

# NORTHERN TERRITORY OF AUSTRALIA

## BUILDING REGULATIONS

As in force at 3 August 2012

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# NORTHERN TERRITORY OF AUSTRALIA

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This reprint shows the Regulations as in force at 3 August 2012. Any amendments that commence after that date are not included.

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## BUILDING REGULATIONS

### Regulations under the *Building Act*

#### Part 1 Preliminary

##### 1 Citation

These regulations may be cited as the *Building Regulations*.

##### 2 Interpretation

(1) In these regulations:

***approved Class 1a Building***, see regulation 36C(1).

***approved rural land***, see regulation 36A.

***Building Code*** means the Building Code of Australia set out in Volume One and Volume Two of the National Construction Code Series.

***building contractor residential (restricted)*** means a building practitioner registered in the category of building contractor residential (restricted).

***building contractor residential (unrestricted)*** means a building practitioner registered in the category of building contractor residential (unrestricted).

***Class 2 building***, for regulation 15A and Part 11A, includes:

- (a) a building consisting only of one or more storeys that may be classified under the Building Code as a Class 2 building because of Part A3.3(a)(i) of the Code; and
- (b) a building consisting only of:
  - (i) one or more storeys that are Class 2 buildings; and

- (ii) one or more storeys that are Class 7a buildings for the sole use of the residents of, and visitors to, the Class 2 buildings.

**completed building work**, for Part 3A, means the building work specified in regulation 20A(1) and completed as specified in regulation 20A(2).

**drawings**, of a building, include a site plan and floor plan of, and elevations for, the building.

**flood prone area** means a part of Territory specified in Schedule 4.

**National Construction Code Series** means the National Construction Code Series, published by the Australian Building Codes Board, as in force from time to time.

**original building status**, of an approved Class 1a Building, see regulation 36C(1)(e).

**original site**, of an approved Class 1a Building, see regulation 36A.

**pergola** does not include a building that has a roof or sides that are impermeable to the wind.

**planning scheme**, see section 3(1) of the *Planning Act*.

**Plumbing Code** means the Plumbing Code of Australia set out in Volume Three of the National Construction Code Series.

**post-relocation building work**, for an approved Class 1a Building, see regulation 36A.

**relevant building law**, in relation to a building, means the law (including codes and standards under the law) in force in the Territory that, at the time of the erection of the building, regulated the building work carried out for the erection.

- (2) For the purposes of these regulations the erection of a building that has been removed and transported from another site or another location on the same site is to be regarded as the erection of a building.
- (2A) However, subregulation (2) does not apply to the erection of an approved Class 1a Building on approved rural land.
- (3) A reference in these regulations to a building as a building of a particular Class is a reference to a building of that Class as specified under the classification in Part A3.2 of the Building Code.

- (4) In reckoning time for the purposes of these regulations public holidays, Saturdays and Sundays shall be excluded.

### **3 Exemptions from regulations and sections 55 and 65 of the Act**

- (1) These regulations do not apply to:

- (a) temporary offices and sheds used by builders on or about the site of any building on which building work is being carried out or used by contractors in carrying out works for any public authority on or about the site of the work and used exclusively for the purposes of that building or work;
- (b) any building classified as a Class 10 Building to which electrical, plumbing or drainage services are not provided and that is:
  - (i) situated not less than 40 m from any boundary of the allotment on which it stands or is to be constructed, has an aggregate roof area not exceeding 12 m<sup>2</sup> and is not more than 2100 mm in height above the mean natural ground level of its site;
  - (ii) situated not less than 70 m from any boundary of the allotment on which it stands or is to be constructed, has an aggregate roof area not exceeding 30 m<sup>2</sup> and is not more than 2400 mm in height above the mean natural ground level of its site;
- (c) a fence that offers minimal resistance to wind loading such as a chain mesh or a similar kind of fence and in any event a fence that does not exceed a height of 1m;
- (d) a pergola that has an area not exceeding 30 m<sup>2</sup> and that is not less than 50 mm from a building to which these Regulations apply and that is not attached or connected in any way to any building; or
- (e) minor plumbing maintenance work such as the replacement of a component by a similar component but not including drainage work.

- (2) Sections 55 and 65 of the Act do not apply to or in relation to:

- (a) any building classified as a Class 10 Building that is of a type approved by the Director and is constructed in accordance with that approval;



- (b) plumbing or drainage work that is not done in connection with or incidentally to other building work if:
  - (i) notice of the work undertaken is given to the Director not later than 7 days after the work is carried out; and
  - (ii) the notice is accompanied by a certificate in the approved form of the relevant building practitioner that the work conforms to the relevant code or standard.

**3A Prescribing classes of buildings for and exemptions from section 61 of the Act**

- (1) For section 61 of the Act, the following are prescribed classes of buildings:
  - (a) Class 1 Buildings;
  - (b) Class 2 Buildings that have no more than 3 residential storeys;
  - (c) Class 10 Buildings.
- (2) Despite subregulation (1)(a), section 61 of the Act does not apply in relation to a Class 1 Building if:
  - (a) the building is an approved Class 1a Building; and
  - (b) the building work to be carried out on the building is in connection with:
    - (i) the removal of the building from its current site for relocation on approved rural land; or
    - (ii) post-relocation building work.
- (3) To avoid doubt:
  - (a) a person is not required to hold a policy of insurance mentioned in section 61 of the Act in relation to building work to be carried out on:
    - (i) a building that is not of a prescribed class of buildings mentioned in subregulation (1); or
    - (ii) a Class 1 Building mentioned in subregulation (2); and
  - (b) building work to be carried out on a building mentioned in paragraph (a)(i) or (ii) must not be covered by an insurance policy mentioned in section 61 of the Act.
- (4) Section 61 of the Act does not apply to a public authority.

**3B Exemption from section 62 of the Act**

Section 62 of the Act does not apply to a public authority.

**Part 2 Building standards****4 Building Code, &c., adopted**

- (1) Subject to these Regulations, the Building Code, the Plumbing Code and the Code of Practice for Small On-site Sewage and Sullage Treatment Systems and the Disposal or Reuse of Sewage Effluent, November 1996, published by Territory Health Services apply to any building that can be classified according to use under Part A3.2 of the Building Code and to any building work referred to in the Act or in the Building Code.
- (2) Building work shall conform with these regulations but where the Director is of the opinion that any building work consists only of minor work and does not adversely affect the safety of persons accommodated in or resorting to a building or property in or in the vicinity of a building the Director may determine that these Regulations, or such of the provisions of these Regulations as are specified by the Director, do not or does not apply, as the case requires, in relation to such work and any such determination has effect accordingly.

**4A Alternative solution for plumbing and drainage work**

- (1) Only a certifying engineer (hydraulic) may:
  - (a) design an alternative solution for plumbing and drainage work; and
  - (b) certify plumbing and drainage work carried out under an alternative solution.
- (2) In this regulation:

**alternative solution**, see Part A1.1 of the Plumbing Code.

**plumbing and drainage work** means work for, or in connection with, the plumbing and drainage services mentioned in paragraph (b) of the definition of **building work** in section 4 of the Act.

**5 Accrediting persons or bodies**

- (1) The following persons or bodies are prescribed as accrediting persons or bodies for the purposes of section 53 of the Act:
  - (a) the Australian Building Codes Board;
  - (aa) a person or body duly authorised under the CodeMark scheme administered by the Australian Building Codes Board;
  - (b) the Building Advisory Committee established under section 9 of the Act;
  - (c) the Standards Association of Australia;
  - (d) the Power and Water Corporation established by the *Power and Water Corporation Act*.
- (2) A person or body referred to in subregulation (1) may issue certificates of accreditation in relation to building products, construction methods, designs, components and systems accredited by the person or body.
- (3) A certificate of accreditation issued under subregulation (2) shall be in the form approved by the Director.

**6 Application for building permit**

An application for a building permit shall be accompanied by:

- (a) drawings showing the plan and proposed usage at each floor level, elevations, sections and dimensions of the building, the sizes and locations of structural members to a scale of not less than 1:100;
- (b) drawings containing sufficient detail and at a scale appropriate to the work carried out or to be carried out to show the plumbing and drainage work to be carried out;
- (c) drawings to a scale of not less than 1:500 showing:
  - (i) the boundaries and dimensions of the allotment, relevant easements and adjacent streets;
  - (ii) the position and dimension of the building and the relationship of the building to the boundaries of the allotment, existing buildings on the allotment and adjoining allotments together with details of the purposes for which the buildings are to be used; and

- (iii) the levels of the site and of the floors of the building in relation to an adjoining street channel, if any; and
- (d) in the case of an alteration or modification of a building – a statement that describes the purposes for which the building has been used and is to be used.

## **7 Time for the supply of additional information**

The time within which additional information is required to be supplied by an applicant for a building permit is the time specified by the building certifier or 40 days, whichever is the greater.

