

1998
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Ms Tucker)

Building (Amendment) Bill 1998

A BILL

FOR

An Act to amend the *Building Act 1972*

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*.

5 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**

10 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 by demolition of a building, except where—

- 15 (i) that demolition relates to the alteration of a dwelling; and
(ii) the alteration does not involve the extension of that dwelling;" and

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

“ ‘dwelling’ means a house, unit, flat or any other building or part of a building used or intended to be used or designed or adapted to be used as a self-contained private residence,

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

- 10 (a) the extent of demolition work to be undertaken;
(b) the nature and amount of waste which will be generated by the demolition; 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 ”.

15 **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—a waste management plan;”.

20 **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”;
25 (c) by inserting after subparagraph (1) (a) (ii) the following subparagraph.

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

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

30 “(1A) For the purposes of subparagraph (1) (a) (iii), a waste management plan is adequate if—

- (a) where a facility exists in the Territory for the recycling of materials of the kind described in the plan—the plan stipulates that such materials will be disposed of, where practicable, at that facility, and
(b) the plan satisfies any other prescribed requirements.”

35 **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;”,
- 5 (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;
- 10 (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;
are adequate.”; and
- 15 (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

- 20 Section 58A of the Principal Act is amended by omitting the definition of “dwelling”.

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