



AUSTRALIAN CAPITAL TERRITORY

Building (Amendment) Act 1998

No. 48 of 1998

An Act to amend the *Building Act 1972*

[Notified in ACT Gazette S205: 16 November 1998]

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1. Short title

This Act may be cited as the *Building (Amendment) Act 1998*.

2. Commencement

This Act commences on the day on which it is notified in the *Gazette*.

3. Principal Act

In this Act, “Principal Act” means the *Building Act 1972*.¹

4. Interpretation

Section 5 of the Principal Act is amended—

- (a) by adding at the end of paragraph (a) of the definition of “building work” in subsection (1) “and includes disposal of waste materials generated—
- (i) by the alteration of a building other than a Class 1, Class 2 or Class 10a building; or
 - (ii) by the demolition of any building;” and

(b) by inserting in subsection (1) the following definitions:

“ ‘dwelling’ means a Class 1 or Class 2 building;

‘waste management plan’, in relation to building work which involves the demolition or alteration of a building, means information which includes—

- (a) the extent of work to be undertaken;
- (b) the nature and amount of waste which will be generated; and
- (c) the location to which each type of waste will be taken by the builder, or his or her agent, for re-use, recycling or disposal.”.

5. Requirements with respect to plans for the erection or alteration of a building

Section 32 of the Principal Act is amended by inserting after paragraph (1) (c) the following paragraph:

“(ca) where building work involves the demolition of a building or the alteration of a building other than a Class 1, Class 2 or Class 10a building—a waste management plan;”.

6. Approval of plans to erect or alter buildings

Section 33 of the Principal Act is amended—

- (a) by omitting from subparagraph (1) (a) (i) “and” (last occurring);
- (b) by adding at the end of subparagraph (1) (a) (ii) “and”;
- (c) by inserting after subparagraph (1) (a) (ii) the following subparagraph:

“(iii) the waste management plan (if required) is adequate;”;
and

(d) by inserting after subsection (1) the following subsection:

“(1A) For the purposes of subparagraph (1) (a) (iii), a waste management plan is adequate if—

- (a) where—
 - (i) a facility exists in the Territory; or
 - (ii) the Minister has, by instrument, specified a facility outside the Territory as being suitable;

for the recycling of materials of the kind described in the plan—the plan stipulates that the materials will be disposed of, where practicable, at such a facility; and

(b) the plan satisfies any other prescribed requirements.”.

7. Building permit for removal or demolition of a building

Section 34 of the Principal Act is amended—

- (a) by omitting from subsection (1) “plans showing”;
- (b) by omitting from paragraph (1) (a) “particulars” and substituting “plans showing particulars”;
- (c) by inserting after paragraph (1) (c) the following paragraph:
 - “(ca) a waste management plan;”;
- (d) by omitting from subsection (2) all the words after “a building” and substituting:
 - “if—
 - (a) the proposed methods to be used in the execution of the building work;
 - (b) the safety precautions, submitted in or with the application, proposed to be taken during the demolition or removal; and
 - (c) the waste management plan (if required);are adequate.”; and
- (e) by adding at the end the following subsection:
 - “(3) A waste management plan is adequate for the purposes of subsection (2) if it is, by virtue of subsection 33 (1A), adequate for the purposes of subparagraph 33 (1) (a) (iii).”.

8. Interpretation

Section 58A of the Principal Act is amended by omitting the definitions of “dwelling”, “flat”, “house” and “mezzanine”.

NOTE

Principal Act

- 1. Reprinted as at 31 January 1995. See also Act No. 28, 1995; No. 85, 1996; Nos. 62, 70 and 96, 1997.

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[Presentation speech made in Assembly on 27 May 1998]

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