

Building and Plumbing Newsflash 496

Proposal to adopt Queensland Development Code Mandatory Part (QDC) 1.4 – Build over or near sewers, stormwater drains and water mains (draft QDC)

Purpose

To advise that a new draft Queensland Development Code (QDC) part is available for public comment.

Background

Currently, under section 192 of the *Water Supply (Safety and Reliability) Act 2008* (WS(S&R) Act) a person must not, without the written consent of a service provider (i.e. local government or water entity), interfere with the service provider's infrastructure. This requirement is reflected in section 83 of the *Building Act 1975* (BA) which provides that a private certifier must not grant a building development approval if the proposed building work is over or adjacent to a sewer or water main until consent under the WS(S&R) Act has been granted.

The current process for appealing decisions related to building over or near an infrastructure service is in the WS(S&R) Act, and provides for a process of internal review and then external review to the Queensland Civil and Administrative Tribunal (QCAT).

These requirements can delay building work and increase costs. The proposed codification of the requirements for building over or near underground services forms a part of an ongoing consolidation process for building standards to help improve the efficiency of the building sector and simplify the building regulatory system.

Issues

The WS(S&R) Act does not specify the criteria that must be addressed, or the process to be followed, when making an application involving building over or near infrastructure services. Also, it does not contain design standards to provide information on whether it is appropriate to build over or adjacent to a service provider's infrastructure.

The draft QDC (which is a revised version of the existing Non-Mandatory Part 1.4 – Excavation and piling near sewers, stormwater drains and water mains) would provide acceptable solutions for this type of work with respect to class 1 buildings (single dwelling detached house and townhouse) and class 10 buildings or structures (such as sheds and retaining walls). The draft QDC limits the acceptable solutions to circumstances where the size of the infrastructure pipe is up to 225 millimetres in diameter.

The draft QDC provides for a concurrence agency response for class 1 and 10 buildings where proposed building work does not comply with the acceptable solutions in the draft QDC. Proposed building work for class 2 to 9 buildings will require concurrence agency consideration. Concurrence agencies will include the relevant local government, service provider or water entity and they will assess the application against the performance requirements of the draft QDC. The draft QDC will not apply where there is an easement right registered with the Queensland Land Titles Office.

The proposal would allow the Building and Development Dispute Resolution Committees (BDDRC) to hear appeals on this type of building work in the first instance, resulting in a timely and cost-effective appeals process.

The draft QDC will streamline the approval process, reduce the number of applications a local government or service provider will need to review, and allow local governments to focus on more complex matters.

Consultation

An eight-week consultation period on adopting the draft QDC as a new mandatory part of the QDC was held in late 2011. It was also proposed at that consultation that the BDDRC hear appeals in the first instance (Newsflash 480).

In response to stakeholder feedback, the draft QDC has undergone significant revision particularly in relation to its application, limitations, performance requirements, acceptable solutions and figures.

Consistent standards across Queensland

Building Codes Queensland is committed to working with service providers to ensure all codes and standards work together to deliver red tape reductions and savings in building costs for all Queenslanders. Please note that a draft South-East Queensland Design and Construction Code is currently available for public consultation and contains technical standards for the design and construction of water infrastructure in the SEQ region. As part of the draft QDC consultation process, BCQ will work with the SEQ service providers to ensure consistency in the operation of both measures.

Have your say

Building Codes Queensland (BCQ) welcomes your questions and feedback on the [draft QDC](#) and accompanying draft [explanatory notes](#). Comments may be submitted until **5 pm, Tuesday 21 August 2012**:

- by post to:

Attention: Building Codes Queensland
Department of Housing and Public Works
PO Box 2457
City East QLD 4002

- by email to buildingcodes@dlgp.qld.gov.au (please include 'Attention: Draft QDC' in the subject line).

If you have any enquiries or require further information about the draft QDC, please email buildingcodes@dlgp.qld.gov.au or call 07 3239 6369/1800 534 972 (freecall).

Contact for further information

Building Codes Queensland
Department of Housing and Public Works
tel +61 7 3239 6369
buildingcodes@dlgp.qld.gov.au

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