## **8 Reporting authority**

- (1) A person or body specified in column 1 of Schedule 2:
  - (a) is a reporting authority in relation to the class of buildings or building work, as the case may be, specified opposite to that person or body in Column 2 of that Schedule; and
  - (b) is to report upon such of the matters specified opposite to that class of building or building work, as the case requires, in Column 3 of that Schedule as are relevant in relation to the buildings or building work the subject of a request for a report or consent.
- (2) Where a report is required from a reporting authority the building certifier shall supply the reporting authority with sufficient detailed drawings and other information to enable the reporting authority to properly consider the matter.
- (3) Nothing in subregulation (1) affects any consent or approval required to be given in relation to a building or building work under any other Act or regulation under any other Act.

## **9 Limitation of time for reporting authority**

A reporting authority is taken to have supplied a report in relation to an application for a building permit if the report is not supplied within 10 days of the receipt of the request for the report at the head office of the reporting authority in the Territory as determined by the Director.

**10 Limitation of time for building certifier to decide application for building permit**

The time within which a building certifier shall decide an application for a building permit is:

- (a) if additional information is not required by the building certifier under section 58 of the Act – 20 days from the day that a completed application is made to the building certifier;
- (b) if additional information is required by the building certifier under section 58 of the Act – 20 days from the day that all the additional information required by the building certifier is supplied to the building certifier.

**11 Prescribed approvals for the purposes of section 59(1)(b) and (c)**

- (1) The following consents and approvals are prescribed for the purposes of section 59(1)(b) of the Act:
  - (a) if the proposed building is to be constructed on Crown land or the building work is proposed to be carried out on Crown land, the approval of the person or body administering the land;
  - (b) the approval of any person or body having a right under law to an easement over the land on which or adjacent to which the building is to be constructed or building work is to be carried out; and
  - (c) if the building work is to be undertaken in relation to a building listed as a heritage building or involves any other thing listed under the *Heritage Conservation Act*, the consent of the Minister to whom the administration of the *Heritage Conservation Act* is allotted by the Administrator.
- (2) The following conditions are prescribed for the purposes of section 59(1)(c) of the Act:
  - (a) any condition imposed on a permit in force under the *Planning Act*;
  - (c) any condition imposed by a covenant or encumbrance on the title of the land on which the building work is to be carried out.

**12 Historic buildings**

The person specified as the person for the purpose of section 60 of the Act in relation to historic buildings is the Minister to whom the administration of the *Heritage Conservation Act* is allotted by the Administrator.

**13 Duration of building permit**

- (1) A building permit is valid for a period of 2 years commencing from the date on which it is granted.
- (2) The time referred to in subregulation (1) may be extended if an application for that purpose is made to the building certifier before the expiration of the time for which the building permit is valid.
- (3) Any extension of time granted under subregulation (2) shall be notified to the Director and the notification must include the reasons for which the extension is granted.
- (4) If a building permit lapses solely because of a prescribed event, and the person granted the permit makes an application under section 73C of the Act, the time referred to in subregulation (1) is taken to have been extended for a period decided by the Director and notified to the applicant during consideration of the application.

**14 Distribution of plans and drawings**

Where a building permit has been granted a copy of the application, approved drawings and certificates which the certifier has relied upon for the purposes of section 40 of the Act and building permit shall be forwarded to:

- (a) the Director; and
- (b) the owner or the owner's agent.

**15 Access to records**

The owner, or the agent of the owner, of a building in relation to which a building permit has been granted under the Act may:

- (a) inspect a copy of the drawings and documents referred to in regulation 14 at the office of the person or body that has approved the application or at the office of the Director; and

- (b) request the person or body by whom any application has been granted to stamp or endorse one or more copies of the drawings and documents as evidence of that approval and any such request shall be complied with on payment of a reasonable fee.

## **Part 3 Inspections, building permits and occupancy permits**

### **Division 1 Inspections**

#### **15A Inspection stages**

- (1) For section 62(2) of the Act, the inspection stages for residential building work are those stages named and described in the table below that are relevant to the work.

	<b>Inspection Stage</b>	<b>Description</b>
1.	pre-pour	before pouring the footings, ground floor slab or other in situ concrete building element
2.	frame	before covering the framework for floors, walls, roof or other building element
3.	block wall	before pouring any reinforced masonry or block walls
4.	fire separation	before covering walls, floors or ceilings, for the purpose of checking that fire resistance levels comply with the Building Code (see note)
5.	wet area	before covering waterproofing in wet areas
6.	final	after completing the building work but before issuing an occupancy permit in relation to the work

*Note for table*

*A fire separation inspection may form part of an inspection of the building work carried out at one or more of the other inspection stages.*

- (2) For subregulation (1), residential building work is work for or in connection with the construction of any of the following:
- (a) a Class 1a building;
  - (b) a Class 2 building;
  - (c) a Class 10 building.

**16            Drainage works to be notified**

The plumber or drainer carrying out drainage works shall:

- (a) notify the Director of the completion of drainage work prior to covering up those works; and
- (b) stop carrying out those works if directed to do so by the Director.

**Division 2            Building permits**

**16A            Documents relating to building permits to be provided to Director**

For section 42(1)(c) of the Act, copies of the following documents must accompany the copy of the building permit:

- (a) any drawings of the building work to be carried out that form part of the permit;
- (b) a schedule of the inspections the building certifier proposes to carry out under section 63 of the Act, including at the inspection stages prescribed by regulation 15A at which the work must be inspected under section 62 of the Act;
- (c) any certificates issued by building practitioners in relation to the work on which the building certifier has relied under section 40 of the Act;
- (d) evidence of any contract required under section 48B of the Act;
- (e) any owner-builder certificate required under section 48D of the Act;
- (f) the evidence provided to the building certifier under section 59(1B) of the Act of any policy of insurance required under Part 4C;



- (g) any relevant planning consents and approvals referred to in section 59(1)(b) of the Act;
- (h) any other approvals, certificates or other documents relied on by the building certifier in issuing the permit.

### **Division 3            Occupancy permits**

#### **17            Limitation of time for reporting authorities in relation to occupancy permit**

A reporting authority is taken to have supplied a report in relation to an application for an occupancy permit if the report is not supplied within 10 days of the date of the receipt of the request for the report at the head office of the reporting authority in the Territory as determined by the Director.

#### **18            Permits not required for buildings in certain areas**

- (1) For section 65(1) of the Act, an occupancy permit is not required for a building the subject of a declaration in force under subregulation (2).
- (2) The Minister may, by notice in the *Gazette*, declare that an occupancy permit is not required for a specified building in a specified part of the Territory.

#### **18A          Documents relating to occupancy permits to be provided to Director**

For section 42(1)(c) of the Act, copies of the following documents must accompany the copy of the occupancy permit in respect of building work:

- (a) the declaration required to accompany the application for the permit under section 69 of the Act;
- (b) all the documents required to accompany the application for the permit under section 69A(1)(a) to (c) and (e);
- (c) evidence of compliance with any relevant planning consents and approvals referred to in section 69A(1)(d) of the Act;
- (d) any other approvals or other documents relied on by the building certifier in issuing the permit that the certifier has not already provided under regulation 16A(h).

### **18B        Consolidation of occupancy permits**

- (1) Subregulation (2) applies if 2 or more occupancy permits have been granted in relation to a building.
- (2) A building certifier:
  - (a) may issue, in place of the occupancy permits, a consolidated occupancy permit for the whole building; and
  - (b) if the building certifier does so – must revoke the permits being replaced.

### **18C        Documents to accompany application for occupancy permit**

- (1) For section 69A(1)(e) of the Act, the prescribed documents are the certificates or other documents relied on by the building certifier in issuing the occupancy permit that relate to the manufacture and assembly off-site, or installation on-site, of any components of the building work by a person other than the person required to make the declaration referred to in regulation 18A(a).
- (2) For subregulation (1), components of building work include the following:
  - (a) termite management systems;
  - (b) prefabricated roof trusses;
  - (c) wet area sealing products;
  - (d) prefabricated window and door frames;
  - (e) glazing;
  - (f) fire safety products or installations, including fire doors, smoke alarms, sprinklers and sprinkler systems, fire hose reels and sealing of penetrations.

#### *Examples of certificates for regulation 18C*

1. *A manufacturer's certificate for roof trusses.*
2. *A wet areas certificate.*
3. *A glazing certificate.*

### **19        Limitation of time for building certifier to decide application**

The period within which a building certifier shall decide an application for an occupancy permit is 20 days commencing from the day on which the application for the occupancy permit is lodged with the building certifier.

