

NORTHERN TERRITORY OF AUSTRALIA

BUILDING AMENDMENT (BUILDING STANDARDS AND OTHER MATTERS) REGULATIONS 2013

Subordinate Legislation No. 46 of 2013

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NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 46 of 2013*

Building Amendment (Building Standards and Other Matters) Regulations 2013

I, Sally Gordon Thomas, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Building Act*.

Dated 18 December 2013

S. G. THOMAS
Administrator

By Her Honour's Command

P. G. CHANDLER
Minister for Lands, Planning and the Environment

* Notified in the *Northern Territory Government Gazette* on 19 December 2013.

1 Citation

These Regulations may be cited as the *Building Amendment (Building Standards and Other Matters) Regulations 2013*.

2 Commencement

These Regulations commence on the commencement of section 4 of the *Building Amendment (Disability Access and Other Matters) Act 2012*.

3 Regulations amended

These Regulations amend the *Building Regulations*.

4 Regulation 2 amended

Regulation 2(1)

insert (in alphabetical order)

affected part, for Part 2, Division 2, see regulation 5A.

alternative building solution means alternative solution as defined in Part A1.1 of the Building Code.

existing, for Part 2, Division 2, see regulation 5A.

new part, for Part 2, Division 2, see regulation 5A.

prescribed fee means a fee prescribed under regulation 2A.

5 Regulation 2A inserted

After regulation 2

insert

2A Prescribed fees

Schedule 1 prescribes the fees payable for the matters it specifies.

6 Part 2, Division 1 heading inserted

Before regulation 4, in Part 2

insert

Division 1 General provisions

7 Part 2, Division 2 inserted

After regulation 5

insert

Division 2 Disability Access Standards

5A Definitions

In this Division:

affected part, in relation to an existing building that is to contain a new part, means:

- (a) the principal pedestrian entrance of the building; and
- (b) any part of the building that is necessary to provide a continuous accessible path of travel from that entrance to the proposed new part.

existing, in relation to a building, passenger lift, accessible sanitary compartment or sanitary compartment suitable for use by people with a disability, means existing as of 1 May 2011.

new part, in relation to an existing building, means a part of the building:

- (a) that is to be extended or modified; and
- (b) for which an application for a building permit for the building work for the construction mentioned in paragraph (a) was made on or after 1 May 2011.

5B Disability access provisions

For section 129B(1)(b) of the Act, the following provisions of the Building Code, as adopted by regulation 4(1), are prescribed for Part 10A of the Act:

- (a) Section D (Access and Egress);
- (b) Part E3 (Lift Installations);
- (c) Part F2 (Sanitary and Other Facilities).

5C Application of disability access provisions

- (1) A disability access provision applies in relation to a building, or land on which a building is to be constructed, subject to this regulation and the concessions and exemption specified in this Division.
- (2) Despite anything to the contrary in the Building Code, a disability access provision does not apply to:
 - (a) a new part of a Class 1b building if:
 - (i) the building has fewer than 4 bedrooms that are used for rental accommodation; and
 - (ii) the building was constructed before 1 May 2011 or an application for a building permit for the construction of the building was made before that date; or
 - (b) a new part of a Class 2 building if the building was constructed before 1 May 2011 or an application for a building permit for the construction of the building was made before that date; or
 - (c) the internal parts of a sole-occupancy unit in a Class 2 building; or
 - (d) a Class 4 building; or
 - (e) a Class 10 building or a new part of a Class 10 building or an affected part of a Class 10 building that is associated with:
 - (i) a Class 1a building; or
 - (ii) a Class 4 part of a building.
- (3) Subject to subregulation (4), if an existing building is to contain a new part that is required to comply with a disability access provision, any affected part of the building is also required to be brought into compliance with the disability access provision.
- (4) Despite anything to the contrary in these Regulations, a disability access provision does not apply to an affected part of a building if:
 - (a) parts of the building are leased to different persons; and
 - (b) one of the persons is responsible for building work to be carried out in relation to the new part of the building; and
 - (c) the new part is leased to that person.

5D Passenger lift concession

- (1) This regulation applies in relation to the deemed-to-satisfy provision in the Building Code, Part E, Table E3.6(b), requiring a passenger lift that travels more than 12 m to have a lift floor dimension of not less than 1 400 mm x 1 600 mm.
- (2) The deemed-to-satisfy provision does not apply to an existing passenger lift that:
 - (a) is located in a new part or an affected part of an existing building; and
 - (b) has a lift floor dimension of no less than 1 100 mm x 1 400 mm.

5E Toilet concession

- (1) This regulation applies in relation to the requirements in the Building Code, Part F2.4(c) and (e), to the extent that they require compliance with AS1428.1-2009 *Design for access and mobility* Part 1: *General requirements for access – New building work*.
- (2) The requirements do not apply to an existing accessible sanitary compartment, or an existing sanitary compartment suitable for use by people with a disability, that:
 - (a) is located in a new part or an affected part of a building; and
 - (b) complies with AS1428.1-2001 *Design for access and mobility* Part 1: *General requirements for access – New building work*.
- (3) In this regulation:

AS, followed by a designation, means the Australian Standard having that designation.

