

QDC MP 1.4—Building over or near relevant infrastructure

Justin Reis and Shane O'Brien
Building Codes Queensland

June 2014

Building over infrastructure services

- On 1 November 2013 new laws took effect.
- *Building and Other Legislation Amendment Act 2013* and the *Building and Other Legislation Amendment Regulation (No.2) 2013*.
- Single consistent approval process under a new *Queensland Development Code (QDC) part—MP 1.4*.
- Appeals to the Building and Development Dispute Resolution Committees.
- Removes the requirement for consent from a service provider under the *Water Supply (Safety and Reliability) Act 2008*.

MP 1.4 - Application

- Applies to building work for all classes of buildings.
- Relates to relevant infrastructure (sewers, water mains, stormwater drains and combined sanitary drains) on the lot or an adjacent lot (may include road reserve).
- Prevails over existing local government or service provider approvals/policies.

MP 1.4—Application

Application	Performance criteria applicable
<i>Building work</i> is proposed to be carried out on a lot and <i>relevant infrastructure</i> is located on the lot.	P1 and P2
<i>Building work</i> is proposed to be carried out on a lot (the subject lot) and <i>relevant infrastructure</i> is located on a lot adjacent to the subject lot, but not on the subject lot itself.	P1
<i>Building work</i> is proposed to be carried out on a lot (the subject lot) and <i>relevant infrastructure</i> is located on both the subject lot and a lot adjacent to it.	For the <i>relevant infrastructure</i> on the subject lot—P1 and P2 For the <i>relevant infrastructure</i> on the adjacent lot—P1

MP 1.4—Application

Does not apply to:

- infrastructure located within an easement registered in the Queensland Land Registry in favour of the relevant service provider
- self-assessable building work for a structure that will not be supported by continuous concrete footings
- class 2 to 9 buildings that are further than 10 metres away from infrastructure
- alteration or repair of an existing building or structure that will not increase the floor area or affect the footing system or substructure.

MP 1.4—Easements clarification

- BCQ has received advice that some service providers intend to place all new infrastructure within easements.
- This is contrary to the policy and the State Government is encouraging service providers to rely on MP 1.4 rather than easements for protection.
- Service providers are also being encouraged to locate infrastructure in the road reserve to maximise available land on the lot.

MP 1.4—Performance criteria & acceptable solutions

- P1 – ensures the building work does not damage relevant infrastructure (by affecting the operation or placing a load on the infrastructure)
- A1 – provides DTS solutions for footings, excavation, compaction, fill etc. to meet P1
- P2 – ensures access and ventilation for relevant infrastructure
- A2 – provides DTS solutions to demonstrate suitable access to pipes, maintenance covers etc.

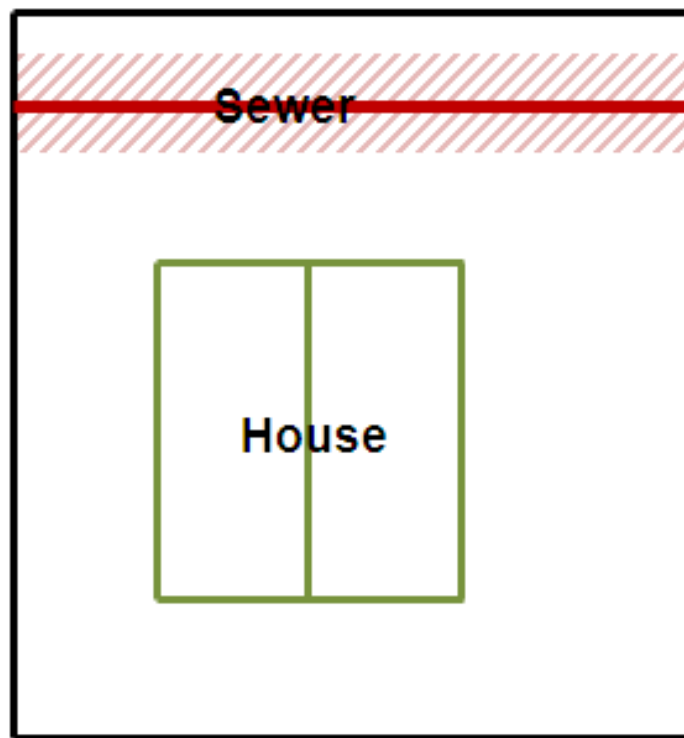
MP 1.4—Performance criteria & acceptable solutions


- Acceptable solutions only apply to class 1 and 10 buildings and structures.
- Other limitations on application of acceptable solutions i.e. pipe size.
- No acceptable solutions for class 2 to 9 buildings.
- Concurrence agency for alternative solutions (except for combined sanitary drains which stay with the assessment manager).

