




Speech By
Hon. Tim Mander

MEMBER FOR EVERTON

BUILDING AND OTHER LEGISLATION AMENDMENT BILL

 **Hon. TL MANDER** (Everton—LNP) (Minister for Housing and Public Works) (3.33 pm), in reply: I thank honourable members for their contributions to the debate today. As I noted in my earlier remarks, the main purpose of the Building and Other Legislation Amendment Bill 2013 is to cut red tape by streamlining the development application process in Queensland for building over or near sewers, water mains and stormwater drains. The Building Act presently provides that a private building certifier cannot grant a building development approval for building work that is over or adjacent to a sewer or water main until consent under the Water Supply (Safety and Reliability) Act 2008 has been obtained. The consent must be obtained from a local government, South-East Queensland distributor-retailer or other service provider.

Currently, there are no clear or consistent criteria for obtaining consent. A consent application may cost several hundred dollars. An application to build over infrastructure may also require assessment against the local planning scheme, which increases costs and approval times. Planning approvals may cost up to \$735 and the total cost of all required approvals may exceed \$2,000. These amendments respond to concerns from the building industry and the general public by removing the consent requirement for this work. The amendments will cut red tape and save applicants and the building industry time and money by streamlining the approval process for building development applications. The amendments will also provide a timely and cost-effective appeals process. Protection of a service provider's infrastructure remains a key priority. These amendments will continue to protect the infrastructure to a high standard.

I will now address some of the comments made by members in relation to the bill. The member for Warrego is correct that the current process is overly complex and costly, and I thank him for his stewardship of the committee as it worked through the issues of the relevant stakeholders. I thank the member for Springwood for mentioning the fact that this is a simple and elegant solution. I thank him for saying that in a simple and elegant fashion. I also thank him for the role he plays as part of the committee and note his dedication to the government's agenda of reducing red tape. The member raised the issue of inconsistency with the planning scheme. Because of section 78A of the Sustainable Planning Act, the provisions of the QDC will prevail over any inconsistent planning provision. This is regardless of whether the provisions are in the planning scheme for the next few years.

I thank the member for Algeester for his support of the bill and note his particular emphasis on ensuring the protection of a service provider's infrastructure. The proposed new Queensland Development Code part provides acceptable solutions to enable access for a service provider, local government or other responsible entity to undertake inspections, maintenance and replacement. Specifically, the QDC specifies clear zones where any building work must not impede access by a person or machine to undertake any necessary work on the infrastructure. The QDC strikes a fair balance between the competing interests of applicants seeking to undertake building work freely on their lot and service providers wishing to protect and access their infrastructure. The proposed QDC

part has been developed through an extensive consultation process with the building industry, service providers, local government and the Department of Energy and Water Supply.

I thank the member for Morayfield for raising the issue of appeals. At present, the only avenue for review of the service provider's decision by an applicant is a costly and lengthy process that could take six to 12 months under the Judicial Review Act. Review under this act is limited to administrative matters rather than the appropriateness of consent conditions. The Local Government Act also provides low-level administrative review. Under the proposal, the Building and Development Dispute Resolution Committee will be able to hear appeals for this work in the first instance. The committee will provide a quick and cost-effective dispute resolution service for applicants dissatisfied with decisions made by a service provider, local government or building certifier. Appeals to the committee do not require legal representation and they are generally decided within three to five weeks by referees with appropriate expertise. Decisions made under the present consent process may result in significant costs to an applicant—for example, having to relocate building work or pipes on a lot.

Despite that an applicant does not have appeal or review rights under the current legislation. I thank the member for Kallangur for his support and recognition of the efficiencies and the flexibility that will flow from adopting a performance based approach to approvals and his comments about the QDC offering flexible design options. The proposed new part of the Queensland Development Code strikes a fair balance between the competing interests of applicants and being able to provide building work freely on a lot and service providers in protecting the infrastructure of service providers. Under the current process, local governments and distributor-retailers often have their own standards for building work over or near infrastructure, including sewers, water mains and stormwater mains. The proposed QDC will instead bring a single state-wide standard for the assessment of this kind of work.

I thank the member for Nudgee for recognising that the QDC will now regulate stormwater. There is currently no law requiring a proposed building or infrastructure over or near a stormwater drain to meet any particular standard or be approved by the relevant owner of the drain. However, when there is an easement in place, certain requirements may apply to protect the infrastructure. The proposed amendments will rectify this unsatisfactory situation. Under the proposed process, a building certifier considering a building development application for building work over or near a stormwater drain will need to apply the acceptable solutions under the proposed new Queensland Development Code part. Where this is not possible, the application will be referred to the relevant owner of the stormwater drain for a concurrence agency response. Capturing this infrastructure under the QDC will provide a clearer assessment process for applicants throughout Queensland and so provide consistency and efficiency across the state. It will also provide protection to this valuable infrastructure, which was not always protected previously.

I thank the member for Burnett for his recognition of the quality of consultation with Seqwater and industry. There has also been significant collaboration between Building Codes Queensland in the Department of Housing and Public Works and the Department of Energy and Water Supply in all aspects of the proposed amendments. The proposed amendments and the proposed new QDC part were developed in close consultation with service providers, local governments and building industry representatives. These stakeholders have provided ongoing technical expertise to ensure that infrastructure is protected and access for future maintenance remains available while simplifying the process for gaining building approval. Consultation has included bodies such as the Local Government Association of Queensland, the Queensland Water Directorate, the Australian Institute of Building Surveyors, the Housing Industry Association, the Queensland Master Builders Association and various service providers such as Unitywater and Queensland Urban Utilities. All stakeholders support the proposed streamlined approach for a single technical standard for assessing building work over or adjacent to sewers and water infrastructure.

I thank the member for Rockhampton for his strong support and recognition that this is a common-sense way to reduce red tape. With regard to his concerns about implementation, I simply say again that there has been extensive consultation with the industry about these amendments. The industry was given a tentative commencement date for the legislative provisions and the QDC some time ago. This prior notice was provided to allow industry sufficient time to adjust existing systems to the new model. Consultation has included bodies such as the Local Government Association of Queensland, the Queensland Water Directorate, the Australian Institute of Building Surveyors, the Housing Industry Association, the Queensland Master Builders Association and various service providers such as Unitywater and Queensland Urban Utilities.

A communications plan has been implemented to ensure that industry stakeholders are kept up to date with progress and informed in advance of the commencement of the amendments. Building Codes Queensland news flashes and other department communications will keep building certifiers,

local governments, service providers and other stakeholders advised of the implementation dates, and fact sheets will be provided to assist in a smooth transition.

I thank the member for Ipswich as well for raising the cost of building and red tape. The new process will reduce the cost associated with the current overly complex approval process. The new legislation will save applicants time and money by removing unnecessary delays for building approvals that exist under the current process. In fact, under the new process applicants will potentially save on the cost of a planning development application and/or service provider consent application. Planning approvals cost up to \$735 and consent applications are also known to cost several hundred dollars. The adoption of a new mandatory part of the QDC as part of the legislative package for the bill regulating this type of building work under the building assessment provisions of the Building Act will provide a single, consistent state-wide building development approval process and standard.

Once again, I thank honourable members for their contributions to the debate today. I thank the committee for their work and the industry for their contributions.