Australian Standard means a standard published by Standards Australia Limited ABN 85 087 326 690, as in force from time to time.

5F Exemption by Human Rights Commission

- (1) If a person has been granted a public transport building exemption by the Australian Human Rights Commission under Part 5 of the Commonwealth Disability Access Standards, the exemption applies regardless of anything to the contrary in these Regulations.

-
- (2) In subregulation (1):

Commonwealth Disability Access Standards means the *Disability (Access to Premises – Buildings) Standards 2010* (Cth).

public transport building exemption means an exemption from all or part of Part H2 of the Schedule to the Commonwealth Disability Access Standards.

Part 2A Building permits

8 Regulation 12A inserted

After regulation 12

insert

12A Statement about disability access matters

- (1) This regulation applies if a building permit relates to building work:
- (a) involving an alternative building solution for a disability access provision; or
 - (b) in relation to which the Appeals Board has made a disability access decision.
- (2) The building permit must include a statement about the alternative building solution or making of the decision.

Note for regulation 12A(2)

See also regulation 14(1)(h) in relation to the disability access decision.

9 Regulation 14 replaced

Regulation 14

repeal, insert

14 Documents relating to building permits to be provided to the Director

- (1) For section 42(1)(c) of the Act, the building certifier must provide copies of the following documents to the Director on the grant of a building permit:
- (a) the application;
 - (b) any drawings of the building work to be carried out that form part of the permit;

-
- (c) a schedule of the inspections of the work that the certifier proposes to carry out under section 63 of the Act, including at the inspection stages prescribed by regulation 15A;
 - (d) any certificates mentioned in section 40 of the Act on which the building certifier has relied in granting the permit;
 - (e) if there is a residential building contract for the building work to be carried out under the building permit:
 - (i) a document providing evidence of the contract; and
 - (ii) the RBI policy document or fidelity certificate in force for the building work;
 - (f) any relevant planning or other prescribed consents, reports and approvals mentioned in section 59(1)(b) of the Act;
 - (g) any other certificates, consents, reports, approvals or documents relied on by the building certifier in granting the permit;
 - (h) if the building work is to be carried out by an owner-builder – the owner-builder certificate in force for the work;
 - (j) if the Appeals Board has made a disability access decision in relation to the work – that decision.
- (2) If a building certifier grants a building permit under section 58A of the Act, the building certifier must provide copies of the following to the owner or the owner's agent:
- (a) the application;
 - (b) any drawings of the building work to be carried out that form part of the permit;
 - (c) any certificates mentioned in section 40 of the Act on which the building certifier has relied in granting the permit;
 - (d) the building permit.

10 Part 3, Division 2 repealed

Part 3, Division 2

repeal

11 Regulation 18AA inserted

After regulation 18

insert

18AA Statement about disability access matters

- (1) This regulation applies if an occupancy permit relates to building work:
 - (a) involving an alternative building solution for a disability access provision; or
 - (b) in relation to which the Appeals Board has made a disability access decision.
- (2) The occupancy permit must include a statement about the alternative building solution or making of the decision.

Note for regulation 18AA(2)

See also regulation 18A(e) in relation to the disability access decision.

12 Regulation 18A amended

- (1) Regulation 18A

omit

in respect of building work

insert

provided to the Director
- (2) Regulation 18A(d)

omit

16A(h).

insert

14(1);

(3) After regulation 18A(d)

insert

- (e) if the Appeals Board has made a disability access decision in relation to the building work – that decision, unless the decision was already provided under regulation 14(1)(j).

13 Part 7 replaced

Part 7

repeal, insert

Part 7 Appeals Board – appeals, referrals and applications

26 Form and lodgment of referral or application

A referral or application to the Appeals Board under Part 11 of the Act must be:

- (a) in the approved form; and
- (b) lodged with the Appeals Board.

Note for regulation 26

Section 130A(2) deals with the form and lodgment of an appeal.

26A Service of appeal, referral or application

A person who makes an appeal, referral or application under Part 11 of the Act must serve a copy on the other party to the appeal, referral or application no later than 2 days after it is lodged with the Appeals Board.

26B Leave of Local Court for enforcement of determination

For section 142 of the Act, the Local Court is the prescribed court for giving leave for the enforcement of the Appeal Board's determination of an appeal, referral or application.

14 Regulation 40A inserted

After regulation 40

insert

40A Variation or revocation of conditions imposed on registration

The Practitioners Board may, as it considers appropriate but subject to section 24FAB(2), vary or revoke all or any of the conditions imposed on the registration of a building practitioner (***registration conditions***).

