
‘Repairs, maintenance and other work’.
- (2) Schedule 2C, section 1(2)(a), example—
omit, insert—
‘Example of reducing a gap under the barriers for the pool—
laying paving to reduce the gap under the barriers’.

[s 7]

- (3) Schedule 2C, section 1(2)—
insert—
‘(c) installing shielding material;
(d) work mentioned in section 5 of this schedule.’.
- (4) Schedule 2C—
insert—

‘5 Work for barriers for particular regulated pools

- ‘(1) The following work is prescribed in relation to a regulated pool if the matters in subsection (2) are satisfied—
- (a) constructing a fence that forms the whole or part of a barrier for the regulated pool;
 - (b) repairing, replacing or adjusting an existing fence that forms the whole or part of a barrier for the regulated pool.
- ‘(2) For subsection (1), the matters are—
- (a) the regulated pool—
 - (i) is situated on regulated land on which a class 1a building is, or is to be, constructed; and
 - (ii) is not a shared pool; and
 - (b) either of the following applies—
 - (i) the fence is no higher than 2m above its natural ground surface; or
 - (ii) if the fence is situated on an existing retaining wall, on part of an existing class 1a or class 10 building or on another existing structure—the fence is no higher than 2m above the wall, building or structure and no part of the fence that is higher than 2m above its natural ground surface is within 1.5m of a boundary; and

Note—

See QDC, MP 1.1, MP 1.2 and MP 1.3 for siting requirements for buildings and structures.

- (c) either—

- (i) the work is carried out during the reinspection period stated in a nonconformity notice given for the regulated pool; or
- (ii) the regulated pool is a specified pool in relation to which no nonconformity notice has been given and, before the work commences, the owner of the regulated pool has arranged for an inspection of the pool by a pool safety inspector on a day that is not more than 3 months after the day the owner arranged the inspection.

Note—

The owner of a regulated pool must ensure the pool is inspected in the way required under section 16DA.’.

8 Amendment of sch 4 (Dictionary)

Schedule 4—

insert—

‘specified pool means—

- (a) a complying pool; or
- (b) a pool that is the subject of a current pool safety certificate; or
- (c) a pool that is the subject of a building certificate mentioned in the Act, section 246AN.’.

ENDNOTES

- 1 Made by the Governor in Council on 26 July 2012.
- 2 Notified in the gazette on 27 July 2012.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Housing and Public Works.