**20 Change of use**

- (1) This regulation applies to any building, whether erected before or after the commencement of these Regulations.
- (2) The use of a building shall not be changed to another use unless the change to that other use has been approved by a building certifier.
- (3) Before making any change in the use of a building the owner of the building or the owner's agent shall apply in writing to a building certifier setting out the nature of the proposed other use.
- (4) A building certifier shall not approve a change of use of a building to another use unless:
  - (a) the building will conform with the requirements of the Building Code applicable to that other use;
  - (b) all relevant planning or other consents, reports or approvals (if any) required under the Act and these regulations have been obtained or supplied;
  - (c) all planning or other conditions, if any, have been complied with.
- (5) Upon approving of a change of use the building certifier shall:
  - (a) revoke the existing occupancy permit issued in relation to the building (if any);
  - (b) prepare an occupancy permit in accordance with the Act and these regulations with respect to the new use;
  - (c) issue the original of the occupancy permit to the person proposing the change of use; and
  - (d) forward a copy of the occupancy permit to the Director.

## **Part 3A                    Declarations relating to particular building work**

### **20A            Application of Part**

- (1) This Part applies in relation to all building work carried out by a person under a building permit, including building work for a building mentioned in regulation 18, except:
  - (a) prescribed building work to which section 48C of the Act applies; and
  - (b) building work to which section 48G of the Act applies.
- (2) For this Part, a person completes building work under a building permit when the person completely ceases to carry out the building work specified in the building permit, regardless of whether the work is fully or partially completed.

### **20B            Declaration for building work requiring occupancy permit**

- (1) This regulation applies in relation to all completed building work that requires an occupancy permit.
- (2) The person who has completed the building work must make a declaration mentioned in section 69(1) of the Act and in accordance with section 69(2) of the Act.
- (3) The person must make the declaration not later than 14 days after completing building work for a Class 1a, Class 2 or Class 10 building, unless regulation 18 applies to the building.

Penalty:        \$10 000.

- (4) The person who makes a declaration as required by subregulation (3) must, not later than 14 days after completing the building work, give the declaration to the building certifier who granted the building permit for the work.

Penalty:        \$1 000.

*Note for subregulations (2), (3) and (4)*

*In relation to Class 3 to Class 9 buildings, subregulation (2) applies but no time limit is imposed under subregulation (3) or (4).*

- (5) If the person who completed the building work was acting for a corporation and ceased to act after completing the work, the person is not excused from making a declaration under subregulation (2) or (3) relating to the work he or she completed.

**20C Declaration for building work not requiring occupancy permit**

- (1) This regulation applies in relation to completed building work for a Class 1a or Class 10 building to which regulation 18 applies.
- (2) The person who has completed the building work must, not later than 14 days after completing the work, make a declaration in accordance with regulation 20D(1) and (2).

Penalty: \$10 000.

- (3) The person must, not later than 14 days after completing the building work, give the declaration to the building certifier who granted the building permit for the work.

Penalty: \$1 000.

- (4) If the person who completed the building work was acting for a corporation and ceased to do so after completing the work, the person is not excused from making a declaration under subregulation (2) relating to the work he or she completed.

**20D Requirements for declaration under regulation 20C**

- (1) A declaration made for regulation 20C must be in an approved form and include a statement that the building work to which it relates has been carried out in accordance with the building permit granted for the work.
- (2) The declaration must be made by the natural person who carried out the building work or was in charge of carrying out the work.
- (3) However, subregulation (2) does not apply if the declaration is made for a corporation under regulation 20E.
- (4) A person must not make a false statement in a declaration mentioned in subregulation (1).

Penalty: \$10 000.

- (5) A person who makes a declaration for a corporation under regulation 20E must not be prosecuted for an offence against subregulation (4) if the person made the declaration in good faith on the basis of information given to the person by the corporation.
- (6) Subregulation (5) does not prevent the corporation, or a director of the corporation, from being prosecuted for an offence against subregulation (4).

**20E Declaration by corporation after prescribed event**

- (1) This regulation applies in relation to completed building work mentioned in regulation 20B or 20C if all of the following circumstances apply:
- (a) the building work has been completed by a person acting for a corporation (the **responsible builder**);
  - (b) the responsible builder has failed to make a declaration under the regulation solely because of a prescribed event;
  - (c) the corporation is satisfied the building work was carried out by the responsible builder in accordance with the building permit granted for the work.
- (2) For subregulation (1)(c), the corporation must:
- (a) take all the steps necessary, within a reasonable time and using proper care and diligence, which may include engaging suitably qualified and experienced persons to inspect and give reports about the building work; and
  - (b) ensure other prescribed certification required for the building work carried out by the responsible builder has been obtained.
- (3) As soon as practicable after the corporation has satisfied itself for subregulation (1)(c), it must:
- (a) give the information it has relied on to an appropriate person; and
  - (b) ensure that a declaration is made under subregulation (4) and given to a building certifier as required by that subregulation.
- Penalty: \$50 000.
- (4) Not later than 14 days after the appropriate person has been given the information under subregulation (3), the person must:
- (a) make a declaration mentioned in section 69(1) of the Act or as required by regulation 20D(1), as applicable, relating to the building work completed by the responsible builder; and
  - (b) include in the declaration details about:
    - (i) the prescribed event; and
    - (ii) the way in which the corporation has satisfied itself under subregulation (2); and

- (c) give the declaration to the building certifier who granted the building permit for the work.

*Note for subregulation (4)*

*See section 69(5) of the Act or regulation 20D(5), as applicable, in relation to protection from prosecution for criminal liability if the declaration is made in good faith.*

- (5) In this regulation:

**appropriate person** means:

- (a) if the building work was partially completed by the responsible builder – the person who is continuing to carry out the building work or is in charge of carrying out the continuing building work; or
- (b) if the building work was fully completed – a person authorised by the corporation in writing to make the declaration under subregulation (4).

#### **20F Building certifier to give copy of declaration to Director**

A building certifier given a declaration made under regulation 20C must, not later than 7 days after receiving the declaration, give a copy of it to the Director.

Penalty: \$1 000.

## **Part 4 Approvals etc., by other persons or bodies**

### **21 Certificates by other persons**

For section 40(a) of the Act, but without limiting that provision, a building certifier may rely on a certificate that work complies with the Act and these regulations given by:

- (a) in relation to the compliance of the design of the building with these Regulations – an architect;
- (b) in relation to the structure of a building – a structural engineer;
- (c) in relation to the mechanical systems of a building – a mechanical engineer;
- (d) in relation to the hydraulic services of a building – a hydraulic engineer;
- (e) in relation to the plumbing, drainage work and on-site sewage disposal system of a building – a plumber or drainer;

- (f) in relation to the design of the plumbing and drainage works and on-site sewage disposal systems – a plumber and drainer (design),

who is a registered building practitioner under the Act.

## **Part 5 Protection of adjoining property**

### **22 Protection of adjoining property**

- (1) Where an excavation or demolition is to be made in proximity to an existing building that building shall be protected to ensure stability.
- (2) Where the foundation of an existing building is of material likely to become unstable as a result of the excavation of adjoining ground additional precautions to the satisfaction of the building certifier shall be taken to ensure stability.

## **Part 6 Enforcement of building standards**

### **23 Forms of building notice, building order**

- (1) A building notice shall be in the form of Form 1 in Schedule 3.
- (2) A building order shall be in the form of Form 2 in Schedule 3.

### **24 Management and fire evacuation training**

The matters prescribed for the purposes of section 116(2) are directions relating to:

- (a) the management and operation of the building; and
- (b) the training with respect to fire evacuation procedures to be undertaken by the occupants.

### **25 Notification, cancellation or amendment of building order**

- (1) A building certifier who makes a building order shall notify the Director within 48 hours of the making of the building order.
- (2) The Director is taken to have refused a request for the amendment or cancellation of a building order if the Director has not decided the request within 10 days after the day on which the request is made.



## **Part 7 Appeals**

### **26 Enforcement of determination**

- (1) An appeal, referral or application to the Building Appeals Board shall be in the approved form and shall set out the grounds of appeal or in the case of a referral or application shall set out the matter the subject of the referral or application.
- (2) A person who makes an appeal, referral or application shall serve a copy of the appeal, referral or application on the other party to the appeal, referral or application, as the case requires, not later than 2 days after lodging the appeal, referral or application at the office of the Building Appeals Board.
- (3) The prescribed court under section 142 of the Act for the purposes of the enforcement of determinations of the Building Appeals Board is the local court.

## **Part 8 General enforcement provision**

### **27 Recovery of penalties**

Proceedings for an offence against the Act are to be dealt with by a court of summary jurisdiction constituted by a magistrate.

### **28 Orders to be enforced by Local Court**

An order referred to in section 152 is to be enforced in the local court.

### **29 Notice of authorisation**

The Minister shall issue a notice of authorisation to each person appointed as an authorised officer under section 162 of the Act and the holder shall produce the notice whenever required to do so by a person in charge of any premises in relation to which the authorised person has exercised or is about to exercise his or her powers under the Act.

## **Part 9 Siting requirements**

### **30 Interpretation**

- (1) In this Part, unless the contrary intention appears, **siting** includes plot ratio, site coverage and set-back.

- (2) Where the corner of an allotment has been truncated, the area of the allotment shall, for the purposes of this Part, include the area of the truncated part.

