

Building over or near relevant infrastructure

General information on Queensland Development Code Mandatory Part 1.4

From 1 November 2013, new laws took effect for building work proposed to be undertaken over or near relevant infrastructure. This includes sewers, water mains, stormwater drains or combined sanitary drains.

The new standard delivers a consistent state-wide approach, and will reduce duplication.

This type of building work must now be assessed against Queensland Development Code Mandatory Part 1.4 (MP 1.4)—Building over or near relevant infrastructure. Consent from the relevant service provider is now no longer required under section 192 of the Water Supply (Safety and Reliability) Act 208 (WS (S&R) Act) for building work.

Application of the new Mandatory Part (MP 1.4)

MP 1.4 DOES apply to	MP 1.4 DOES NOT apply to
Building work to be carried out for a building or structure on a lot that contains or is adjacent to a lot that contains relevant infrastructure.	Building work which is a specified minimum distance from the infrastructure. These requirements include being: <ul style="list-style-type: none"> • sufficiently clear from the zone of influence • three metres for a class 1 or 10 building or structure • five metres for a class 2-9 building • five metres for driven piles or piers • 10 metres for ground anchors or rock bolts.
Lots where an adjacent road reserve contains relevant infrastructure.	Any internal alterations or repairs to existing buildings or structures that do not involve an increase to the building's floor area or affect the building's footing system or sub-structure.
Land that is the subject of an easement registered by a relevant service provider through the Queensland Land Registry.	Self-assessable building work for a structure (e.g. a fence or retaining wall) unless the structure is supported by a strip footing.

Note: Schedule 1 of the *Building Regulation 2006* outlines what type of building work is self-assessable. If self-assessable building work does not meet the relevant acceptable solutions in MP1.4, the work becomes assessable and will require a building development application.

In the cases where MP 1.4 does not apply, the building development application can continue without the consent of a service provider or local government because adequate protection will be provided without further assessment or conditions.

Concurrence agencies

Under the [Sustainable Planning Regulation 2009](#) a ‘relevant service provider’ is prescribed as a concurrence agency for building work regulated under MP 1.4.

Under MP 1.4, relevant service providers are defined as sewerage service providers and water service providers registered under the *WS (S&R) Act*, and the owner of a stormwater drain. A list of providers is on the Department of Energy and Water Supply’s [website](#).

Applications must be referred to a concurrence agency where:

- the work does not comply with an acceptable solution for the MP 1.4 performance criteria; or
- the work is for a class 2-9 building located less than five metres from the relevant infrastructure.

Concurrence agencies have 20 business days to assess the application and are able to charge a fee.

Note: applications involving combined sanitary drains do not require a referral to a concurrence agency for a response because they are generally shared by more than one lot owner, and not owned by a service provider. In these cases, an alternative solution will be assessed by the assessment manager.

Performance criteria

There are two performance criteria for MP 1.4:

- P1 requires that the proposed building work does not damage the relevant infrastructure or the building’s integrity.
- P2 requires that access to, and ventilation for, the relevant infrastructure is maintained.

The application of the criteria is based on the location of relevant infrastructure (see Table 1).

Table 1 – Application of performance criteria

Location of relevant infrastructure	P1	P2
On a lot	Yes	Yes
On an adjacent lot	Yes	No

Note: If building work is to occur on a lot (the subject lot) and relevant infrastructure is located on both the subject lot and a lot adjacent to it—P1 and P2 apply for relevant infrastructure on the subject lot; and only P1 applies for relevant infrastructure on the adjacent lot.

Acceptable solutions

The acceptable solutions in MP 1.4 only apply to class 1 buildings (e.g. houses, townhouses and villas), class 10 buildings (e.g. sheds) and structures (e.g. retaining walls).

Light-weight class 10 buildings and structures such as sheds and patios are afforded some concessions—these include allowing simple building work over most infrastructure, but excluding some higher risk infrastructure such as water mains, connections and maintenance covers.

Exclusions from acceptable solutions

The following types of work will require an alternative solution and concurrence agency response:

- Applications involving class 2-9 buildings that are located less than five metres from relevant infrastructure. (**Note:** MP 1.4 does not apply to class 2-9 buildings if the work satisfies certain requirements and is at least five metres from relevant infrastructure).
- Work over or near a pressure pipeline of any size and within three metres of relevant infrastructure.
- Applications involving large pipes such as:
 - sewers, water mains or combined sanitary drain pipes greater than 225 millimetres in diameter
 - stormwater mains greater than 375 millimetres in diameter.

Approved Form 32

There are some circumstances where private building certifiers are required to provide a Form 32 to the sewerage service provider for some applications involving a class 1 or 10 building or structure. These include where the provider would not otherwise receive the information because they are not a concurrence agency or a local government that would receive the application/approval documents. This requirement is part of the [Building Regulation 2006](#) and helps providers to manage their inspection, maintenance and replacement work.

Building certifiers must provide a Form 32 to the sewerage service provider within five business days of approving the building development application. Information about which acceptable solutions have been used to achieve compliance with MP 1.4 must be included.

Note: A copy of the Form 32 can be found at the department's [website](#).

Appeals

Appeals about decisions relating to building work that are subject to MP 1.4 can be made to the [Building and Development Dispute Resolution Committees](#). A person may appeal a decision to impose conditions, or a refusal to grant, a building development approval.