

NORTHERN TERRITORY OF AUSTRALIA

BUILDING REGULATIONS

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NORTHERN TERRITORY OF AUSTRALIA

Regulations 1991, No. 5*

Regulations under the *Building Act*

I, JAMES HENRY MUIRHEAD, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the *Building Act*.

Dated 1 March 1991.

J.H. MUIRHEAD
Administrator

BUILDING REGULATIONS

PART 1 - PRELIMINARY

1.1 CITATION

These Regulations may be cited as the Building Regulations.

1.2 COMMENCEMENT

These Regulations shall come into operation on the commencement of the *Building Amendment Act 1989*.

1.3 REPEAL OF NORTHERN TERRITORY BUILDING CODE

The Northern Territory Building Code is repealed.

1.4 SAVINGS AND TRANSITIONAL

(1) In this regulation "repealed Regulations" means the Northern Territory Building Code as in force immediately before the commencement of these Regulations.

* Notified in the *Northern Territory Government Gazette* on 1 March 1991.

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(2) Where a person has not contravened the repealed Regulations, he is not contravening or failing to comply with these Regulations where -

- (a) in relation to building work commenced before the commencement of these Regulations for which building approval was not required under the repealed Regulations, he carries out the building work in accordance with the repealed Regulations; or
- (b) in relation to building work for which building approval was required under the repealed Regulations, he carries out the building work in accordance with the repealed regulations, the building approval granted under them, and the drawings, plans, specifications and other documentation approved under them.

(3) Where a person has been granted building approval under the repealed Regulations before the commencement of these Regulations the right to commence or carry out building work by virtue of that building approval continues in force not later than 24 months after the date it was granted or, where another period for completion of the building work is specified in the approval, not later than the expiration of that other period.

(4) The Building Controller may, as he thinks fit, grant building approval under the repealed Regulations where an application for building approval and the appropriate fee has been lodged with the Building Controller before the commencement of these Regulations.

(5) Where building work has been completed in accordance with the requirements and standards of the repealed Regulations and the Building Controller, in pursuance of section 40 of the Act, proceeds to issue, or has issued, a prescribed certificate in respect of the building work, the prescribed class specified in the prescribed certificate shall be, or shall be deemed to be, as the case may be, the class that is as near as practicable to the appropriate prescribed class under the repealed Regulations in respect of the building work.

(6) An action, prosecution or other proceeding begun or taken, in respect of a contravention of the repealed Regulations, before the commencement of these Regulations may be continued as if these Regulations had never commenced, and an action, prosecution or other proceeding in respect of a thing done or omitted to be done under the repealed Regulations may be brought, taken and prosecuted in the same manner as if these Regulations had never commenced.

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1.5 BUILDING CODE ADOPTED AS LAW OF TERRITORY

The Building Code 1990 is adopted as a law of the Territory and has effect as if its provisions were regulations incorporated in these Regulations and a reference in these Regulations to these Regulations in general terms includes a reference to the Building Code.

1.6 INTERPRETATION

Definitions

(1) In these Regulations, unless the contrary intention appears -

"allotment" means the land contained within the title boundaries of an individual lot;

"AS" means Australian Standard, being a standard approved for publication on behalf of the Council of the Standards Association of Australia;

"authorized person" means a person authorized by an owner of an allotment on which building work is being or will be carried out, or on which building work has been completed in accordance with a building approval, as the case may be, to act on the owner's behalf;

"builder", in relation to a building, includes a person carrying out building work;

"certificate of occupancy" means the certificate specified in regulation 7.2 and set out in Form 3;

"Class" means the classification of buildings as set out in Part A3 of the Building Code;

"Director" means the Director within the meaning of the *Fire Service Act*;

"plot ratio", in relation to an allotment, means the number obtained by dividing the total floor area of the building or buildings, if any, on the allotment by the area of the allotment;

"Power and Water Authority" means the Power and Water Authority established by the *Power and Water Authority Act*;

"street" means a public street within the meaning of the *Traffic Act*;

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"street alignment" means the boundary between a street and an allotment abutting on the street.