### **31 Application**

This Part does not apply to or in relation to the siting of a Class 1 or Class 10 Building in any part of the Territory in relation to which there is in force development provisions, or an interim development control order, under the *Planning Act* providing for the siting of such buildings.

### **32 Minimum distances for Class 1 or Class 10 buildings**

Subject to these regulations, a Class 1 or Class 10 Building shall be situated on an allotment not less than:

- (a) 7.5 m from the street alignment of a primary street;
- (b) where the allotment has a frontage to more than one street – 2.5 m from the street alignment of the secondary street; and
- (c) 1.5 m from boundaries other than the street alignments referred to in paragraphs (a) or (b).

### **33 Exceptions**

- (1) A verandah, carport, pergola or other approved building, constructed without external walls, may be constructed less than 7.5 m from the street alignment of a primary street, but no part of the building shall be constructed less than 4.5 m from that street alignment unless approved.
- (2) The requirements of regulation 32(c) do not apply to or in relation to a garden shed, to be constructed on an allotment less than 1.5 m from a side or rear boundary of the allotment, that:
  - (a) is not more than 6 m<sup>2</sup> in area;
  - (b) is not more than 2.3 m in height;
  - (c) has no openings in its walls which adjoin a boundary; and
  - (d) does not discharge rainwater on an adjacent allotment.

**34 Minimum distance for a Class 1 building in Municipality of Palmerston**

Regulation 32 does not apply to or in relation to a Class 1 Building in the Municipality of Palmerston, and such a building in the Municipality shall be situated on an allotment not less than:

- (a) 7.5 m from the street alignment of a primary street;
- (b) where the allotment has a frontage to more than one street – 2.5 m from the street alignment of the secondary street;
- (c) 5 m from the rear boundary of the allotment; and
- (d) 3 m from any other boundary.

**35 More than one Class 1 building on one allotment**

A person shall not construct more than one Class 1 Building on an allotment except where:

- (a) a planning scheme or interim development control order allows the construction; or
- (b) the allotment is not less than 4 ha in area, not more than 2 buildings are constructed and both buildings comply with the Regulations in this Part in relation to siting requirements for separate sites.

**36 Plot ratio of Class 1 buildings**

- (1) Where a Class 1 Building or a Class 1 Building and one or more Class 10 Buildings are constructed on an allotment the total roofed area shall not exceed 50 per cent of the area of the allotment unless consent to exceed that percentage is conferred by development provisions, or an interim development control order, under the *Planning Act*.
- (2) For the purposes of calculating the roofed area for the purposes of subregulation (1) the area of a verandah, carport, pergola or other building on the site that has no external walls may be excluded.

## **Part 9A                    Relocation of approved Class 1a Buildings to approved rural land**

### **36A            Definitions**

In this Part:

**approved rural land** means land in one of the following zones, as specified in a planning scheme:

- (a) Agriculture;
- (b) Horticulture;
- (c) Rural;
- (d) Rural Living.

**original site**, of an approved Class 1a Building, means the land on which the building was originally erected.

**post-relocation building work**, for an approved Class 1a Building, means any of the following:

- (a) footings and fixture work as defined in regulation 36D(4);
- (b) plumbing connection work as defined in regulation 36E(2);
- (c) electrical installation connection work as defined in regulation 36F(2).

### **36B            Application of Part**

- (1) This Part applies only in relation to:
  - (a) an approved Class 1a Building that:
    - (i) is to be removed from its current site for relocation on approved rural land; or
    - (ii) has been relocated on approved rural land, whether before or after the commencement of this regulation; and
  - (b) post-relocation building work.
- (2) This Part does not affect a person's obligation to comply with requirements under another law in force in the Territory that relates to the erection of an approved Class 1a Building on approved rural land (for example, the *Planning Act*).

**36C Approved Class 1a Building**

- (1) A building is an **approved Class 1a Building** if:
- (a) the building work for the original erection of the building started on or after 1 January 1975; and
  - (b) after completion of the building work, the building was a Class 1a Building (or the equivalent class) under the relevant building law; and
  - (c) the building was originally erected on, and affixed to, land to which the relevant building law applied; and
  - (d) the original site of the building meets the design wind speed requirement for relocation of the building to approved rural land; and
  - (e) one of the following (the **original building status**) applies to the building:
    - (i) it was built by or for the Crown in right of the Commonwealth;
    - (ii) a permit or certificate allowing occupancy of the building was granted for it under the relevant building law.
- (2) The original site of the building meets the requirement mentioned in subregulation (1)(d) if the design wind speed applicable to the site is the same as, or greater than, the design wind speed applicable to the approved rural land to which it is proposed to relocate the building.
- (3) In this regulation:

**design wind speed**, in relation to a site, means the design wind speed under these Regulations applicable to the design and construction of buildings that may be approved on the site.

**36D Footings and fixture work**

- (1) Before a person starts to carry out footings and fixture work for an approved Class 1a Building that is to be (or has been) relocated to approved rural land, a building permit must be in force for the work.
- (2) The building permit must include the following details:
- (a) the location of the original site of the approved Class 1a Building (for example, the lot number and general location);

- (b) the original building status of the building.
- (3) The footings and fixture work must be carried out by a registered building contractor or an owner-builder.
- (4) In this regulation:
  - footings and fixture work**, for the Class 1a Building, means:
    - (a) the construction on the approved rural land of footings for the building; and
    - (b) the fixture of the building to the footings.

### **36E Plumbing connection work**

- (1) Before a person starts to carry out plumbing connection work for an approved Class 1a Building that is to be (or has been) relocated to approved rural land, a building permit must be in force for the work.
- (2) In subregulation (1):

**plumbing connection work** means work for connecting the approved Class 1a Building to a plumbing and drainage service on the approved rural land.

### **36F Electrical installation connection work**

- (1) A certificate of compliance, as mentioned in section 69A(1)(c) of the Act, is required for electrical installation connection work for an approved Class 1a Building that is to be (or has been) relocated to approved rural land.
- (2) In subregulation (1):

**electrical installation connection work** means work, to which section 69 of the *Electricity Reform Act* applies, for connecting the approved Class 1a Building to an electricity supply for the approved rural land.

### **36G Occupancy permit and structural report**

- (1) A building certifier must not issue an occupancy permit relating to post-relocation building work for an approved Class 1a Building, as specified in a building permit, unless the application for the occupancy permit is accompanied by a report by a registered certifying engineer (structural):
  - (a) made after completion of the footings and fixture work for the building, as defined in regulation 36D(4); and

- (b) stating the approved Class 1a Building has not been structurally compromised during its relocation to the approved rural land.
- (2) An occupancy permit issued in relation to post-relocation building work for an approved Class 1a Building, as specified in a building permit, must include a statement to the effect that the building retains its original building status.

## **Part 10                    Areas liable to flooding**

### **37                    Flood prone areas**

The parts of the Territory included in Schedule 4 are prescribed as flood prone areas.

### **38                    Flood levels**

- (1) Subject to a determination under this regulation, the flood level for a flood prone area is the flood level for a 1 in 100 year flood level.
- (2) The Director may by notice in the *Gazette* determine the flood level in relation to any flood prone area.
- (3) A notice under subregulation (1) may be amended or revoked by the Director by notice in the *Gazette*.
- (4) A notice under this regulation may be given in relation to a flood prone area generally or any part of such an area.

### **39                    Requirements in flood prone areas**

The following provisions apply in relation to a building constructed in a flood prone area:

- (a) the height of the lowest floor level, or lowest part of the floor level, of a habitable room shall be not less than 300 mm above the flood level for the flood prone area;
- (b) the structural design of the building shall be adequate to withstand flooding and for this purpose special consideration shall be given to:
  - (i) the site, size and shape of the building;
  - (ii) the effect of buoyancy on the sub-structure of the building; and

- (iii) the stresses that the depth and velocity of water and the impact of water borne debris may have on the structure.

## Part 11 Building practitioners

### 39A Sub-categories of building practitioner

For section 4A(2)(b) of the Act, the sub-categories specified in the table below are prescribed for the category of building practitioner specified opposite.

	Category	Sub-categories
1.	building certifier	building certifier (residential) building certifier (unrestricted)
2.	certifying plumber	certifying plumber and drainer certifying plumber and drainer (design)
3.	certifying engineer	certifying engineer (structural) certifying engineer (hydraulic) certifying engineer (mechanical)
4.	building contractor	building contractor residential (restricted) building contractor residential (unrestricted)

### 40 Condition for registration: professional indemnity insurance

- (1) For sections 24(1)(c), (2)(c) and (3)(c) and 24F(1)(e), (2)(d) and (3)(d), it is a condition for registration or renewal of registration in a category of building practitioner specified in subregulation (2) that the applicant hold a policy of professional indemnity insurance for the amount determined by the Minister.
- (2) Subregulation (1) applies in relation to all categories of building practitioner other than the following:
- (a) certifying plumber and drainer;
  - (b) building contractor.



