

**1998**

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL  
TERRITORY**

**BUILDING (AMENDMENT) BILL 1998 – GOVERNMENT AMENDMENTS**

**EXPLANATORY MEMORANDUM**

**Circulated by authority of  
Brendan Smyth MLA  
Minister for Urban Services**

# Building (Amendment) Bill 1998 – Government Amendments

## Outline

The Building (Amendment) Bill 1998 (the Bill) amends the *Building Act 1972* (the Act) to ensure that building waste generated by demolition is either reused or recycled whenever possible. The Bill requires a waste management plan to be submitted with an application for approval of building work that involves demolition. The waste management plan will require building and development applicants to identify the range of demolition waste that will be reused or recycled.

The objective of the Government amendments to the Bill is to require a waste management plan for the alteration (partial demolition) of buildings. The amendments exclude the alteration of dwellings, sheds, private garages etc. from this requirement but will capture alterations such as the refurbishment of commercial buildings.

The Building Controller in consultation with ACT Waste will be responsible for assessing the adequacy of waste management plans. An application for building work will not be approved by the Building Controller if the waste management plan is considered inadequate. Should a proponent not comply with the approved waste management plan a Stop Notice may be issued. If work continues at the site penalties may be imposed under the Act.

The Government amendments specify that, where practicable, materials may be recycled at an appropriate recycling facility outside of the Territory.

## Financial Implications

There are no financial implications.

## Detail of Amendments

**Amendment 1:** Amends clause 4 of the Bill to expand the definition of 'building work' to include the disposal of the waste materials produced not only by the demolition of a building but also by the alteration of a building of a class other than Class 1, Class 2 or Class 10a. That is, the alteration of dwellings and non-habitable structures such as sheds, private garages, carports etc is excluded from the definition.

**Amendment 2:** The Building Code, which the Act refers to, does not define the terms 'flat' or 'house'. These terms were defined by the old Building Manual. Amendment 2 amends clause 4 of the Bill by omitting the definition of 'dwelling' and substituting a new definition which refers to Class 1 and Class 2 buildings. These classes of building are defined in the Act as having the same meaning as in the Building Code.

**Amendments 3, 4 and 5:** Amend Clause 4 of the Bill. The definition of 'waste management plan' is amended to also refer to the alteration of buildings except those of Class 1, Class 2 or Class 10a. The term demolition is removed from clause 4b(a) and 4b(b) of the Bill to clarify the meaning of 'waste management plan'.

**Amendment 6:** Amends Clause 5 of the Bill to include a reference to the alteration of buildings. An exclusion is made for the alteration of Class 1, Class 2 and Class 10a buildings.

**Amendment 7:** Amends clause 6 of the Bill by inserting 'if required' after 'plan' in proposed subparagraph 33(1)(a)(iii). The alteration of Class 1, Class 2 and Class 10a buildings will not require a waste management plan.

**Amendment 8:** Allows materials to be recycled at facilities outside the Territory. Clause 6 of the Bill is amended by adding a new subparagraph which will enable the Minister to identify by instrument suitable facilities outside of the Territory for the purposes of recycling waste material. This will remove the restriction of utilising ACT recycling facilities when it may be more cost effective or convenient to use other facilities.

**Amendment 9:** Amends clause 7 of the Bill to insert 'if required' after 'plan' in proposed new paragraph 34(2)(c). The alteration of Class 1, Class 2 and Class 10a buildings will not require a waste management plan.

**Amendment 10:** Replaces the omission of the current definition of 'dwelling' from Part V of the Act that is contained in the Bill with omission of the definitions of 'dwelling', 'house', 'flat' and 'mezzanine' from the Act. The definitions of "house" and "flat" support the definition of "dwelling" and the definition of "mezzanine" is not used in the Part.