

Building and Plumbing Newsflash 497

Consultation on revised draft Queensland Development Code Mandatory Part 3.5 – Construction of buildings in flood hazard areas

Purpose

To advise that the revised draft Queensland Development Code (QDC) Mandatory Part 3.5 – Construction of buildings in flood hazard areas, is available for public comment.

Background

In 2011, the Australian Building Codes Board (ABCB) developed a draft national Standard for the construction of buildings in flood hazard areas (draft Standard). The ABCB developed the draft Standard and an accompanying Information Handbook with the assistance of a reference group made up of representatives of state and local governments, the building and engineering industries and flood and hydrology experts. The draft Standard provides specific performance requirements and deemed-to-satisfy provisions for the design and construction of buildings in designated flood hazard areas.

Building Codes Queensland (BCQ), through Building newsflash number 474 issued on 26 July 2011, sought comment on early adoption in Queensland of the draft Standard. BCQ also met with representatives of the Building Industry Consultative Group (BICG) to discuss the proposal and consultation results. The BICG includes members of a wide range of key building industry organisations and the Local Government Association of Queensland. BCQ also received submissions from a number of other stakeholders during the consultation process.

Following the initial consultation period, BCQ developed a draft Queensland Development Code (draft QDC) to adopt the draft Standard into building law in Queensland. BCQ conducted further consultation on the draft QDC late last year, including teleconferences, face-to-face meetings with local governments and an out-of-session BICG meeting. A number of amendments were made to the draft QDC to ensure that it could be practical in its application. BCQ also took part in 'roadshows' to advise building practitioners and local governments of the draft QDC requirements.

Queensland Floods Commission of Inquiry

On 16 March 2012, the Queensland Floods Commission of Inquiry (the Commission) delivered its Final Report into the 2010-11 floods. The Final Report contains recommendations covering a broad range of matters including management of Wivenhoe Dam, floodplain management, planning issues, performance of private insurers and management of abandoned and operational mines. It also recommends that further public consultation be conducted on the draft QDC.

On 7 June 2012, the Premier tabled in Parliament the Queensland Government response to the Final Report. As part of its response to the Commission's Final Report, the Queensland Government formed five groups to implement the recommendations. The Building Implementation Group was established to oversee implementation of recommendations from chapters 9 and 10 of the Final Report and is chaired by the Director-General of the Department of Housing and Public Works (HPW).

The Queensland Government's response included a commitment to revising the draft QDC to reflect the Commission's recommendations with a focus on providing further practical flexibility in the application of the code. In addition, the government committed to undertaking community and industry consultation on the revised draft QDC. The draft QDC is anticipated to take effect from October 2012.

Draft Queensland Development Code

BCQ has revised the [draft QDC](#) in accordance with the government response.

In addition, BCQ has produced an [explanatory document](#) to explain how the draft QDC is intended to operate.

The major changes from the draft QDC produced in late 2011 are:

- An amended trigger for application of the draft QDC specifying that the code only applies where a local government sets a defined flood height for the flood hazard area (the Building Regulation 2006 is also proposed to be amended to specify that a flood hazard area for the purposes of building work must have a defined flood level).
- Ensuring the draft QDC only applies to building work to the extent the work is carried out wholly or partly on the area of the lot that is subject to a flood hazard.
- A new concurrence agency trigger where an applicant uses information for flood water height or velocity that is different to information specified by a local government.
- Removal of the ability for a building certifier to exempt commercial building utilities from being above a defined flood level where a local government sets requirements for commercial buildings in a planning scheme or a temporary local planning instrument.
- Providing the ability for an applicant to use a flood level or flow rate that has been used by a local government for assessment purposes of a development application for that lot, despite the information being different to information set by the local government in accordance with the proposed Building Regulation 2006.
- Providing more guidance on who may be considered a competent person for providing compliance information for the draft QDC.

Have your say

BCQ welcomes your questions and feedback on the draft QDC. Comments may be submitted until **5 pm, Friday 7 September 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@dlqp.qld.gov.au (please include 'Draft QDC for construction of buildings in flood hazard areas' in the subject line).

Supporting information

[Queensland Floods Commission of Inquiry Final Report](#)

[Government response to the Queensland Floods Commission of Inquiry Final Report](#)

Australian Building Codes Board:

[Draft Standard](#)

[Information handbook](#)

[Consultation Regulation Impact Statement](#)

Contact for further information

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