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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) 2012*.

Part 2 Amendment of Building Regulation 2006

2 Regulation amended

This part amends the *Building Regulation 2006*.

3 Insertion of new pt 2A

After section 5—

insert—

‘Part 2A Provisions relating to building assessment work

‘5A Definition for pt 2A

‘In this part—

relevant expert means—

- (a) a person who is a registered professional engineer under the *Professional Engineers Act 2002* specialising in hydrologic and hydraulic models; or
- (b) another person who has appropriate experience, qualifications or skills in hydrologic and hydraulic models in relation to flood levels or flow velocities of water.

[s 3]

‘5B Defined flood level in natural hazard management area (flood)

- ‘(1) This section applies if—
- (a) building work is to be carried out on an allotment located in a natural hazard management area (flood); and
 - (b) the local government has declared a defined flood level under section 13(1)(b)(i) for the part of the natural hazard management area (flood) within which the allotment is located (the *declared level*).
- ‘(2) The defined flood level stated in the building development application for the building work (the *stated level*) may be different to the declared level.
- ‘(3) If the stated level is lower than the declared level, the building development application must be accompanied by a report prepared by a relevant expert containing sufficient information to enable the local government to determine whether the stated level is appropriate.

Note—

See the *Sustainable Planning Regulation*, schedule 7, table 1, item 30.

‘5C Maximum flow velocity of water in natural hazard management area (flood) if declared by local government

- ‘(1) This section applies if—
- (a) building work is to be carried out on an allotment located in a natural hazard management area (flood); and
 - (b) the local government has declared a maximum flow velocity of water under section 13(1)(b)(ii) for the part of the natural hazard management area (flood) within which the allotment is located (the *declared flow velocity*).

-
- ‘(2) The maximum flow velocity of water stated in the building development application for the building work (the *stated flow velocity*) may be different to the declared flow velocity.
 - ‘(3) If the stated flow velocity is lower than the declared flow velocity, the building development application must be accompanied by a report prepared by either of the following containing sufficient information to enable the local government to determine whether the stated flow velocity is appropriate—
 - (a) a relevant expert;
 - (b) a person who is not a relevant expert.

Note—

See the *Sustainable Planning Regulation*, schedule 7, table 1, item 31.

- ‘(4) If a report under subsection (3) is prepared by a person who is not a relevant expert, the report must be based on historical documents or information about the flow velocity of water for the part of the natural hazard management area (flood) within which the allotment is located.

‘5D Maximum flow velocity of water in natural hazard management area (flood) if not declared by local government

- ‘(1) This section applies if—
 - (a) building work is to be carried out on an allotment located in a natural hazard management area (flood); and
 - (b) the local government has not declared a maximum flow velocity of water under section 13(1)(b)(ii) for the part of the natural hazard management area (flood) within which the allotment is located.
- ‘(2) A maximum flow velocity of water may be stated in the building development application for the building work.
- ‘(3) If a maximum flow velocity of water is stated in the building development application for the building work, the building

[s 3]

development application must contain sufficient information to enable the assessment manager for the building development application to determine whether the maximum flow velocity of water stated is appropriate.

- ‘(4) In determining whether the maximum flow velocity of water stated is appropriate, the assessment manager may have regard to—
- (a) any flow velocity of water that has been recorded for a flood for—
 - (i) all or part of the natural hazard management area (flood) within which the allotment is located; or
 - (ii) the part of the allotment on which the building work is to be carried out; or
 - (b) any report prepared by the following—
 - (i) a relevant expert;
 - (ii) a person who is not a relevant expert.
- ‘(5) If a report under subsection (4)(b) is prepared by a person who is not a relevant expert, the report must be based on historical documents or information about the flow velocity of water for the part of the natural hazard management area (flood) within which the allotment is located.

‘5E Freeboard in natural hazard management area (flood)

‘A freeboard for building work carried out on an allotment located in a natural hazard management area (flood) must be—

- (a) if the local government has declared a freeboard under section 13(1)(b)(iv) for the part of the natural hazard management area (flood) within which the allotment is located—the freeboard declared; or
- (b) otherwise—at least 300mm.’.

4 Amendment of s 6 (Operation of pt 3)

Section 6, notes, ‘section 30(1)(d)’—

omit, insert—

‘section 30(1)(f)’.

5 Amendment of s 13 (Land liable to flooding)

Section 13(1)(b)—

omit, insert—

‘(b) declare the following for all or part of a natural hazard management area (flood)—

- (i) the defined flood level;
- (ii) the maximum flow velocity of water;
- (iii) an inactive flow or backwater area;
- (iv) a freeboard that is more than 300mm;
- (v) the finished floor level of class 1 buildings built in all or part of the natural hazard management area (flood).’.