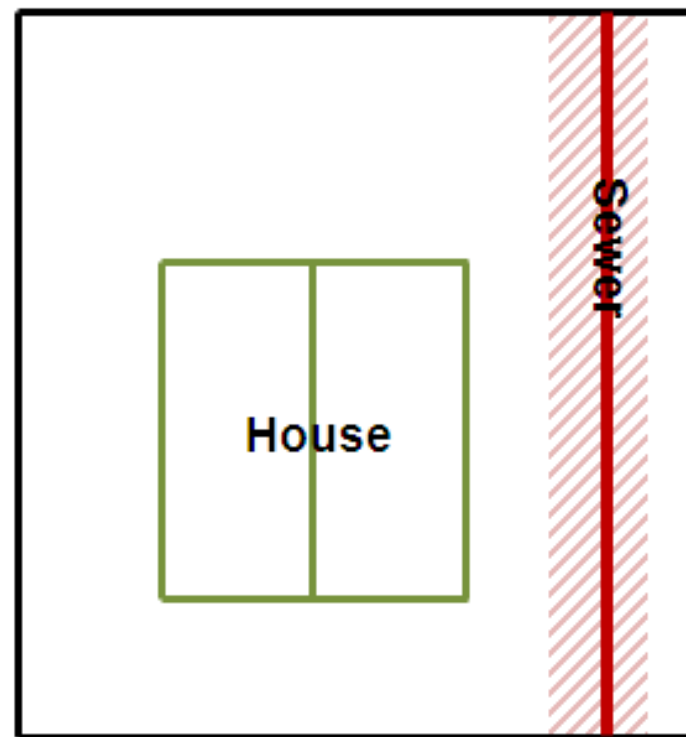
MP 1.4—Clear zone

- MP 1.4 A2 requires a 3D space to be kept clear of building work.
- This allows access to the infrastructure for maintenance etc.
- A2 requires a clear width and height be met for the length of the infrastructure on the lot.
- See next slide for examples.

Examples of a clear zone



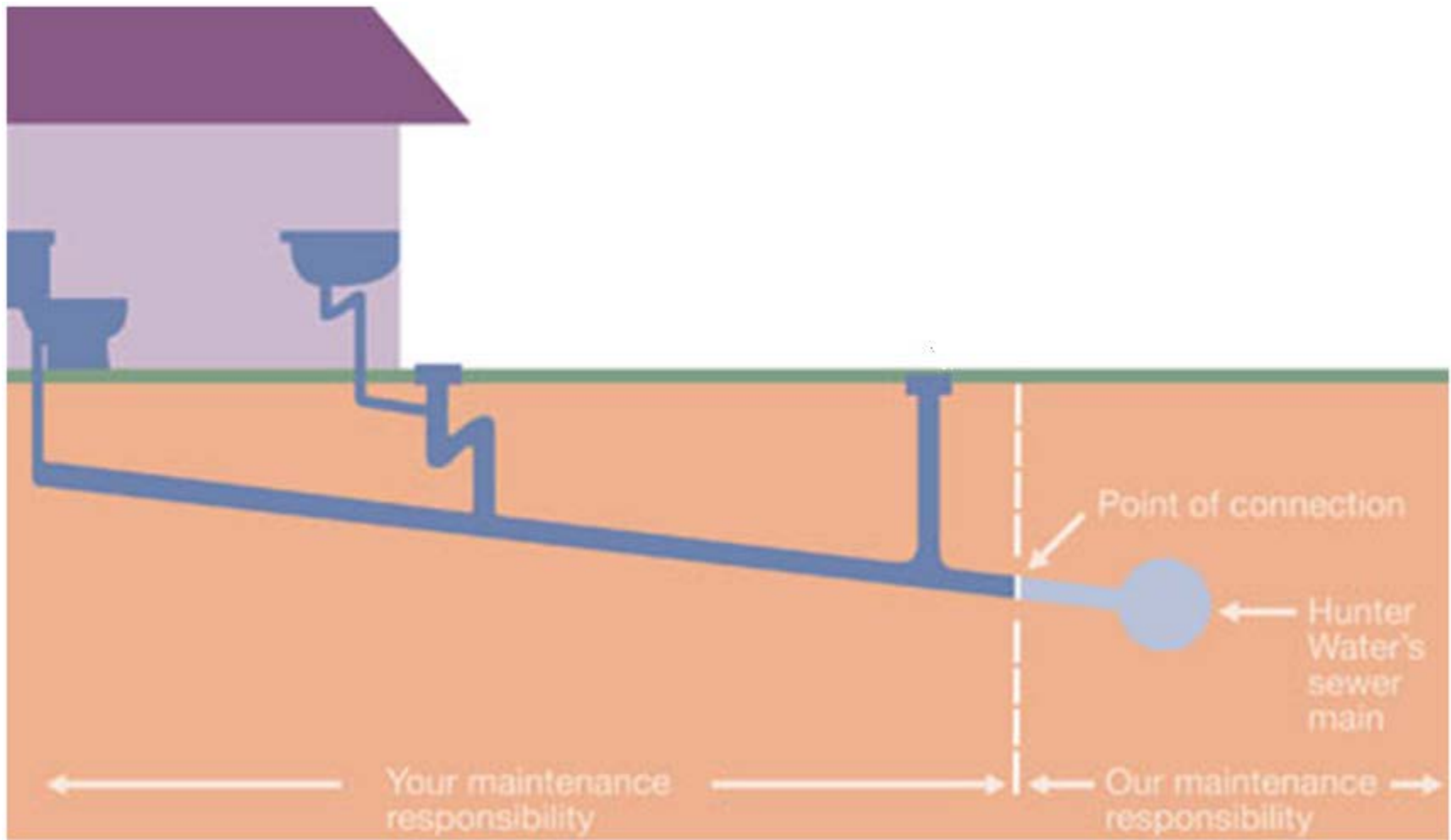

Clear
zone



MP 1.4—Connection point

- Where does relevant infrastructure begin?
- MP 1.4 makes it clear that relevant infrastructure ceases at the connection point.
- Relevant infrastructure up to, and including, the connection point must be protected. Beyond the sleeve is the lot owner's responsibility.
- See next slide for example.

