

Building over or near relevant infrastructure

Information for private building certifiers

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 2008 (WS (S&R) Act) for building work regulated under MP 1.4.

Note: This information should be read with the general fact sheet about MP 1.4.

Applications made before commencement

When there is a change to building assessment provisions, the *Building Act 1975*, (under Sections 36 and 37) grant building certifiers discretion over which provisions to apply.

For building development applications lodged prior to 1 November 2013, but not approved before the commencement of MP 1.4, building certifiers may either apply the previous requirements or the new provisions of MP 1.4 in deciding whether to approve the application.

Approved Form 32

The [Building Regulation 2006](#) requires private building certifiers who have granted a building development approval for building work over or near relevant infrastructure (sewers only) to give a notice ([Form 32](#)) to the sewerage service provider about the building work in specific cases.

A Form 32 will only be required where the sewerage service provider would otherwise be unaware of the proposed building work, such as when they are not a concurrence agency or a local government that would receive the building application/approval documents from the building certifier. This information will help facilitate future inspection, maintenance and replacement of the sewer.

A Form 32 must be provided within five days of approving the application where:

- the building development application is for a class 1 or 10 building or structure
- the application involves a sewer on the subject lot or an adjacent lot
- the sewerage service provider is not a local government or a concurrence agency; and
- MP 1.4 applies to the work due to the distance between the work and the sewer.

Checking for pipes

Building certifiers must be satisfied that the applicant has included sufficient information about the location, type, and size of any infrastructure present when assessing an application. Sufficient information could include 'as constructed' plans, the property title, results of infrastructure searches, and details of any easements.

If the applicant has not provided sufficient information, the building certifier can make an information request to the applicant. The applicant will then be required to provide specific information about any infrastructure to the building certifier.

Note: Refer to Part 3, Division 3 of the *Sustainable Planning Act 2009* regarding information requests.

Appeals

Appeals about decisions relating to building work that is 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.