**40A Condition of registration: HBCF plumber policy**

- (1) For sections 24(1)(c), (2)(c) and (3)(c) and 24F(1)(e), (2)(d) and (3)(d), it is a condition for registration or renewal of registration in the category of certifying plumber and drainer that the applicant hold an HBCF plumber policy.
- (2) This regulation expires on the day on which section 61 of the Act is repealed.

*Note for subregulation (2)*

*Section 61 of the Act will be repealed by section 21 of the Building Amendment Act 2004.*

- (3) In subregulation (1):

**HBCF plumber policy** means a policy of insurance that:

- (a) relates to building work carried out by a certifying plumber and drainer; and
- (b) is approved for section 61 of the Act.

**40B Last day for application for renewal of registration**

For section 24E(2) of the Act, the prescribed date is the date 2 months before the applicant's registration expires.

*Example for regulation 40B*

*If a building practitioner's registration expires on 31 December 2007, the Practitioners Board may refuse to accept the practitioner's application for renewal if it is made after 31 October 2007. If that happens, the practitioner may apply for registration under section 23 or 24A of the Act.*

**41 Fees**

The fees set out in Schedule 1 are payable in relation to the matters specified in that schedule.

**Part 11A Building contractors**

**Division 1 Prescribed matters for section 48A of the Act**

**41A Building work**

- (1) For section 48A(1) of the Act, prescribed building work is work for or in connection with the construction of any of the following:
  - (a) a Class 1a building;

- (b) a Class 2 building;
- (c) a Class 10 building attached to a Class 1a or Class 2 building if it is constructed at the same time as the Class 1a or Class 2 building is constructed;
- (d) a retaining wall (whenever constructed) that is not attached to a Class 1a or Class 2 building but on which the integrity of such a building depends.

*Examples of Class 10 buildings for subregulation (1)(c)*

1. A garage attached to a Class 1a or Class 2 building.
2. A retaining wall attached to a Class 1a or Class 2 building.

- (2) However, the prescribed building work does not include work for or in connection with the construction of any of the following:
  - (a) renovations or alterations to an existing Class 1a or Class 2 building if there is no increase in the floor area of the building;
  - (b) a Class 10 building or verandah attached to a Class 1a or Class 2 building if it is constructed at any time after the Class 1a or Class 2 building was constructed;
  - (c) a Class 10 building (whenever constructed) that is not attached to a Class 1a or Class 2 building, other than a retaining wall referred to in subregulation (1)(d).

*Examples of renovations and alterations for subregulation (2)(a)*

1. The re-cladding of the roof or walls of a Class 1a or Class 2 building.
2. The replacement of windows in a Class 1a or Class 2 building.
3. The construction of new external openings in a Class 1a or Class 2 building.
4. The enlargement or filling in of existing external openings in a Class 1a or Class 2 building.

*Examples of Class 10 buildings for subregulation (2)(c)*

1. A freestanding garage or shed.
2. A retaining wall that is not attached to a Class 1a or Class 2 building and on which the integrity of a Class 1a or Class 2 building does not depend.

**41B Building contractors for detached houses and attached dwellings and Class 2 buildings of not more than 2 storeys**

- (1) For section 48A(1)(a) and (b) of the Act, the following building contractors are prescribed for building work referred to in subregulation (2):
  - (a) a building contractor residential (restricted);

- (b) a building contractor residential (unrestricted).
- (2) Subregulation (1) applies in relation to building work that is work for or in connection with the construction of any of the following:
- (a) a Class 1a detached house;
  - (b) a Class 1a attached dwelling or Class 2 building of one or 2 storeys;
  - (c) a Class 10 building attached to a Class 1a or Class 2 building referred to in paragraph (a) or (b) if it is constructed at the same time as the Class 1a or Class 2 building;
  - (d) a retaining wall (whenever constructed) that is not attached to a Class 1a or Class 2 building referred to in paragraph (a) or (b) but on which the integrity of such a building depends.

*Examples of Class 10 buildings for subregulation (2)(c)*

1. A garage attached to a Class 1a or Class 2 building.
2. A retaining wall attached to a Class 1a or Class 2 building.

- (3) However, subregulation (1) does not apply in relation to work for or in connection with the construction of any of the following:
- (a) a Class 10 building or verandah attached to a Class 1a or Class 2 building if it is constructed at any time after the Class 1a or Class 2 building was constructed;
  - (b) a Class 10 building (whenever constructed) that is not attached to a Class 1a or Class 2 building, other than a retaining wall referred to in subregulation (2)(d).

*Examples of Class 10 buildings for subregulation (3)(b)*

1. A freestanding garage or shed.
2. A retaining wall that is not attached to a Class 1a or Class 2 building and on which the integrity of a Class 1a or Class 2 building does not depend.

**41C Building contractors for attached dwellings and Class 2 buildings of more than 2 storeys**

- (1) For section 48A(1)(a) and (b) of the Act, a prescribed building contractor for building work referred to in subregulation (2) is a building contractor residential (unrestricted).
- (2) Subregulation (1) applies in relation to building work that is work for or in connection with the construction of a Class 1a attached dwelling or Class 2 building of more than 2 storeys.

**41D Supervision by building contractor**

For section 48A(1)(b) of the Act, the prescribed building contractor must supervise the person by the level of personal oversight the contractor considers appropriate, having regard to the person's skills and experience.

**41E Minimum value of building work**

For section 48A(2)(a) of the Act, the prescribed amount is \$12 000.

**Division 2 Prescribed matters for section 48B of the Act**

**41F Building contractors**

For section 48B(1) of the Act, the following building contractors are prescribed:

- (a) a building contractor residential (restricted);
- (b) a building contractor residential (unrestricted).

**41G Building work**

- (1) For section 48B(1) of the Act, prescribed building work is work for or in connection with the construction of any of the following:

- (a) a Class 1a detached house;
- (b) a Class 10 building attached to a Class 1a detached house if it is constructed at the same time as the house is constructed;
- (c) a retaining wall (whenever constructed) that is not attached to a Class 1a detached house but on which the integrity of such a house depends.

*Examples of Class 10 buildings for subregulation (1)(b)*

- 1. A garage attached to a detached house.
- 2. A retaining wall attached to a detached house.

- (2) However, the prescribed building work does not include work for or in connection with the construction of any of the following:

- (a) renovations or alterations to an existing Class 1a detached house if there is no increase in the floor area of the house;
- (b) a Class 10 building or verandah attached to a Class 1a detached house if it is constructed at any time after the house was constructed;

- (c) a Class 10 building (whenever constructed) that is not attached to a Class 1a detached house, other than a retaining wall referred to in subregulation (1)(c).

*Examples of renovations and alterations for subregulation (2)(a)*

- 1 *The re-cladding of the roof or walls of a detached house.*
- 2 *The replacement of windows in a detached house.*
- 3 *The construction of new external openings in a detached house.*
- 4 *The enlargement or filling in of existing external openings in a detached house.*

*Examples of Class 10 buildings for subregulation (2)(c)*

- 1 *A freestanding garage or shed.*
- 2 *A retaining wall that is not attached to a detached house and on which the integrity of a detached house does not depend.*

- (3) In addition, the prescribed building work does not include work for or in connection with:
- (a) the relocation of an approved Class 1a Building to approved rural land; or
  - (b) post-relocation building work.

#### **41H Contents of building contracts**

For section 48B(2) of the Act, the contract must:

- (a) be for building work to be carried out on a single project; and
- (b) identify the building contractor; and
- (c) specify the building contractor's registration number; and
- (d) specify the extent and value of the work; and
- (e) if the contract provides for the payment of a deposit – specify the amount of the deposit, which must not be more than 5% of the value of the work; and
- (f) the stages of the work to which progress payments are linked; and
- (g) the amount of each progress payment; and
- (h) set out a process for resolving disputes between the building contractor and the owner of the land.

**41J Minimum value of building work**

For section 48B(3)(a) of the Act, the prescribed amount is \$12 000.

**Division 3 Prescribed matters for section 48C of the Act**

**41K Building contractors**

For section 48C(2) of the Act, the following building contractors are prescribed:

- (a) a building contractor residential (restricted);
- (b) a building contractor residential (unrestricted).

**41L Building work**

- (1) For section 48C(1) of the Act, prescribed building work is work for or in connection with the construction of any of the following:

- (a) a Class 1a detached house;
- (b) a Class 10 building attached to a Class 1a detached house if it is constructed at the same time as the house is constructed;
- (c) a retaining wall (whenever constructed) that is not attached to a Class 1a detached house but on which the integrity of such a house depends.

*Examples of Class 10 buildings for subregulation (1)(b)*

- 1. A garage attached to a detached house.
- 2. A retaining wall attached to a detached house.

