



Queensland

Building and Other Legislation Amendment Regulation (No. 4) 2013

Subordinate Legislation 2013 No. 304

made under the

Building Act 1975

Sustainable Planning Act 2009

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[s 1]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Building and Other Legislation Amendment Regulation (No. 4) 2013*.

2 Commencement

This regulation commences on 20 December 2013.

Part 2 Amendment of Building Regulation 2006

3 Regulation amended

This part amends the *Building Regulation 2006*.

4 Omission of pt 2A (Provisions relating to building assessment work)

Part 2A—
omit.

5 Amendment of s 6 (Operation of pt 3)

Section 6, notes, note 2, ‘section 13(3)’—
omit, insert—

section 13(4)

6 Amendment of s 13 (Land liable to flooding)

(1) Section 13(1)(a), ‘natural hazard management area (flood)’—
omit, insert—

flood hazard area

- (2) Section 13(1)(b), ‘natural hazard management area (flood)’—
omit, insert—

flood hazard area

- (3) After section 13(1)—
insert—

- (1A) The local government must, on the making of a designation or declaration, state in the planning scheme, temporary local planning instrument or resolution that the designation or declaration is made under this section.

Note—

Under the QDC part MP 3.5, that part applies to the lawful carrying out of certain building work to the extent the building work is carried out wholly or partly within a flood hazard area and a defined flood level is declared by a local government for the area.

- (4) Section 13(2)—
omit, insert—

- (2) The local government must, in designating a flood hazard area, comply with—
- (a) the State Planning Policy 2013; and
 - (b) if there is a temporary State planning policy under the Planning Act in effect when the designation is made which affects the operation of the State Planning Policy 2013 for the designation—the temporary State planning policy to the extent it applies.

- (5) Section 13(3), ‘natural hazard management areas (flood)’—
omit, insert—

flood hazard areas

- (6) Section 13(1A) to (3)—

[s 7]

renumber as section 13(2) to (4).

(7) Section 13—

insert—

(5) In this section—

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.

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

State Planning Policy 2013 means the State planning policy dated December 2013 made under the Planning Act by the Minister of the department in which that Act is administered.

7 Insertion of new s 51BLAB

After section 51BLAA—

insert—

51BLAB Approval of amendment of QDC by replacing part MP 3.5

- (1) The amendment of the QDC by replacing part MP 3.5 published by the chief executive on 12 December 2013 is approved under section 13(3) of the Act.
- (2) The approval takes effect on 20 December 2013.

8 Amendment of sch 4 (Dictionary)

Schedule 4, definitions *defined flood level, finished floor level, freeboard, inactive flow or backwater area, maximum flow velocity of water, natural hazard management area (flood) and relevant expert—*

omit.

Part 3 Amendment of Sustainable Planning Regulation 2009

9 Regulation amended

This part amends the *Sustainable Planning Regulation 2009*.

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

- (1) Schedule 7, table 1, items 30 and 31, heading, ‘natural hazard management area (flood)’—

omit, insert—

Flood hazard area

- (2) Schedule 7, table 1, item 30, columns 1 and 3, ‘Natural hazard management area (flood)’—

[s 11]

omit, insert—

flood hazard area

- (3) Schedule 7, table 1, item 30, column 3, ‘the report accompanying the application under the Building Regulation 2006, section 5B(3), and’—

omit.

- (4) Schedule 7, table 1, item 31, columns 1 and 3, ‘natural hazard management area (flood)’—

omit, insert—

flood hazard area

- (5) Schedule 7, table 1, item 31, column 3, ‘the report accompanying the application under the Building Regulation 2006, section 5C(3), and’—

omit.

11 Amendment of sch 26 (Dictionary)

- (1) Schedule 26, definition *natural hazard management area (flood)*—

omit.

- (2) Schedule 26—

insert—

flood hazard area means a flood hazard area designated by a local government under the *Building Regulation 2006*, section 13(1)(a).

- (3) Schedule 26, definitions *defined flood level* and *maximum flow velocity of water*, ‘schedule 4’—

omit, insert—

section 13

ENDNOTES

- 1 Made by the Governor in Council on 19 December 2013.
- 2 Notified on the Queensland legislation website on 20 December 2013.
- 3 The administering agency is the Department of Housing and Public Works.

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Authorised by the Parliamentary Counsel