Definition of Fire Safety

(2) For the purposes of section 28A(2)(a), without limiting the generality of that provision, a requirement or standard that affects the fire safety of a building or proposed building is one within Parts C2.4, E1, E2, E4, E5, G2, G3.8 and H1.2 of the Building Code.

References to Forms

(3) In these Regulations, a reference to a form by number is a reference to a form so numbered in Schedule 1.

1.7 APPLICATION

These Regulations do not apply to a Class 10 building to which no electrical, plumbing or drainage services are connected and that is -

- (a) 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 m² and is not more than 2100 mm in height above the mean natural ground level of its site;
- (b) 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 m² 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; or
- (d) a pergola that is not less than 50 mm from a building to which these Regulations apply, is not attached or connected in any way to that building and to which no rigid cladding is fixed.

1.8 RELOCATION OF EXISTING BUILDING

The Building Controller shall grant an approval to relocate an existing building subject to the following conditions:

- (a) the building shall be relocated on approved footings;

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- (b) the building, after relocation, will be structurally sound in accordance with these Regulations;
- (c) the applicant shall comply with paragraphs (a) and (b) within the period specified in the approval.

1.9 CLASSIFICATION OF BUILDINGS

Classification in Accordance with Part A3 of the Code

(1) Buildings shall be classified into classes in accordance with Part A3 of the Building Code.

Building Controller may Determine Classification

(2) Where there is doubt or a dispute as to the classification of a building, the Building Controller may determine the classification of the building.

PART 2 - OFFENCES AND PENALTIES

2.1 NOTICE OF CONSENT OF BUILDING CONTROLLER FOR INSTITUTION OF PROCEEDINGS

For the purposes of section 52 of the Act, a notice of consent of the Building Controller to the commencement of proceedings under the Act shall be in accordance with Form 1.

PART 3 - BUILDING APPROVAL

3.1 APPLICATION FOR BUILDING APPROVAL

Form of Application for Building Approval

(1) For the purposes of section 28(1) of the Act, an application for building approval shall be in accordance with Form 2.

Building Controller may Require Further Information

(2) The Building Controller may require an application under subregulation (1) to be accompanied by one or more of the following:

- (a) 3 copies of drawings which show the plan 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, together with such other details as are required by the Building Controller, drawn to a scale of not less than 1:20;

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- (b) 3 copies of specifications which describe the materials to be used in carrying out the building work and, where not indicated on the drawings referred to in paragraph (a), include such other information as is necessary to show that the building would, if constructed in accordance with the specifications and drawings, comply with the requirements of the Building Code;
- (c) 3 copies of a plan to a scale of not less than 1:500 which show -
 - (i) the boundaries and dimensions of the allotment and relevant easements;
 - (ii) whether the allotment is at the intersection of streets and, if not, the situation of the allotment in relation to the nearest street corner;
 - (iii) the position and dimensions of the building and its relationship to the boundaries of the allotment and to existing buildings, if any, on the same allotment and adjoining allotments, with details of the purposes for which the buildings are to be used;
 - (iv) the levels of the site and of the floors of the building in relation to an adjoining street channel, if any; and
 - (v) a copy of the stormwater drainage layout approved by the appropriate authority in the locality in which the building is to be constructed;
- (d) one copy of computations and reports to demonstrate that the building would, if constructed in accordance with the computations and reports, comply with the requirements of the Building Code;
- (e) a survey plan, prepared by a licensed surveyor within the meaning of the *Licensed Surveyors Act*, of existing conditions of the allotment;
- (f) for a building other than a Class 1 or Class 10 building - a certificate from the Power and Water Authority stating whether or not an electricity supply substation is required on the allotment and, if so, the required size and situation of the substation;

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- (g) where a certificate referred to in paragraph (f) requires the provision of a substation on the allotment - detailed information of the substation in the drawings, specifications and plan to be submitted under paragraphs (a), (b) and (c);
- (h) in the case of a re-construction of a building - a statement that describes the purposes for which the building has been used and is to be used;
- (j) 2 copies of a plan containing sufficient detail to show the plumbing and drainage work to be carried out.