6 Insertion of new s 51BLAA

After section 51BL—

insert—

‘51BLAA Approval of amendment of QDC by adding part MP 3.5

- ‘(1) The amendment of the QDC by adding part MP 3.5 published by the chief executive on 22 October 2012 is approved under section 13(3) of the Act.
- ‘(2) The approval takes effect on 26 October 2012.’.

7 Amendment of sch 4 (Dictionary)

Schedule 4—

[s 7]

insert—

‘defined flood level means the level to which it is reasonably expected flood waters may rise.

finished floor level means the level of the uppermost surface of a finished floor not including any floor covering.

Examples of a floor covering—

carpet, tiles

freeboard means a height above the defined flood level that takes account of matters that may cause flood waters to rise above the defined flood level.

Examples of matters that may cause a flood level to rise above the defined flood level—

wave action, localised hydraulic behaviour

inactive flow or backwater area means all or part of a natural hazard management area (flood) where the maximum flow velocity of water is not likely to be greater than 1.5m/s.

maximum flow velocity of water, for all or part of a natural hazard management area (flood), means a flow velocity of water that is reasonably expected to be the maximum flow velocity of water for all or part of the natural hazard management area (flood).

natural hazard management area (flood) means a natural hazard management area (flood) designated by a local government under section 13(1)(a).

relevant expert, for part 2A, see section 5A.’.

Part 3 **Amendment of Standard Plumbing and Drainage Regulation 2003**

8 **Regulation amended**

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

9 **Amendment of s 12A (Limited application of some applied provisions)**

Section 12A, ‘to 3’—

omit, insert—

‘to 4’.

10 **Amendment of sch 1 (Applied provisions)**

(1) Schedule 1, items 1 to 3—

renumber as schedule 1, items 2 to 4.

(2) Schedule 1—

insert—

‘1 Queensland Development Code, part MP3.5 (Construction of buildings in flood hazard areas)’.

Part 4 **Amendment of Sustainable Planning Regulation 2009**

11 **Regulation amended**

This part amends the *Sustainable Planning Regulation 2009*.

[s 12]

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

Schedule 7, table 1—

insert—

'Natural hazard management area (flood)		
30	Building work for a lot if— <ul style="list-style-type: none"> (a) the lot is in a natural hazard management area (flood); and (b) the local government has declared under the <i>Building Regulation 2006</i>, section 13 a defined flood level for the part of the natural hazard management area (flood) within which the lot is located; and (c) the defined flood level stated in the building development application is lower than the defined flood level declared by the local government 	The local government—as a concurrence agency
		Whether the defined flood level stated in the building development application is appropriate having regard to the report accompanying the application under the <i>Building Regulation 2006</i> , section 5B(3), and all or any of the following— <ul style="list-style-type: none"> (a) any flood modelling carried out for the lot or all or part of the natural hazard management area (flood) within which the lot is located; (b) any recorded flood levels for all or part of the natural hazard management area (flood) within which the lot is located; (c) any other matter the local government considers relevant

<p>31 Building work for a lot if—</p> <ul style="list-style-type: none"> (a) the lot is in a natural hazard management area (flood); and (b) the local government has declared under the <i>Building Regulation 2006</i>, section 13 a maximum flow velocity of water for the part of the natural hazard management area (flood) within which the lot is located; and (c) the maximum flow velocity of water stated in the building development application is lower than the maximum flow velocity of water declared by the local government 	<p>The local government—as a concurrence agency</p>	<p>Whether the maximum flow velocity of water stated in the building development application is appropriate having regard to the report accompanying the application under the <i>Building Regulation 2006</i>, section 5C(3), and all or any of the following—</p> <ul style="list-style-type: none"> (a) any flood modelling carried out for the lot or all or part of the natural hazard management area (flood) within which the lot is located; (b) any flow velocity of water that has been recorded for a flood for— <ul style="list-style-type: none"> (i) all or part of the natural hazard management area (flood) within which the lot is located; or (ii) the part of the lot on which the building work is to be carried out; (c) any other matter the local government considers relevant’.
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[s 13]

13 Amendment of sch 26 (Dictionary)

Schedule 26—

insert—

‘defined flow level see the *Building Regulation 2006*, schedule 4.

maximum flow velocity of water see the *Building Regulation 2006*, schedule 4.

natural hazard management area (flood) see the *Building Regulation 2006*, schedule 4.’.

ENDNOTES

- 1 Made by the Governor in Council on 25 October 2012.
- 2 Notified in the gazette on 26 October 2012.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Housing and Public Works.

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