

Building and Plumbing Newsflash 525

New standards for building over or near relevant infrastructure and clarification about solar panel installations

Purpose

To advise that from 1 November 2013:

- the *Building and Other Legislation Amendment Act 2013* and the new Queensland Development Code Mandatory Part 1.4 (MP 1.4) took effect for building work proposed to be undertaken over or near sewers, water mains, stormwater drains or combined sanitary drains (relevant infrastructure), and
- amendments to the *Building Regulation 2006* have clarified that all installations of roof-mounted solar photovoltaic panels and solar hot water systems (solar collectors) are self-assessable building work.

New standards for building work over or near relevant infrastructure

From 1 November 2013, building work over or near relevant infrastructure must be assessed against MP 1.4 'Building over or near relevant infrastructure' as part of a building development approval.

Consent from the relevant service provider (water or sewerage service provider or the owner of a stormwater drain) is no longer required under section 192 of the *Water Supply (Safety and Reliability) Act 2008* (WS (S&R) Act) for building work regulated under MP 1.4. In addition, any provisions of a local government planning scheme that attempt to regulate the same matters as those covered under MP 1.4 will no longer have any effect.

Queensland Development Code Mandatory Part MP 1.4

From 1 November 2013, MP 1.4 applies to all building work for a building or structure on a lot that contains, or is adjacent to a lot that contains, relevant infrastructure.

MP 1.4 includes two performance criteria:

- P1 requires that the building work does not adversely affect the operation of the infrastructure or place any load on it.
- P2 requires that when completed, the building work does not impede access to the relevant infrastructure by a relevant service provider for the purpose of inspecting, maintaining or

replacing the infrastructure. It also helps to protect the safety of individuals in close proximity to a maintenance cover for the infrastructure.

- The acceptable solutions (A1 and A2) only apply to class 1 buildings (e.g. houses, town houses and villas) and class 10 buildings (e.g. sheds) and structures (e.g. retaining walls).

Applications involving class 2–9 buildings will always require an alternative solution and concurrence agency response under MP 1.4.

Referral agencies (concurrence)

The *Sustainable Planning Regulation 2009* prescribes relevant service providers as a concurrence agency for the purpose of referrals for MP 1.4. Many local governments fall under these categories.

Sewerage service providers and water service providers are listed on a register found on the Department of Energy and Water Supply's website.

Approved Form 30

A private building certifier is required to provide a Form 30 (Relevant Information for Service Providers) to a non-local government service provider about this type of building work where they would not otherwise receive the information as a concurrence agency. The information is intended to assist the service provider to manage their inspection, maintenance and replacement work.

Appeals

Appeals about decisions relating to building work that is subject to MP 1.4 can now be made to the Building and Development Dispute Resolution Committees. A person may appeal a decision to impose conditions, or a refusal to grant, a building development approval.

More information

MP 1.4:

<http://www.hpw.qld.gov.au/construction/BuildingPlumbing/Building/BuildingLawsCodes/QueenslandDevelopmentCode/Pages/QueenslandDevelopmentCodeCurrentParts.aspx>

Approved Form 30:

<http://www.hpw.qld.gov.au/aboutus/ReportsPublications/FormsTemplates/Pages/QueenslandDevelopmentCodeTemplatesForms.aspx>

The *Building and Other Legislation Amendment Act 2013*:

<https://www.legislation.qld.gov.au/LEGISLTN/ACTS/2013/13AC030.pdf>

The *Building and Other Legislation Amendment (No.2) Regulation 2013*:

<https://www.legislation.qld.gov.au/LEGISLTN/SLS/2013/13SL217.pdf>

Solar collectors

From 1 November 2013, installation of a solar collector system on the roof of a building is prescribed under the *Building Regulation 2006* as self-assessable building work. This means that the installation is not required to be assessed by a building certifier as part of a building development approval. Repairing, maintaining or altering an existing solar collector is also self-assessable building work.

However, self-assessable building work is still required to meet all relevant building codes and standards. Other related standards such as plumbing standards for solar hot water systems will continue to apply.

Clarifying that a building development approval is not required for this type of work will help to reduce red tape, including any unnecessary costs and delays, for owners wanting to install these types of systems.

Local governments will continue to have the ability to address any amenity and aesthetics concerns relating to solar collectors through their planning instruments.

Contact for more information

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