Certification by Practising Structural Engineer

(3) Subject to subregulations (4) and (5), an application under subregulation (1), other than an application in relation to a Class 1 building having a floor area less than 110 m² or a Class 10 building, shall be accompanied by a certificate signed by an approved practising structural engineer certifying that the building, the subject of the application, will, if constructed in accordance with the drawings, plans and specifications, comply with these Regulations.

(4) The Building Controller may require that an application in relation to -

- (a) a Class 1 building having a floor area less than 110 m²; or
- (b) a Class 10 building,

be accompanied by a certificate referred to in subregulation (3).

Inspection of Plans and Specifications by Building Controller

(5) The Building Controller may, on the request of an applicant and on payment of the prescribed fee, inspect and check for compliance with these Regulations the drawings, plans and specifications in relation to a Class 1 building having a floor area less than 110 m².

Optional Acceptability of Certified Structural Designs

(6) Where an application is accompanied by documentation of or relating to the structural design of a building, the Building Controller may accept the structural design without further checking the drawings, plans and specifications if the design is certified by an approved practising structural engineer to comply with these Regulations.

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Documents, &c., to be Signed by Author, &c.

(7) Documentation, including documentation which sets out or relates to computations, submitted to the Building Controller under subregulation (2) shall bear the name of, and be signed by, its author.

Differentiation Between Altered and Unaltered Parts of Building

(8) Where alterations are to be made to part only of an existing building, a drawing submitted under this Part in relation to the building must be clearly marked to differentiate between the altered and unaltered parts of the building.

Director Shall Consider Applications

(9) The Building Controller may give a copy of all building approval applications for Class 2 to Class 9 buildings to the Director for consideration and the Director shall, within 5 working days after receiving the copy of an application, give advice on the technical requirements of Parts C2.4, E1, E2, E4, E5, G2, G3.8 and H1.2 of the Building Code in relation to a building or building work the subject of an application and the Building Controller shall have regard to that advice prior to approving or refusing to approve the application.

3.2 BUILDING APPROVAL FOR STAGES OF BUILDING WORK

The Building Controller may approve an application for constructing a building in stages where the building, when constructed, will -

- (a) have a rise of more than 4 storeys; or
- (b) be more than 1000 m² in floor area.

3.3 APPROVAL TO ALTER, DEMOLISH, REMOVE OR RELOCATE BUILDINGS DECLARED HERITAGE PLACES

Where a building the subject of an application for building approval, or the place where the building is or will be located, has been declared a heritage place under a law in respect of heritage conservation in force in the Territory, the applicant shall give notice in writing to the Building Controller of the declaration, together with details of proposals, if any, for the protection of the property, controls the property is otherwise subject to under that law or any permission, or refusal of permission, given pursuant to that law to carry out building work in respect of the building.

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3.4 BUILDING CONTROLLER MAY REQUIRE CERTIFICATION ON COMPLETION OF BUILDING

The Building Controller may grant building approval subject to the condition that when the building is completed the applicant shall give to the Building Controller a certificate signed by an approved practising structural engineer that the building is structurally sound and complies with Part B of the Building Code.

3.5 DISTRIBUTION OF DRAWINGS AND SPECIFICATIONS

Distribution of Drawings and Specifications

(1) Where building approval is given, the drawings, plans and specifications lodged with the Building Controller by an applicant for the purpose of obtaining the approval shall be distributed so that -

- (a) one copy of the drawings, plans and specifications, together with all documentation lodged with them, is retained by the Building Controller;
- (b) one copy of the drawings, plans and specifications is forwarded to the Director; and
- (c) one copy of the drawings, plans and specifications, with evidence of building approval stamped or endorsed on them, is returned to the applicant.

Owner or Authorized Person May Inspect and Make Copies

(2) The owner of a building to which drawings, plans, specifications and documentation relate, or an authorized person, may -

- (a) inspect a copy of the drawings, plans, specifications and documentation referred to in subregulation (1)(a) at the office of the Building Controller and make whatever copies of them he requires; and
- (b) request the Building Controller to stamp or endorse one or more copies of the drawings, plans, specifications and documentation as evidence of approval and the Building Controller shall comply with the request.