- (2) However, the prescribed building work does not include work for or in connection with the construction of any of the following:

- (a) renovations or alterations to an existing Class 1a detached house if there is no increase in the floor area of the house;
- (b) a Class 10 building or verandah attached to a Class 1a detached house if it is constructed at any time after the house was constructed;
- (c) a Class 10 building (whenever constructed) that is not attached to a Class 1a detached house, other than a retaining wall referred to in subregulation (1)(c).

*Examples of renovations and alterations for subregulation (2)(a)*

- 1. The re-cladding of the roof or walls of a detached house.

2. *The replacement of windows in a detached house.*
3. *The construction of new external openings in a detached house.*
4. *The enlargement or filling in of existing external openings in a detached house.*

*Examples of Class 10 buildings for subregulation (2)(c)*

1. *A freestanding garage or shed.*
2. *A retaining wall that is not attached to a detached house and on which the integrity of a detached house does not depend.*

## **Part 11B Owner-builders**

### **Division 1 Prescribed matters for section 48D of the Act**

#### **41N Building work**

- (1) For section 48D(1) of the Act, prescribed building work is work for or in connection with the construction of any of the following:
  - (a) a Class 1a detached house;
  - (b) a Class 10 building attached to a Class 1a detached house if it is constructed at the same time as the house is constructed;
  - (c) a retaining wall (whenever constructed) that is not attached to a Class 1a detached house but on which the integrity of such a house depends.

*Examples of Class 10 buildings for subregulation (1)(b)*

1. *A garage attached to a detached house.*
2. *A retaining wall attached to a detached house.*

- (2) However, the prescribed building work does not include work for or in connection with the construction of any of the following:
  - (a) renovations or alterations to an existing Class 1a detached house if there is no increase in the floor area of the house;
  - (b) a Class 10 building or verandah attached to a Class 1a detached house if it is constructed at any time after the house was constructed;
  - (c) a Class 10 building (whenever constructed) that is not attached to a Class 1a detached house, other than a retaining wall referred to in subregulation (1)(c).

*Examples of renovations and alterations for subregulation (2)(a)*

1. *The re-cladding of the roof or walls of a detached house.*

2. *The replacement of windows in a detached house.*
3. *The construction of new external openings in a detached house.*
4. *The enlargement or filling in of existing external openings in a detached house.*

*Examples of Class 10 buildings for subregulation (2)(c)*

1. *A freestanding garage or shed.*
2. *A retaining wall that is not attached to a detached house and on which the integrity of a detached house does not depend.*

#### **41P Minimum value of building work**

For section 48D(2)(a) of the Act, the prescribed amount is \$12 000.

#### **41Q Exemption for certain building contractors**

For section 48D(2)(b) of the Act, the following building contractors are prescribed:

- (a) a building contractor residential (restricted);
- (b) a building contractor residential (unrestricted).

### **Division 2 Prescribed matters for section 48F of the Act**

#### **41R Period required to elapse**

For section 48F(4), the prescribed period is 6 years.

## **Part 12 Miscellaneous**

### **42 Offences**

A person who contravenes any of the provisions of these regulations commits an offence.

Penalty: \$10,000 and in the case of a continuing offence an additional penalty of \$1,000 for each day during which the offence continues.

### **43 Transitional**

Where the Practitioners Board is satisfied on application made in accordance with the Act and these regulations that a person:

- (a) is eligible for accreditation as an assistant building surveyor, by the Building Surveyors and Allied Professions Accreditation Board, or has knowledge and experience, that is in the opinion of the Practitioners Board equivalent for such accreditation, or



is the holder of a degree related to building construction, awarded by an Australian tertiary education institution, or a qualification that is in the opinion of the Practitioners Board equivalent to such a degree;

- (b) has had three years practical experience in building work in the Northern Territory relating to Class 1 Buildings, Class 10 Buildings and Class 2 Buildings not exceeding 3 residential storeys under the repealed Act; and
- (c) has had knowledge of the statutory requirements relating to building work in the Northern Territory,

the Practitioners Board may permit the person to act as a building certifier for a period of 3 years commencing from the commencement of the Act.

## **Part 13                    Matters for commencement of Building Amendment Act 2004**

### **44                    Definitions**

In this Part:

***amending Act*** means the *Building Amendment Act 2004*.

***building*** means a building constructed under a building permit granted before the commencement of Part 4A of the Act.

***work*** means work for which a building permit had been granted before the commencement of Part 4A of the Act.

### **45                    Inspection stages**

For section 62(2) of the Act, the inspection stages of work are the stages notified by the building certifier under section 62(1) of the Act as in force immediately before the commencement of section 22 of the amending Act.

### **46                    Exemption of work from sections 63 and 70**

- (1) Sections 63 and 70 of the Act do not apply to work.
- (2) However, sections 63 and 70 of the Act, as in force immediately before the commencement (respectively) of sections 23 and 27 of the amending Act, apply to work.

**47 Exemption of occupancy permit for building from section 72**

- (1) Section 72 of the Act does not apply to an occupancy permit for a building.
- (2) However, section 72 of the Act, as in force immediately before the commencement of section 29 of the amending Act, applies to the permit.

**Part 14 Transitional matters for Parts 4A and 4B of Act****48 Registration of building contractors**

- (1) Subregulation (2) applies in relation to a building contractor who was registered under section 24B or 24C of the Act after that section commenced but before Part 4A of the Act commenced.
- (2) Despite section 24D of the Act but subject to the remainder of the Act, the registration of a building contractor to whom this Part applies remains in force until the date 2 years after the commencement of Part 4A of the Act.

**49 Building permits granted before commencement of Parts 4A and 4B of the Act**

Parts 4A and 4B of the Act do not apply in relation to work for which a building permit had been granted before the commencement of the Parts.

**Part 15 Transitional matters for inspection stages of residential building work****50 Inspection stages for pre-July 2006 residential building work**

Regulation 15A does not apply to:

- (a) residential building work for which a building permit has been granted prior to 3 July 2006; or
- (b) residential building work for which:
  - (i) an application for a building permit was made before 1 January 2007; and
  - (ii) a building certifier has certified in writing that substantial progress was made in the design of the building prior to 3 July 2006.

## **Part 16 Transitional matters for Building Legislation Amendment Act 2010**

### **51 Definitions**

In this Part:

**commencement day** means the day on which the *Building Legislation Amendment Act 2010* commences.

**repealed**, in relation to a specified provision, means that provision as in force immediately before the commencement day.

**substituted**, in relation to a specified provision, means that provision as in force on the commencement day.

### **52 Declaration made by corporation after commencement day for building work completed before commencement day**

- (1) This regulation applies if, before the commencement day:
  - (a) prescribed building work to which repealed regulation 20A(1) applied had been completed by a person carrying out building work for a corporation (the **responsible builder**); and
  - (b) the declaration mentioned in that subregulation had not been given to the building certifier under repealed regulation 20A(3).
- (2) The following regulation, as appropriate, applies in relation to the declaration relating to the building work:
  - (a) substituted regulation 20B, other than subregulation (5) of that regulation;
  - (b) substituted regulation 20C, other than subregulation (4) of that regulation.
- (3) If the responsible builder ceased to act for the corporation after completing the prescribed work, the corporation must follow the procedures specified in substituted regulation 20E as if a prescribed event had occurred.
- (4) For this regulation, a responsible builder had completed prescribed building work if he or she had completely ceased to carry out the building work specified in the building permit granted for the work, regardless of whether the work was fully or partially completed.
- (5) This regulation does not affect the liability of the responsible builder for an offence against repealed regulation 20A(1), (2) or (3) or substituted regulation 20B, 20C or 20D.

## **Part 17                    Transitional Matters for Building Amendment (National Construction Code Series) Regulations 2012**

### **53                    Transitional matters for plumbing and drainage work**

- (1) Subject to this regulation, the Plumbing Code applies only to plumbing and drainage work that starts on or after the commencement day.
- (2) The modified National Plumbing Code continues to apply to plumbing and drainage work (including the design of the work) that:
  - (a) was started before the commencement day; and
  - (b) continues to be carried out on or after the commencement day.
- (3) Despite subregulation (2), the owner of the land or building on which the plumbing and drainage work is being carried out may choose to have the work carried out in accordance with the Plumbing Code.
- (4) In this regulation:

***commencement day*** means the day on which the *Building Amendment (National Construction Code Series) Regulations 2012* commence.

***modified National Plumbing Code*** means the National Plumbing Code:

- (a) as in force immediately before the commencement day; and
- (b) as modified by Schedule 5 as in force immediately before the commencement day.

