




Speech By
Hon. Tim Mander

MEMBER FOR EVERTON

BUILDING AND OTHER LEGISLATION AMENDMENT BILL

Introduction

 **Hon. TL MANDER** (Everton—LNP) (Minister for Housing and Public Works) (12.02 pm): I present a bill for an act to amend the Building Act 1975, the South-East Queensland Water (Distribution and Retail Restructuring) Act 2009 and the Water Supply (Safety and Reliability) Act 2008 and to make minor amendments to the acts mentioned in the schedule. I table the bill and explanatory notes. I nominate the Transport, Housing and Local Government Committee to consider the bill.

Tabled paper: Building and Other Legislation Amendment Bill [\[2430\]](#).

Tabled paper: Building and Other Legislation Amendment Bill, explanatory notes [\[2431\]](#).

The Building and Other Legislation Amendment Bill 2013 will cut red tape by streamlining the development application process for building over or near sewers, water mains and stormwater drains. Currently there is no state-wide standard, which means the process is confusing, illogical and ad hoc. Let me explain the hoops that applicants for a building development approval often have to jump through just to be able to build a house or shed on their own property. Before work can start, you need to get a building development approval. However, the Building Act currently does not allow a private building certifier to grant approval for building work over, or adjacent to, a sewer or water main without the consent of the relevant service provider under the Water Supply (Safety and Reliability) Act. I will refer to this legislation as the water supply act from now on.

Having to obtain consent from a service provider can also trigger a requirement to lodge a planning development application with the relevant local government which then has to be assessed under that local government's planning scheme or policies. To make things more confusing, the water supply act does not set out any criteria that the applicant must address to obtain consent, nor does it detail the process to be followed when making an application. Furthermore, the act does not provide design standards that would inform the applicant about whether it would be appropriate to build over or near the infrastructure in the first place. This lack of consistency is confusing for applicants and building certifiers, costs them time and money and is something that this bill intends to correct. Needless to say, negotiating your way through this process can involve outlaying a substantial sum of money on various fees and charges. Fees vary across service providers and local government areas, but planning approvals alone can be up to \$735. When factoring in all of the approvals, the total costs can reach \$2,000 or more just to construct a small shed. Also of concern is the current absence of any mechanism to allow applicants to appeal an unfavourable decision. This is unacceptable and something that this bill will rectify.

Amendments in this bill will remove the requirement for applicants to obtain consent from service providers or local governments. Instead, building work over or near relevant infrastructure will be assessed as part of the building assessment provisions under the Building Act. As a consequence, the amendments will also provide a timely and cost-effective appeal process to the building and development dispute resolution committees. The amendments will also facilitate the adoption of a

new mandatory section in the Queensland Development Code, 'Mandatory Part 1.4—Building Over or Near Relevant Infrastructure', which I will refer to as QDC 1.4. QDC 1.4 will apply consistently across the state and will provide robust performance criteria and acceptable solutions for residential buildings like houses, known as class 1 structures, and also for class 10 structures like backyard sheds. These criteria and solutions can then be used for assessment by a building certifier.

Any building application that does not comply with the performance criteria for these classes of buildings or which relates to other types of buildings such as multilevel residential unit buildings and commercial buildings—class 2 to 9 buildings—will be referred to a concurrence agency for consideration. In this case, the relevant local government, South-East Queensland distributor retailer or other service provider will be stated as a concurrence agency under the Sustainable Planning Regulation 2009. QDC 1.4 will streamline the approval process and reduce the number of applications a local government or service provider will need to review. Crucially, QDC 1.4 will also provide safeguards to avoid damage to relevant infrastructure and to ensure the infrastructure remains accessible for ongoing inspection, maintenance and repair.

QDC 1.4 has been developed in close consultation with the Department of Energy and Water Supply and with water service providers, local governments and the building industry. The Newman government views the construction industry as one of the pillars of the Queensland economy. This bill delivers on our ongoing commitment to cut red tape in the industry by simplifying the building regulatory system. I commend the bill to the House.

First Reading

Hon. TL MANDER (Everton—LNP) (Minister for Housing and Public Works) (12.07 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to the Transport, Housing and Local Government Committee

Mr DEPUTY SPEAKER (Dr Robinson): Order! In accordance with standing order 131, the bill is now referred to the Transport, Housing and Local Government Committee.