3.6 SUBMISSION FOR PRELIMINARY EXAMINATION AND REPORT

The owner of an allotment on which it is proposed to carry out building work, or an authorized person, may submit to the Building Controller, without the submission being an application for building approval -

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(a) preliminary drawings, plans, specifications and a copy of the certificate of title in relation to the allotment; and/or

(b) structural drawings and computations,

in relation to a building to be constructed on the allotment, for examination and a report as to whether the building would, if constructed in accordance with the documentation so submitted, comply with these Regulations.

3.7 LAPSE OF APPLICATION FOR BUILDING APPROVAL

Where a person fails to supply information referred to in regulation 3.1(2) to the Building Controller within 3 months after the date of the Building Controller advising the applicant of the requirement, the application lapses.

3.8 BUILDING WORK TO BE CARRIED OUT IN ACCORDANCE WITH BUILDING APPROVAL

Subject to regulation 3.9, building work that is the subject of a building approval shall be carried out in accordance with the drawings, plans, specifications and other documentation approved by the Building Controller.

3.9 VARIATION FROM APPROVED PLANS

Building work the subject of a building approval may vary from the drawings, plans, specifications and other approved documentation with the consent of the Building Controller where the Building Controller is satisfied that -

(a) there will be no significant change to the concept of the building work for which approval was given; and

(b) upon completion the building work will comply with these Regulations.

3.10 BUILDING WORK TO COMPLY WITH REGULATIONS EXISTING AT TIME OF APPROVAL

Where the Building Controller approves building work for which drawings, plans, specifications and other documentation are approved, there is no obligation on the owner of the allotment on which the building work is being or will be carried out to comply with amendments to these Regulations made subsequent to the date of the building approval.

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PART 4 - COMMENCEMENT AND COMPLETION OF BUILDING WORK

4.1 PERIOD FOR COMMENCEMENT

Subject to regulation 4.4, building work that is the subject of a building approval shall be commenced -

- (a) not later than 12 months after the date of the approval; or
- (b) where another period for commencement is specified in the building approval, not later than the expiration of the other period.

4.2 PERIOD FOR COMPLETION

Subject to regulation 4.4, building work which is the subject of a building approval shall be completed -

- (a) not later than 24 months after the date of the approval;
- (b) in the case of the relocation of a building, not later than 12 months after the date of the approval; or
- (c) where another period for completion is specified in the approval, not later than the expiration of the other period.

4.3 EXTENSION OF PERIOD

On the application of the owner of an allotment on which building work to which the application relates is being or will be carried out, or an authorized person, before the expiration of a period referred to in regulation 4.1 or 4.2, the Building Controller may extend the period for the commencement or completion of any building work.

4.4 LAPSE OF BUILDING APPROVAL

A building approval for building work which has not been commenced or completed within the periods referred to in regulations 4.1 and 4.2, or such period as extended under regulation 4.3, lapses immediately, and the building work shall not be commenced or completed until further building approval is given.

PART 5 - FEES

5.1 FEES

Building Controller May Charge and Receive Fees

(1) Subject to subregulation (2), the fees to be charged and received by the Building Controller are set out in Schedule 2.

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Minimum Fee

(2) The minimum fee, unless otherwise specified, is \$10.

5.2 REFUND OF FEES

Prescribed Circumstance for Refund of Fees

(1) The withdrawal of an application for building approval, whether before or after the building approval is given, by the owner of an allotment on which the building work to which the application relates will be carried out, or an authorized person, is a prescribed circumstance for the purposes of section 48(4) of the Act.

Refund of Fees

(2) The Building Controller may make a refund not exceeding 50% of a fee paid for or in relation to a circumstance referred to in subregulation (1).

PART 6 - INSPECTIONS

6.1 INSPECTIONS

Building Controller to Specify When Inspections to Occur

(1) The Building Controller shall specify in a building approval the stages during the progress of building work the subject of the building approval when the building work shall be inspected.

Owner of Building, &c., to Call for Inspections

(2) The owner of an allotment on which building work is being carried out, or an authorized person, shall call for the building work to be inspected at each stage that the Building Controller has specified in the building approval as a stage when the work shall be inspected.