***plumbing and drainage work***, see regulation 4A(2).

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**Schedule 1 Prescribed fees**

regulation 41

Item	Description	Revenue units
1	In relation to the registration of a building practitioner (other than a building contractor):	
	(a) for an application under section 23 of the Act	230
	(b) for registration under section 24 of the Act	690
2	In relation to the registration of a building contractor:	
	(a) for an application under section 24A or 24C of the Act	230
	(b) for registration under section 24B or 24C of the Act	690
3	In relation to the renewal of the registration of a building practitioner:	
	(a) for an application under section 24E of the Act	230
	(b) for renewal under section 24F of the Act	690
4	For an application for the grant or renewal of an owner-builder certificate under section 48E of the Act	230
5	For carrying out any function by the Director	full reasonable costs of exercising the function
6	For a search of the register of building permits	5
7	For a search of the register of occupancy permits	5
8	For access to building records maintained by the Director	5

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9	For a certified copy of a document under section 166A of the Act	57 plus the fee for the copy of the document payable under item 10
10	Copies of building records maintained by the Director	
	– per A4 page	1
	– per A3 drawing	5
	– per sheet of drawings larger than A3	5
11	For a search of the register of building orders	5
12	For an appeal to the Building Appeals Board:	
	(a) for a Class 1 Building, a Class 2 Building not exceeding 3 residential storeys or a Class 10 Building	115
	(b) for any other Building	230
13	For an application (other than an application relating to the modification of Part 9 of the <i>Building Regulations</i> in relation to a Class 1 or Class 10 Building) to the Building Appeals Board for modification of the <i>Building Regulations</i> – for each modification:	
	(a) for a Class 1 Building, a Class 2 Building not exceeding 3 residential storeys or a Class 10 Building	115
	(b) for any other building	230
14	For an application to the Building Appeals Board relating to the modification of Part 9 of the <i>Building Regulations</i> in relation to a Class 1 or Class 10 Building	57
15	For an inspection of a decision of the Building Appeals Board	11
16	For a copy of a decision of the Building Appeals Board – per page	1

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**Schedule 2**

regulation 8

Column 1 Reporting Authority	Column 2 Building or building work	Column 3 Matter to be reported on
Northern Territory Fire and Rescue Service established by the <i>Fire and Emergency Act</i>	Any building to be classified as a class 2 building that has more than three residential storeys and any building to be classified as a Class 3, 4, 5, 6, 7, 8, or 9 building.	Emergency vehicle areas and clear space around large isolated buildings. Fire fighting equipment. Smoke control. Emergency lighting, exit signs and warning devices.
	Special hazard buildings including: Aircraft Hangars; Cotton Mills; Distilleries; Film and television studios; High Pile storage warehouses (combustible materials);	Maintenance and testings of fire suppression equipment. Heating appliances, fireplaces, chimneys and flues. Fire and smoke control systems in buildings containing atriums. Smoke control systems for theatres.
	Buildings where the following materials are to be produced, used or stored: Celluloid Goods; Fire works; Fibre glass products; Foam Rubber; Foam Plastics; Chemicals; Paint, varnish; Woodwool.	
Chief Health Officer appointed under the <i>Public Health Act</i>	Special Use Buildings including: Food premises; Premises to be used for activities involving Skin Penetration; Mortuaries.	Parts H101, H102 and H103 of the Building Code of Australia.  Those matters relating to the registration of the premises under relevant Health Legislation.

	<p>Any building:</p> <ul style="list-style-type: none"> <li>– to be classified as a Class 3 building;</li> <li>– to be classified as a Class 9a building;</li> <li>– to be used a child minding facility;</li> <li>– to be used for the purposes of carrying out Hairdressing.</li> </ul>	
<p>Work Health Authority continued under the <i>Work Health Administration Act</i></p>	<p>Any building:</p> <ul style="list-style-type: none"> <li>– to be used for the purposes of an educational workroom, abrasive blasting chamber, spray painting booth or laboratory;</li> <li>– to be used for the storage of dangerous goods as defined: <ul style="list-style-type: none"> <li>• in section 3 of the <i>Dangerous Goods Act</i>;</li> <li>or</li> <li>• under Schedule 1 of the <i>Work Health and Safety (National Uniform Legislation) Act</i>;</li> </ul> </li> <li>– that is to contain a lift, escalator or moving walkway;</li> <li>– that is constructed of scaffold that is to be used as a spectator stand.</li> </ul>	<p>Those matters relating to the <i>Work Health and Safety (National Uniform Legislation) Regulations</i>.</p>
<p>Power and Water Corporation established by the <i>Power and Water Corporation Act</i></p>	<p>Any building:</p> <ul style="list-style-type: none"> <li>– requiring connection to a power, water or sewerage main of the Authority;</li> <li>– requiring an on site electrical substation;</li> <li>– that will encroach on the safety clearances of an overhead power-line</li> </ul>	<p>For consent to connect to a power, water or sewerage main of the Authority;</p> <p>approval of the size and location of an electrical substation;</p> <p>consent to any encroachment.</p>



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	<p>as specified;          – requiring the installation of trade waste interceptors or discharge of trade waste to the sewer.</p>	<p>consent to any interceptor or discharge.</p>
<p>The relevant consent authority for a planning scheme or interim development control order under the <i>Planning Act</i></p>	<p>Any building subject to compliance with a planning scheme, interim development control order or development permit under the <i>Planning Act</i></p>	<p>Compliance with the planning scheme, interim development control order or development permit.</p>
<p>Agency having responsibility for roads under the <i>Control of Roads Act</i>.</p>	<p>Any building:          – that will effect a discharge of surface water onto the road;          or          – requires any new construction or new alteration to existing conditions or facilities within the road reserve.</p>	<p>Consent to:          – the discharge;          – the construction or alteration within the road reserve</p>
<p>Council for the local government area in which the building is situated or, if the building is not situated in a local government area, the Agency having responsibility for roads and stormwater drainage.</p>	<p>Any building:          – that will effect a discharge of surface water on to the road, public place or adjoining property; or          – requiring any new construction or any alteration to existing conditions or facilities within a road reserve.</p>	<p>Consent to:          – the discharge;          – the construction or alteration within the road reserve.</p>

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**Schedule 3**

regulation 23

FORM 1

NORTHERN TERRITORY OF AUSTRALIA

BUILDING NOTICE

LOT/PORTION NO.

OWNER/AGENT:

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An inspection of the above mentioned land on  
revealed the existence of:—

has

Therefore you are required to:—

Comments (if any)

Further information on this matter is available from:—

Telephone:

.....  
PERSON SIGNING THIS NOTICE

dated this                      day                      of                      19

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FORM 2

regulation 23

NORTHERN TERRITORY OF AUSTRALIA  
BUILDING ORDER

LOT/PORTION NO.

OWNER/AGENT:

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On \_\_\_\_\_ you were issued with a Building Notice, requiring you to carry out the following:

No satisfactory response has been received from you to date.

Therefore, in accordance with sections 112 and 113 of the *Building Act*, you are required to:

– within 28 days of the service of this order.

Failure to comply with the requirements of this order may result in legal action being taken under section XXXXX of the *Building Act*. The Act provides for a penalty for non compliance (See section 128).

Further information regarding this matter is available from:

Telephone:

.....  
PERSON SIGNING THIS ORDER

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

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## **Schedule 4 Flood prone areas**

regulation 37

The areas prescribed as flood prone areas under Schedule 1 clause 9 of the Act are the areas included within a black border on the numbered maps specified below held in the office of the Director.

Adelaide River	Map Adelaide River	No BBADR 001
Alice Springs (Greater Area)	Map Alice Springs	No BBASP 001
Borroloola	Map Borroloola	No BBBOR 001
Darwin (Greater Area)	Map Darwin	No BBDAR 001
Katherine	Map Katherine	No BBKAT 001
Namarada	Map Namarada	No BBDAR 002
Timber Creek	Map Timber Creek	No BBTIM 001

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**ENDNOTES**
**1 KEY**

Key to abbreviations

<b>amd = amended</b>	<b>od = order</b>
<b>app = appendix</b>	<b>om = omitted</b>
<b>bl = by-law</b>	<b>pt = Part</b>
<b>ch = Chapter</b>	<b>r = regulation/rule</b>
<b>cl = clause</b>	<b>rem = remainder</b>
<b>div = Division</b>	<b>renum = renumbered</b>
<b>exp = expires/expired</b>	<b>rep = repealed</b>
<b>f = forms</b>	<b>s = section</b>
<b>Gaz = Gazette</b>	<b>sch = Schedule</b>
<b>hdg = heading</b>	<b>sdiv = Subdivision</b>
<b>ins = inserted</b>	<b>SL = Subordinate Legislation</b>
<b>lt = long title</b>	<b>sub = substituted</b>
<b>nc = not commenced</b>	

**2 LIST OF LEGISLATION*****Building Regulations 1993 (SL No. 26, 1993)***

Notified	1 September 1993
Commenced	1 September 1993

***Amendments of the Building Regulations (SL No. 39, 1993)***

Notified	10 November 1993
Commenced	10 November 1993

***Amendments of Building Regulations (SL No. 34, 1995)***

Notified	4 October 1995
Commenced	4 October 1995

***Amendment of Building Regulations (SL No. 26, 1997)***

Notified	7 January 1998
Commenced	7 January 1998

***Amendments of Building Regulations (SL No. 28, 1998)***

Notified	8 July 1998
Commenced	8 July 1998

***Amendments of Building Regulations (SL No. 51, 1998)***

Notified	11 November 1998
Commenced	11 November 1998

***Planning (Consequential Amendments) Act 1999 (Act No. 56, 1999)***

Assent date	14 December 1999
Commenced	12 April 2000 (s 2, s 2 <i>Planning Act 1999</i> (Act No. 55, 1999) and Gaz S15, 12 April 2000)