Connection point—example from Hunter Water in New South Wales



MP 1.4—Self assessable work

- Industry concern over the application of MP 1.4 to this type of work.
- It was intended to exclude certain light-weight structures e.g. fences less than 2 metres tall and retaining walls under 1 metre.
- Other work for class 10 buildings or structures (e.g. less than 10 metres² plan area, maximum 2.4 metres height and maximum 5 metres side).

Does MP 1.4 apply?

- **Sheds:** MP 1.4 will apply to sheds. These are buildings and only *structures* are excluded from MP 1.4.
- **Decks:** if a footing system is used, MP 1.4 will apply. However if there is no footing system, MP 1.4 will not apply.
- **Patios:** if a footing system is used, MP 1.4 will apply. However if there is no footing system, MP 1.4 will not apply.

Referral agency function

- Where the application does not meet the acceptable solutions the application is referred for a concurrence agency response.
- SPR, Schedule 7 sets concurrence agencies:
 - local governments
 - distributor-retailers (i.e. Unitywater, Queensland Urban Utilities)
 - a water or sewerage service provider under the *Water Supply (Safety and Reliability) Act 2008*.
- Jurisdiction per SPR – solutions must meet P1 and P2. No internal prescriptive standards should be used.

Notice requirement – Form 32

- Previously service providers would receive records of building work in proximity to their infrastructure.
- This information is needed to assist with access for maintenance etc.
- To ensure service providers continue to receive this information under the new regime, a notice to service providers was introduced.

Notice requirement – Form 32

Form 32—Relevant information for service providers

- Private certifiers must provide Form 32 to service providers in a very small set of circumstances i.e. where information would not otherwise be obtained.
- Designed as a simple ‘tick and flick’.
- Needed for a **class 1 or 10** application when:
 - a sewer is present on the lot or an adjacent lot; and
 - the service provider is not a local government or concurrence agency.

Notice requirement - *Form 32*—*Relevant notice for service providers*

- Needed for a **class 2-9** application when:
 - a sewer or water main is present on the lot or an adjacent lot; and
 - the service provider is not a local government or concurrence agency; and
 - MP 1.4 does not apply due to the distance between the building work and sewer or water main.
- Form 32 must be provided within 5 days of issuing approval.

Notice requirement

Form 32—Relevant information for service providers

- Industry has expressed confusion about Form 32 when concurrence functions are delegated from the owner of the infrastructure to a local government.
- The Regulation requires the form only be provided to the owner of the infrastructure, regardless of who acts as the concurrence agency.
- Local government will already receive the necessary information via the approval documents they receive from the building certifier.

Interim amendments

- 3 key amendments proposed to address recent industry feedback:
 - Removal of exemption where an easement is registered in favour of the relevant service provider.
 - Proximity exemption for all classes of building.
 - Streamlined solutions for light-weight buildings and structures.

Interim amendments – proximity exemption

- Proposal to exempt from MP 1.4 any building work for a class 1 or 10 building or structure that is at least 2 metres from infrastructure.
- Proposal to amend the existing exemption for class 2 to 9 buildings from 10 to 5 metres.

Interim amendments – light-weight buildings & structures

- Proposal to allow certain light-weight buildings & structures to be built over infrastructure where the foundation:
 - meets AS 2870; or
 - is certified by an RPEQ as compliant with P1
- The work cannot be built over a maintenance cover however.
- Light-weights = decks, patios, carports, gazebos, sheds and garages.

Feedback sought

- Draft MP 1.4 to be published on the Department's website shortly for comment.
- Seeking feedback on the suitability of the proximity exemption and solutions for light-weight buildings and structures.
- Proposed commencement of 1 October 2014.

Communication package

The department's website has information about the new approval system and MP 1.4.

- This includes a range of fact sheets including:
 - general information on MP 1.4
 - information for non-local government service providers
 - information for private certifiers
 - information for local governments.

www.hpw.qld.gov.au

MP 1.4—Phase 2

- Phase 2 will involve developing acceptable solutions for class 2 to 9 buildings.
- It will also include investigation of emerging issues.
- An issues register has been developed to capture industry feedback.
- Feedback can be provided to Building Codes Queensland's email address or via your member organisation.

Contact us

Building Codes Queensland

Email: buildingcodes@qld.gov.au

Fax: (07) 3237 1248

GPO Box 2457, Brisbane Qld 4001

www.hpw.qld.gov.au

To subscribe to newsflashes released by Building Codes Queensland, email bcqnewsflash@qld.gov.au