



# / RESPONSIBILITIES OF PERSONS ALTERING BUILDINGS

**QLD** Hendry advises building owners and property professionals to take note of the statutory responsibility of persons involved in minor fit-outs in a building under the Building Regulations. Even minor tenancy changes or small budget fit-outs (building work) can cause a change of use or a building to become non-compliant. With the increasing activity of government regulators the chance of non compliance may not be worth the risk.

## / WHERE NON-COMPLIANCES COMMONLY ARISE

Minor fit-outs and refurbishments are quite often undertaken without consideration of the building regulations or knowledge of the existing building approval conditions or current Code restrictions for building work. Small adjustments to floor layouts and materials can cause non-compliances to exit paths, travel distances, fire indices and fire safety systems.

Shop tenancy fit-outs in buildings over 500m<sup>2</sup> need to consider the building as a whole, not just the tenancy fit-out. The Building Regulations 2006 allows for “minor alterations” without the need for a development permit, however its scope is very restrictive. Compliance with existing approval conditions, current Building Code of Australia (BCA) and the Queensland Development Code (QDC) requirements need to be assessed. Alterations to detectors or sounders may require building approval as well as the involvement of the Queensland Fire and Emergency Services (QFES).

Tenancy changes can often bring with them a change in the nature and quantity of materials stored or displayed. This can impact on the restrictions inherited with the building’s Certificate of Classification under the building regulations that will reflect the intended use of the building. A change to the nature or quantity of materials stored or displayed may trigger a change of occupancy as identified in Section 109 of the Building Act 1975. Table E1.5 of volume 1 of the BCA outlines restrictions on storage of combustible materials such as carpets, clothing, furniture, electrical appliances and all materials having wrappings or preformed containers of foam plastics.

## / PROMINENT BUILDING REGULATIONS

The building regulations in Queensland, like most States, are becoming more complex and very onerous. There is extensive legislation and subordinate legislation linked to the term “building work”. This may be related to the approval of building work or the undertaking of building work. The head of power and clout factor for most building projects (once planning issues are put to rest) is the Building Act 1975 (which adopts the Building Code of Australia) and Queensland Building Services Authority Act 1991 (QBSA Act).

Owners and Occupiers are predominately held accountable by the Building Act 1975 for buildings not compliant with the building regulations. Section 115 of the Building Act 1975 nominates a maximum penalty of 165 penalty units for the occupation of a building that does not comply with the relevant provisions of the BCA and or the Queensland Development Code (Building Notices). Relevant provisions relate to the legislative requirements for previous or current approvals (if any exist).

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Builders and Developers and even facility managers may be targeted by the QBSA Act under the definition of “building work”. Section 72 of the QBSA Act empowers the Authority to direct a person to rectify defective building work and comply with the BCA, i.e. building notices. For the purpose of the QBSA legislation “building work” is considered to be most building work of a total value of \$1100 or more. If the building work requires an occupational license such as plumbing or fire protection works than the legislation cuts in at a zero dollar value. The QBSA Act 1991 identifies the following as the definition of “Building work” which also is similar to the building regulations:

Building work means—

*(b) the renovation, alteration, extension, improvement or repair of a building; or*

*(c) the provision of lighting, heating, ventilation, air conditioning, water supply, sewerage or drainage in connection with a building; or*

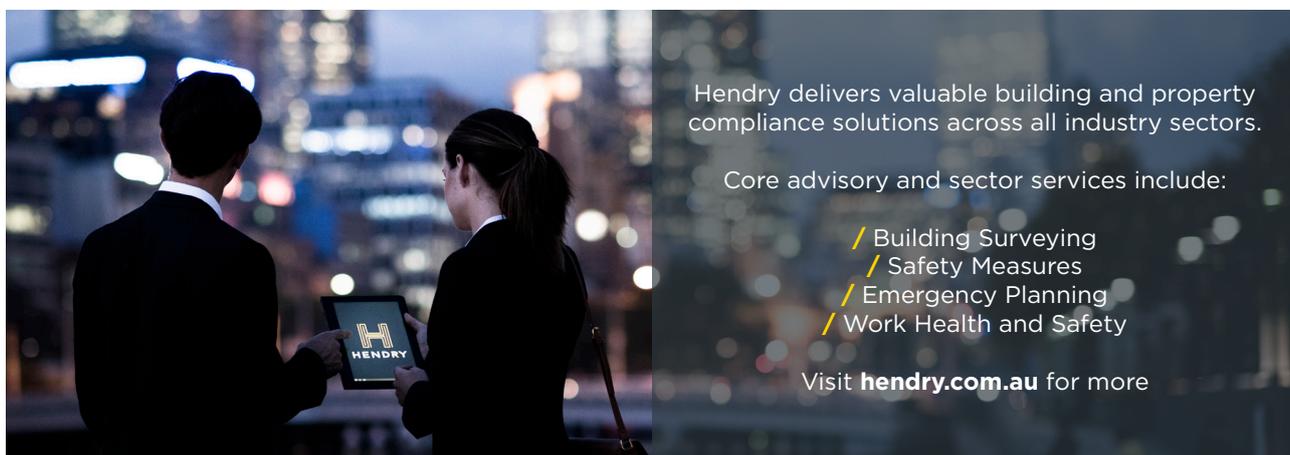
*(f) the preparation of plans or specifications for the performance of building work; or*

*(fa) contract administration carried out by a person in relation to the construction of a building designed by the person;*

### / REDUCING THE RISK OF NON-COMPLIANCE

The simple solution to reducing the risk of non compliance for any building work (minor fit-outs) or tenancy changes under the building regulations is to speak to one of the qualified and experienced Hendry Building Certifiers.

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