



Building Newsflash

Amendments to the Integrated Planning Regulation 1998

Purpose

The purpose of this Newsflash is to provide advice on recent amendments to the *Integrated Planning Regulation 1998*. The amendments were made to schedules 1, 1A, and 2 of the Regulation. The amendments relate to:

- The assessment of development under the *Water Act 2000*.
- The assessment of development under the *Dangerous Goods Safety Management Act 2001*.
- The referral agency jurisdiction of the Queensland Fire and Rescue Service.
- The referral agency jurisdiction of Safe Food Production Queensland for building work involving retail meat premises.

Commencement dates

Commencement dates for the various sections of the Regulation are as follows:

- Sections 5 to 7 covering the Water Act commenced on 19 April 2002.
- Sections 9 to 11 covering the Dangerous Goods Safety Management Act commenced on 7 May 2002.
- Sections 4 and 12 of the Regulation covering referral agency jurisdiction of the Queensland Fire and Rescue Service and Safe Food Production Queensland involving retail meat premises, commenced on 1 July 2002.

A copy of the amendment regulation can be viewed at the following Web site.

<http://www.legislation.qld.gov.au/LEGISLTN/SLS/2002/02SL066.pdf>

Details of amendments

Water Act

The *Water Act 2000* came into effect on 19 April 2002. It replaced the *Water Resources Act 1989*. The assessment of certain development under the Water Act is now captured by the Integrated Development Assessment System (IDAS) under the *Integrated Planning Act 1997* (IPA).

The amendments to the Integrated Planning Regulation provides for the Department of Natural Resources and Mines (DNRM) to be either the assessment manager or a concurrence agency for operational works that are for:

- The taking or interfering with water under the Water Act; or
- The construction, or increase of the storage capacity, of a referable dam under the Water Act.

DNRM will also be a concurrence agency for the removal of quarry material in a watercourse or lake that is an environmentally relevant activity under the *Environmental Protection Act 1994*, or that is made assessable development under the planning scheme for an area.

The amendment will mean any development applications received by private certifiers, which also involve operational work that addresses the taking or interfering with water or for the construction or increase of the storage capacity of a referable dam under the Water Act, will need to have all referral agency requirements satisfied before the application for building work is decided by the private certifier.

Dangerous Goods Safety Management Act

On 7 May 2002, the *Dangerous Goods Safety Management Act* commenced. This resulted in the *Building (Flammable and Combustible Liquids) Regulation 1994*, made under the *Building Act 1975*, being repealed.

The Dangerous Goods Safety Management Act contains provisions relating to **major hazard facilities** and **possible major hazard facilities**. A Major Hazard Facilities is defined in the Dangerous Goods Safety Management Act, as “*sites where very large quantities of hazardous materials or smaller quantities of highly dangerous materials are stored or handled and which pose a potential risk to the surrounding community*”.

Development where these types of facilities are present will require a material change of use approval before the work can commence. The amendments to the Integrated Planning Regulation will mean the Department of Emergency Services is a concurrence agency for development involving major hazard facilities and possible major hazard facilities. That Department may also be the assessment manager if a local government planning scheme does not make the development assessable.

This will mean that a private certifier who receives a development application for building work involving a major hazard facility or possible major hazard facility, cannot decide the application until the material change of use approval is effective.

Referral agency jurisdiction of the Queensland Fire and Rescue Service

The Integrated Planning Regulation requires building work that must contain any of the special fire services mentioned in schedule 2 of the Standard Building Regulation (SBR) to be referred the Queensland Fire and Rescue Service (QFRS) as an advice agency. That requirement has not changed.

The new amendment also requires any building work that incorporates a solution assessed against the performance requirements of Volume 1 of the Building Code of Australia (BCA), to be referred to the QFRS for advice, if the solution involves special fire services mentioned in schedule 2 of the SBR or any **fire safety system** as defined in the BCA.

A fire safety system is defined in the A1.1 of the BCA as:
“one or a combination of the methods used in a building to –
(a) warn people of an emergency; or
(b) provide for safe evacuation; or
(c) restrict the spread of fire; or
(d) extinguish a fire,
and includes both active and passive systems”.

This means that if the performance requirements are being used to determine, for example, if travel distances to a single exit should be increased to 22m instead of the deemed-to-satisfy 20m, the building work will have to be referred to the QFRS for advice before the building certifier decides it.

Item 1(b) of Schedule 2 of the Regulation applies only where proof of compliance with the performance requirements of the BCA is being achieved through the formulation of an alternative solution (see definition of “alternative solution” in A1.1 of the BCA). The QFRS does not have jurisdiction where the performance requirements have been satisfied by complying with the deemed-to-satisfy provisions of the BCA.

Referral agency jurisdiction involving retail meat premises

Part H109 of the Queensland provisions of the BCA specify the requirements for retail meat premises. Building certifiers are required to assess a development application for these types of premises against the deemed-to-satisfy provisions of H109. The amendments to the IPA regulation nominate Safe Food Production Queensland as a concurrence agency for retail meat premises where assessment of the work is against the performance requirements of H109 of the BCA.

This will mean that a private certifier who receives a development application for building work involving retail meat premises assessed against the performance provisions of the BCA, cannot decide the application until the concurrence agency response has been received.

Contact officer

Please contact Mr Peter Rourke on (07) 323 71714 should you require further information regarding this matter.