

NORTHERN TERRITORY OF AUSTRALIA

BUILDING AMENDMENT REGULATIONS 2021

Subordinate Legislation No. 22 of 2021

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NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 22 of 2021*

Building Amendment Regulations 2021

I, Vicki Susan O'Halloran, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Building Act 1993*.

Responsible Minister:

E. D. LAWLER
Minister for Infrastructure, Planning and Logistics

V. S. O'HALLORAN
Administrator

Date of making: 15 December 2021

* Notified in the *Northern Territory Government Gazette* on 22 December 2021.

1 Title

These Regulations may be cited as the *Building Amendment Regulations 2021*.

2 Commencement

These Regulations commence on 31 January 2022.

3 Regulations amended

These Regulations amend the *Building Regulations 1993*.

4 Regulation 2 amended (Interpretation)

Regulation 2(1)

insert

effective height has the same meaning as in Volume 1, Schedule 3 of the Building Code.

independent review engineer, see regulation 15AC.

natural disaster includes flood, bushfire and tropical cyclone.

performance requirement has the same meaning as in Volume 1, Schedule 3 of the Building Code.

significant and complex building, see regulation 15AA.

significant and complex building work, see regulation 15AB.

5 Regulation 9 amended (Limitation of time for reporting authority)

Regulation 9

omit

at the head office of the reporting authority in the Territory as determined by the Director

insert

by the reporting authority

6 Part 2B inserted

After regulation 15

insert

Part 2B Independent review of significant and complex buildings**15AA Meaning of *significant and complex building***

- (1) A ***significant and complex building*** is a building that has 2 or more of the following characteristics:
- (a) a building that is intended to be any of the following:
 - (i) a building with an effective height of more than 25 m;
 - (ii) a building designed to use one or more performance solutions to demonstrate compliance with a performance requirement that relates to material or systems to be used for structural safety;
 - (iii) a building designed to use one or more performance solutions to demonstrate compliance with a performance requirement that relates to material or systems to be used for fire safety;
 - (iv) located in an area prone to natural disaster or subject to environmental conditions that are adverse to construction of buildings;
 - (b) a building that is classified as a Class 2 building and that has 3 or more storeys;
 - (c) a building that is intended to be occupied by more than 100 people concurrently;
 - (d) a building that is intended to be used as premises of any of the following:
 - (i) a health service within the meaning of section 9 of the *Health Service Act 2021*;
 - (ii) a provider of services as defined in section 2(1) of the *Disability Services Act 1993*;
 - (iii) a childcare service;

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- (iv) a retirement village or aged care facility.
 - (2) In addition to subregulation (1), a significant and complex building includes a building that is classified as having Building Importance Level 4 under the Building Code.
 - (3) In addition to subregulation (1), the Minister may, by *Gazette* notice, determine a type of building to be a significant and complex building.

15AB Meaning of *significant and complex building work*

- (1) ***Significant and complex building work*** is building work carried out as an alteration or modification to:
 - (a) a significant and complex building; or
 - (b) a building that, if completed, would make the building a significant and complex building.
- (2) In addition to subregulation (1), the Minister may, by *Gazette* notice, determine a type of building work to be significant and complex building work.

15AC Meaning of *independent review engineer*

An ***independent review engineer*** is an individual:

- (a) who is a building practitioner registered as a Certifying Engineer (Structural); and
- (b) with a minimum of 10 years' experience as a Certifying Engineer (Structural) or 10 years' equivalent experience approved by the Practitioners Board; and
- (c) with the status of Chartered Professional Engineer recognised by Engineers Australia or an equivalent professional association.

7 Regulation 17 amended (Limitation of time for reporting authorities in relation to occupancy certification)

Regulation 17

omit

at the head office of the reporting authority in the Territory as determined by the Director

insert

by the reporting authority

8 Schedule 2 amended

Schedule 2, at the end

insert

An independent review engineer	Any building that will be a significant and complex building or any significant and complex building work	Suitability of adopted design loads. The existence of appropriate load paths within the building. Review of drawings of the building. Review of the following primary and critical structural elements of the building: <ul style="list-style-type: none">– primary and critical footings;– primary and critical columns;– primary and critical load-bearing walls;– primary and critical shear walls and other bracing elements;– primary and critical roof beams and floor beams;– transfer slabs;– typical suspended slabs;– any other primary or critical structural elements of the building that the independent
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review engineer
considers relevant to
the building certifier's
decision on an
application for a building
permit.

9 Repeal of Regulations

These Regulations are repealed on the day after they commence.