15 Regulation 41 repealed

Regulation 41

repeal

16 Schedule 1 amended

(1) Schedule 1

omit

regulation 41

insert

regulation 2A

(2) Schedule 1

omit

Revenue units

insert

Fee (revenue units)

(3) Schedule 1, item 2, paragraphs (a) and (b)

omit

or 24C

(4) Schedule 1

insert (in numerical order)

12A	For an application to the Appeals Board:	
	(a) for a disability access decision about a Class 1b building, Class 2 building that does not exceed 3 residential storeys or Class 10 building	543
	(b) for a disability access provision about any other building	1 087
12B	For an amendment to an application to the Appeals Board:	
	(a) for a disability access decision about a Class 1b building, Class 2 building that does not exceed 3 residential storeys or Class 10 building	271.50
	(b) relating to a disability access provision about any other building	543.50

17 Regulations further amended

The Schedule has effect.

Schedule Regulations further amended

regulation 17

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
Part 1, heading, at the end		matters
regulation 2(2) and (4)	the purposes of these regulations	these Regulations
	to be regarded as	taken to be
regulation 2(3)	regulations	Regulations
regulation 2(4)	shall be	are
regulation 3, heading	regulations	Regulations
regulation 3(1)	regulations	Regulations
regulation 3(1)(a), (b)(i) and (ii) and (c), at the end		or
regulation 4, heading	Code, &c.,	Code and other codes
regulation 4(2)	shall conform with these regulations	must conform with these Regulations
	the case requires	relevant
regulation 6	shall	must
regulation 6(a), (b) and (c)(i), at the end		and
regulation 6(d)	the case of	relation to
regulation 8(1)	column 1 of Schedule 2:	Schedule 2, column 1:

regulation 8(1)(a)	all words from "work," to "Schedule;"	work specified opposite the person or body in Schedule 2, column 2;
regulation 8(1)(b)	all words from "upon" to "relation"	about the matters specified opposite the class of building or building work in Schedule 2, column 3, that are relevant
regulation 8(2)	all words from "Where" to "shall"	If a report is required from a reporting authority, the building certifier must
regulation 8(3)	Nothing in subregulation (1) affects or regulation under any other Act	Subregulation (1) does not affect
regulation 10	shall	must
regulation 10(a), at the end		or
regulation 11, heading	all words after "Prescribed"	approvals, consents and conditions
regulation 11(1) and (2)	the purposes of	
regulation 11(1)(a)	land, the	land – the
regulation 11(1)(b)	and	
regulation 11(1)(c)	all words after "Heritage"	<i>Act</i> – the Minister responsible for the administration of that Act
regulation 11(2)(c)	(c)	(b)
regulation 12	all words after "Minister"	responsible for the administration of the <i>Heritage Act</i>
regulation 13(3)	shall	must

regulation 15	under the Act	
regulation 15(b)	shall	must
regulation 15A, heading, at the end		for notification during building work
regulation 16	shall	must
regulation 18(2)	notice in the <i>Gazette</i>	<i>Gazette</i> notice
regulations 19 and 20(2), (3), (4) and (5)	shall	must
regulation 20(4)(a) and (b) and (5)(a) and (b), at the end		and
regulation 20(4)(b) and (5)(b)	regulations	Regulations
Part 4, heading	Approvals etc., by other persons or bodies	Reliance on certificates
regulation 21, heading,	other persons	particular building practitioners
regulation 21	regulations by:	Regulations by any of the following who is a registered building practitioner:
regulation 21(f)	(design),	(design).
regulation 21	who is a registered building practitioner under the Act.	
regulations 22(1) and (2) and 23(1) and (2)	shall	must
regulation 24	the purposes of	
regulation 24(b)	with respect	relating
regulation 25(1)	shall	must

regulation 29	Minister shall holder shall	Minister is to holder must
regulation 30(2)	shall, for the purposes of this Part,	is, for this Part, taken to
regulation 32	regulations shall	Regulations must
regulation 32(a), at the end		and
regulation 33(1)	shall	is to
regulation 33(2)(a) and (b), at the end		and
regulation 34	shall	must
regulation 34(a) and (b), at the end		and
regulation 35	shall	must
regulation 35(b)	the Regulations in	
regulation 36(1)	shall	must
regulation 36(2)	For the purposes of calculating the roofed area for the purposes of	In calculating the roofed area for
regulation 38(2) and (3)	notice in the <i>Gazette</i>	<i>Gazette</i> notice
regulation 39(a)	shall be not less than	must be at least
regulation 39(b)	shall (<i>all references</i>)	must
regulation 39(b)(i), at the end		and
regulation 42	regulations	Regulations
regulation 43, heading, at the end		matters for commencement of <i>Building Act 1993</i>

Schedule 2, Column 1	<i>Public Health Act</i>	<i>Public and Environmental Health Act</i>
Schedule 3, Forms 1 and 2	19	20