Builder Responsible for Workmanship and Materials

(3) The builder is responsible for all workmanship and standards of materials used in a building notwithstanding building inspections conducted by a building inspector.

6.2 INSPECTION RECORD

Inspection Record to be Issued on Completion of Inspection

(1) Where an inspection referred to in regulation 6.1 is completed, the building inspector carrying out the inspection shall serve on the person apparently in charge

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at the site of the inspection a record of the inspection in an approved form.

(2) Where an inspection of building work has been carried out and the building inspector has found that the building work fails to comply with these Regulations, the inspection record shall contain the particulars in respect of which the building work fails to comply with these Regulations.

Copy of Inspection Record to be Available for Inspection by Certain Persons

(3) A copy of an inspection record referred to in subregulation (1) shall be available for inspection at the office of the Building Controller during normal office hours without charge to a person authorized by the owner of the allotment on which the building work is being carried out to inspect it.

6.3 STOP WORK NOTICE

For the purposes of section 30 of the Act, a stop work notice shall be in an approved form.

6.4 QUALIFICATIONS OF BUILDING INSPECTORS

Savings Provision

(1) This regulation applies to all appointments of persons as building inspectors under section 10 of the Act on and from the commencement of these Regulations.

Qualifications of Building Inspectors

(2) For the purposes of section 10(2) of the Act, a building inspector shall have the following qualifications:

- (a) knowledge, satisfactory to the Building Controller, of the Act and these Regulations;
- (b) an approved trade certificate;
- (c) experience, satisfactory to the Building Controller, in the building industry;
- (d) a Certificate of Building Inspection attained at the Northern Territory University or a similar qualification approved by the Building Controller.

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PART 7 - OCCUPANCY OF BUILDINGS

7.1 APPLICATION

This Part applies to every building, including those buildings constructed before the commencement of these Regulations for which a certificate of occupancy has not been issued.

7.2 CERTIFICATE OF OCCUPANCY

For the purposes of section 40 of the Act, a certificate of occupancy is a prescribed certificate and shall be in accordance with Form 3.

7.3 NOTICE TO VACATE BUILDING

For the purposes of section 42 of the Act, a notice requiring a building to be vacated shall be in an approved form.

7.4 PRESCRIBED CERTIFICATE MAY BE SUBJECT TO CONDITIONS

(1) A prescribed certificate, issued pursuant to section 40 of the Act, certifying that a building or part of a building is fit for occupation, may specify conditions in respect of the use of the building (being in relation to the relevant class of the building) including the maximum number of occupants, health and amenity standards, fire safety standards, installation of services and ancillary equipment, protection of adjoining property or the conditions, if any, specified in the building approval.

(2) A person shall not occupy, or permit another person to occupy, a building or part of a building which is in contravention of a condition to which the prescribed certificate referred to in subregulation (1) is subject.

Penalty: \$3,000 or imprisonment for 2 years.

PART 8 - CHANGE OF USE OR OCCUPANCY

8.1 GENERAL REQUIREMENTS

Subject to regulation 8.3, a person shall not make a change in the occupancy of a building which would result in a change of classification of the building under these Regulations, or a contravention of the conditions in respect of the use of the building, if any, specified on the prescribed certificate in respect of the building, unless -

- (a) the building complies with the requirements of these Regulations applicable to the change; and

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- (b) a certificate of occupancy has been issued specifying the changed classification or, as the case may be, the alteration to the conditions.

8.2 APPLICATION FOR ISSUE OF NEW CERTIFICATE

Where, in respect of a proposed change of the classification of a building or of the conditions, if any, to which the prescribed certificate in respect of a building is subject, building work, involving the alteration of the building -

- (a) is not required to secure compliance with these Regulations; or
- (b) has been completed in accordance with a building approval,

the owner of the allotment on which the building is situated, or an authorized person, shall apply to the Building Controller for the issue of a new certificate of occupancy under section 40 of the Act.