***Amendment of Building Regulations (SL No. 15, 2004)***

Notified	28 April 2004
Commenced	28 April 2004

***Building Amendment Regulations 2005 (SL No. 38, 2005)***

Notified 19 October 2005  
 Commenced 19 October 2005

***Building Amendment Regulations (No. 2) 2005 (SL No. 50, 2005)***

Notified 14 December 2005  
 Commenced 14 December 2005 ( r 2, s 2 *Building Amendment Act 2004* (Act No. 65, 2004) and Gaz G50, 14 December 2005, p 4)

***Statute Law Revision Act 2005 (Act No. 44, 2005)***

Assent date 14 December 2005  
 Commenced 14 December 2005

***Building Amendment (Transitional Matters) Regulations (No. 1) 2006 (SL No. 16, 2006)***

Notified 14 June 2006  
 Commenced 3 July 2006 ( r 3, s 2 *Building Amendment Act 2004* (Act No. 65, 2004) and Gaz S15, 3 July 2006, p 1)

***Building Amendment (Builder Declarations) Regulations 2006 (SL No. 17, 2006)***

Notified 14 June 2006  
 Commenced 3 July 2006 ( r 2, s 2 *Building Amendment Act 2004* (Act No. 65, 2004) and Gaz S15, 3 July 2006, p 1)

***Building Amendment (Transitional Matters) Regulations (No. 2) 2006 (SL No. 24, 2006)***

Notified 12 July 2006  
 Commenced 3 July 2006 ( r 3, s 2 *Building Amendment Act 2004* (Act No. 65, 2004) and Gaz S15, 3 July 2006, p 1)

***Building Amendment (Exemption from Inspection) Regulations 2007 (SL No. 2, 2007)***

Notified 7 February 2007  
 Commenced 7 February 2007

***Law Reform (Work Health) Amendment Act 2007 (Act No. 30, 2007)***

Assent date 12 December 2007  
 Commenced 1 July 2008 (Gaz S29, 25 June 2008)

***Statute Law Revision Act 2008 (Act No. 6, 2008)***

Assent date 11 March 2008  
 Commenced 11 March 2008

***Local Government (Consequential Amendments) Act 2008 (Act No. 28, 2008)***

Assent date 14 November 2008  
 Commenced 1 July 2008 (s 2)

***Statute Law Revision Act 2009 (Act No. 25, 2009)***

Assent date 1 September 2009  
 Commenced 16 September 2009 (Gaz G37, 16 September 2009, p 3)

***Fees and Charges Amendment Regulations 2009 (SL No. 34, 2009)***

Notified 14 December 2009  
 Commenced 1 January 2010 ( r 2)

***Building Legislation Amendment Act 2010 (Act No. 22, 2010)***

Assent date 30 June 2010  
 Commenced 25 August 2010 (Gaz G34, 25 August 2010, p 7)

**Building Amendment (Rural Relocation) Regulations 2011 (SL No. 46, 2011)**

Notified	2 November 2011
Commenced	2 November 2011

**Work Health and Safety (National Uniform Legislation) Implementation Act 2011 (Act No. 38, 2011)**

Assent date	14 December 2011
Commenced	1 January 2012 (Gaz S79, 30 December 2011)

**Building Amendment (National Construction Code Series) Regulations 2012 (SL No. 36, 2012)**

Notified	3 August 2012
Commenced	3 August 2012

**3 LIST OF AMENDMENTS**

r 2	amd No. 34, 1995, r 2; No. 26, 1997; No. 15, 2004; No. 50, 2005, r 4; Act No. 22, 2010, s 16; No. 46, 2011, r 3; No. 36, 2012, r 3
r 3	amd No. 34, 1995, r 2; No. 46, 2011, r 4
rr 3A – 3B	ins No. 46, 2011, r 5
r 4	amd No. 51, 1998, r 1; No. 36, 2012, r 4
r 4A	ins No. 36, 2012, r 5
r 5	amd No. 34, 1995, r 2; No. 38, 2005, r 3; Act No. 44, 2005, s 35
r 10	amd No. 34, 1995, r 2
r 11	amd No. 39, 1993, r 2; Act No. 56, 1999, s 3(2)
r 12	amd No. 34, 1995, r 2
r 13	amd Act No. 22, 2010, s 17
r 14	amd No. 34, 1995, r 2
pt 3 hdg	sub No. 50, 2005, r 5
pt 3	
div 1 hdg	ins No. 50, 2005, r 5
r 15A	ins No. 50, 2005, r 5
pt 3	
div 2 hdg	ins No. 50, 2005, r 6
r 16A	ins No. 50, 2005, r 6
pt 3	
div 3 hdg	ins No. 50, 2005, r 7
r 18	amd No. 34, 1995, r 2 sub No. 50, 2005, r 8
rr 18A – 18C	ins No. 50, 2005, r 8
pt 3	
div 4 hdg	ins No. 17, 2006, r 4
rr 20A – 20B	ins No. 17, 2006, r 4 sub Act No. 22, 2010, s 18
rr 20C – 20F	ins Act No. 22, 2010, s 18
r 21	amd Act No. 22, 2010, s 21
r 24	amd No. 34, 1995, r 2
r 26	amd No. 34, 1995, r 2
rr 28 – 29	amd No. 34, 1995, r 2
r 31	amd No. 34, 1995, r 2; Act No. 56, 1999, s 3(2)
r 35	amd No. 34, 1995, r 2; Act No. 6, 2008, s 4
r 36	amd No. 34, 1995, r 2; Act No. 56, 1999, s 3(2)
pt 9A hdg	ins No. 46, 2011, r 6
rr 36A – 36G	ins No. 46, 2011, r 6
pt 11 hdg	amd No. 28, 1998, r 1
r 39A	ins No. 28, 1998, r 2 sub No. 50, 2005, r 9

## ENDNOTES

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r 39B	ins No. 28, 1998, r 2 rep No. 50, 2005, r 9
r 40	sub No. 50, 2005, r 10
rr 40A – 40B	ins No. 50, 2005, r 10
pt 11A hdg	ins No. 50, 2005, r 11
pt 11A	
div 1 hdg	ins No. 50, 2005, r 11
rr 41A – 41E	ins No. 50, 2005, r 11
pt 11A	
div 2 hdg	ins No. 50, 2005, r 11
r 41F	ins No. 50, 2005, r 11
r 41G	ins No. 50, 2005, r 11 amd Act No. 22, 2010, s 19; No. 46, 2011, r 7
rr 41H – 41J	ins No. 50, 2005, r 11
pt 11A	
div 3 hdg	ins No. 50, 2005, r 11
r 41K	ins No. 50, 2005, r 11 amd Act No. 22, 2010, s 21
r 41L	ins No. 50, 2005, r 11
r 41M	ins No. 50, 2005, r 11 om Act No. 22, 2010, s 21
pt 11B hdg	ins No. 50, 2005, r 12
pt 11B	
div 1 hdg	ins No. 50, 2005, r 12
rr 41N – 41Q	ins No. 50, 2005, r 12
pt 11B	
div 2 hdg	ins No. 50, 2005, r 12
r 41R	ins No. 50, 2005, r 12
pt 12 hdg	ins No. 28, 1998, r 3
pt 13 hdg	ins No. 16, 2006, r 4
rr 44 – 47	ins No. 16, 2006, r 4
pt 14 hdg	ins No. 24, 2006, r 4
rr 48 – 49	ins No. 24, 2006, r 4
pt 15 hdg	ins No. 2, 2007, r 3
r 50	ins No. 2, 2007, r 3
pt 16 hdg	ins Act No. 22, 2010, s 20
rr 51 – 52	ins Act No. 22, 2010, s 20
pt 17 hdg	ins No. 36, 2012, r 6
r 53	ins No. 36, 2012, r 6
sch 1 hdg	sub No. 50, 2005, r 13
sch 1	amd No. 39, 1993, r 3; No. 50, 2005, r 13 sub No. 34, 2009, r 13
sch 2	amd No. 34, 1995, r 1; No. 51, 1998, r 2; Act No. 44, 2005, s 35; Act No. 6, 2008, s 4; Act No. 30, 2007, s 59; Act No. 28, 2008, s 4; Act No. 25, 2009, s 11; Act No. 38, 2011, s 31
sch 3	amd No. 34, 1995, r 2
sch 4	amd No. 34, 1995, r 2; Act No. 22, 2010, s 21
sch 5	amd Act No. 44, 2005, s 35 rep No. 36, 2012, r 7