8.3 PARTIAL COMPLIANCE PERMITTED

The Building Controller may consent to partial compliance with these Regulations in relation to a changed classification of a building and may issue a certificate of occupancy for the new classification under section 40(3) of the Act, but the Building Controller shall, in relation to the purpose or purposes for which the building will be occupied, have particular regard to the adequacy of -

- (a) the health and amenity standards of the building;
- (b) the fire safety standards and, in particular, the equipment for the prevention of the risk of spread of fire to adjacent buildings; and
- (c) the structural soundness of the building.

8.4 ISSUE OF NEW CERTIFICATE OF OCCUPANCY

Where the Building Controller has approved a change in the occupancy of a building, the Building Controller shall revoke the existing certificate of occupancy, if any, and prepare and issue a certificate of occupancy for the new use under section 40 of the Act.

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PART 9 - FIRE SAFETY INSTALLATIONS

9.1 INSTALLATION AND TESTING OF FIRE SAFETY EQUIPMENT

Inspections and Tests to be Carried Out

(1) Where a building is required to be provided with fire detection or fire suppression equipment, the builder shall, after the equipment is installed -

- (a) subject to any regulations made under the *Ozone Protection Act*, carry out inspections and tests of the equipment in a manner approved by the Director; and
- (b) after the completion of such inspections and tests, give to the Director a report in writing on the results of the inspections and tests, containing evidence that the inspections and tests were in fact carried out.

Acceptance or Refusal to Accept Report

(2) The Director shall within 5 working days after receipt of the report referred to in subregulation (1)(b) give notice to the Building Controller of the Director's acceptance or refusal to accept the report.

PART 10 - DANGEROUS BUILDINGS

10.1 BUILDINGS CONSIDERED FIRE HAZARD

Where the Building Controller is of the opinion that a building is a fire hazard, the Building Controller may request the Director to provide a fire safety report on the building.

PART 11 - BUILDINGS OF TEMPORARY OR SPECIAL NATURE

11.1 BUILDING APPROVAL FOR BUILDINGS OF TEMPORARY OR SPECIAL NATURE

Where the Building Controller grants building approval for the construction or relocation of a building that is, in his opinion, of a temporary or special nature, the Building Controller may impose a condition that requires that the building be demolished or removed within a period of time delimited by the Building Controller in such manner as he thinks fit and as he specifies in the building approval.

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PART 12 - SITING REQUIREMENTS

12.1 INTERPRETATION

Definition

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

Area of Allotment with Truncated Corner

(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.

12.2 SITING REQUIREMENTS FOR CLASS 1 BUILDINGS OR CLASS 10 BUILDINGS

Minimum Distances

(1) Subject to this regulation, 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 building is constructed on the intersection of 2 streets - 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) and (b),

and the eaves of the building shall be not less than 800 mm from a boundary referred to in paragraph (c).

Exceptions for Certain Class 10 Buildings, Carports and Private Garages

(2) Subject to subregulation (4), a Class 10 building, carport or private garage may be constructed less than 1.5 m from a side or rear boundary of an allotment where the part of the Class 10 building, carport or private garage less than 1.5 m from the side or rear boundary has external walls -

- (a) constructed of masonry or other approved material; and
- (b) with a fire-resistance rating not less than FRL 60/60/60.

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Other Exceptions

(3) 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.

Garden Sheds

(4) The requirements of subregulation (2) 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 m² in area;
- (b) is not more than 2.3 m in height;
- (c) has no openings in its walls which adjoin a boundary;
- (d) is constructed of non-combustible material; and
- (e) does not discharge rainwater on an adjacent allotment.

Exception of a Class 1 Building in Municipality of Palmerston

(5) Subregulation (1) 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) in the case of such a building constructed on an allotment on the intersection of 2 streets - 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 side boundaries of the allotment other than the street alignment referred to in paragraph (b).

12.3 GENERAL SITING RESTRICTIONS

Only Class 1 and Class 10 Buildings on One Allotment

(1) Subject to subregulation (2), a building other than a Class 10 building shall not be constructed on an allotment on which there is, or is to be, constructed a Class 1 building.

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Two Class 1 Buildings on One Allotment

(2) A person may construct 2 Class 1 buildings on an allotment where -

- (a) the allotment is not less than 4 ha in area; and
- (b) both buildings comply with these Regulations in relation to siting requirements for separate sites.

Plot Ratio of Class 1 Buildings

(3) Subject to subregulations (2) and (4), the aggregate floor area of a Class 1 building (excluding a verandah which is not enclosed) and of a Class 10 building, if any, shall have a plot ratio of not more than 0.5.

Exceptions to Plot Ratio Requirement

(4) Subregulation (3) does not apply to or in relation to a verandah, carport, pergola or other building which is constructed without external walls.

12.4 BUILDING ON OR OVER EASEMENTS

Building approval shall not be given in respect of building work for the construction of a building on or over an easement unless the application for the building approval is accompanied by documentation which shows that the person who may lawfully consent to an encroachment on or over the easement has given the consent.

PART 13 - BUILDING IN FLOOD PRONE AREA

13.1 APPLICATION

This Part applies to building work proposed to be carried out on land liable to flooding or storm surge.

13.2 DEFINITION

"designated flood level", in relation to a site, means the minimum level of a flood or storm surge designated by the Building Controller pursuant to regulation 13.3.

13.3 BUILDING CONTROLLER MAY DESIGNATE FLOOD LEVELS

The Building Controller may designate the minimum level of a flood or storm surge, by reference to previous flooding on the land or projected flood levels, to be the flood level of a site, allotment, locality or area of land, as the Building Controller thinks fit, and may publish the designation in the *Gazette*, or other publication, in a manner he thinks fit.

Building Regulations

13.4 FLOOD LEVEL OF BUILDING

The height of the lowest floor, or the lowest part of the floor, of a residential storey of a building shall be not less than 350 mm above the designated flood level.

13.5 INLETS AND DISCONNECTER TRAPS TO SEWERAGE SYSTEM

The height of the inlets and disconnecter traps to a sewerage system shall be in accordance with AS 3500 Part 2.

13.6 STRUCTURAL DESIGN OF BUILDING

The structural design of a building shall, in the opinion of the Building Controller, after having regard to -

- (a) the site, size and shape of the building;
- (b) the effect of buoyancy on the sub-structure of the building;
- (c) the stresses that the sub-structure of the building may be subjected to from time to time due to the depth and maximum approach velocity of water at the designated flood level; and
- (d) the capability of the structure of the building to withstand the impact loading of an object of debris in a flood 1000 kg in mass and 400 mm diameter in cross section at the striking end of the object, striking the building at a velocity equal to the maximum approach velocity of water at the designated flood level,

be adequate to withstand flooding.

Building Regulations

SCHEDULE 2

Section 48
Regulation 5.1(1)

FEES

Item	Matter or thing	Fee
1.	Building approval for a new building or for the alteration, reconstruction or addition to an existing building (including the stage by stage inspection of the building work as specified in the building approval)-	
	(i) per m ² or part m ² of the floor area of a new building or alteration, reconstruction or addition to a building; or	40c
	(ii) where there are no enclosing walls by which to calculate the floor area, per m ² or part m ² of the area covered by the roof of the new building or alteration, reconstruction or addition to an existing building	40c
2.	Inspection and checking of drawings, plans and specifications of a building under regulation 3.1(5)	\$50 and in addition an amount equal to the fee payable under Item 1 in relation to the building
3.	Approval for the demolition of a building	\$20
4.	Stamping and endorsing an additional set of drawings and specifications under regulation 3.5(2)(b) -	
	(i) in relation a Class 1 or 10 building	\$10 and in addition 20c per sheet of specifications

Building Regulations

SCHEDULE - continued

Item	Matter or thing	Fee
	(ii) in relation to all other classes of buildings	\$10 and in addition \$1.20 for each sheet of drawings and 20c for each set of specifications
5.	Preliminary examination and report on documents in relation to a building under regulation 3.6 -	the greater of \$20 or 25% of the amount of the fee payable for the inspection and checking of drawings and specifications of the building under item 2
6.	On lodgement of an appeal to the Board	\$50
7.	Any other application, inspection or service, not provided for in items 1 to 7 inclusive	\$20