

2003

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN
CAPITAL TERRITORY

BUILDING ACT 1972
BUILDING (BUSHFIRE EMERGENCY) REGULATIONS 2003

SL2003-5

EXPLANATORY STATEMENT

Circulated by authority of

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Minister for Planning

**AUSTRALIAN CAPITAL TERRITORY
BUILDING (BUSHFIRE EMERGENCY) REGULATIONS 2003**

SUBORDINATE LAW No. SL 2003-5

EXPLANATORY STATEMENT

Overview

These are new regulations under the Building Act 1972.

These regulations (“the Building Bushfire Emergency Regulations”) apply to buildings and structures affected by the bushfires of January 2003 and provide for them to be demolished under a modified procedure.

The Building Bushfire Emergency Regulations work in combination with the Land (Planning and Environment) (Bushfire Emergency) Regulations 2003 (“the Land Bushfire Emergency Regulations”). Normally a development application and then building approval are both required for demolition. The two sets of regulations reduce these to one process.

The Land Bushfire Emergency Regulations provide for the identification of the land where buildings and structures were destroyed by bushfires, identify the period of the bushfires and exempt demolition on that land from approval as a development under the Land (Planning and Environment) Act under certain conditions.

One of these conditions is that a plan of works is drawn up for the demolition and the development complies with an agreement between the owner and the person carrying out the demolition that has been approved by the building controller (a statutory officer under the Building Act). Another condition is that the plan of works must be endorsed by a construction practitioner registered under the Construction Practitioners Registration Act 1998.

The Building Act and the Building Regulations 1972 define building work to include demolition, provide for the licensing of persons who may carry out demolition, describe building approval, including a statement of what plans must be provided with an application to carry out demolition and state which registered construction practitioners may provide building approval.

The Building Bushfire Emergency Regulations modify these requirements by providing that an endorsed plan of works that satisfies the Land Bushfire Emergency Regulations also satisfies the building approval requirements of the Building Act and Building Regulations.

Details

Name of Regulations

Regulation 1 is a formal regulation that gives the name of the regulations.

Commencement

Regulation 2 is a formal regulation that links the commencement of the regulations to their notification on the legislation register.

Notes

Regulation 3 is a formal regulation that indicates that the effect of notes included in the regulations is limited to explanatory purposes.

Some building work approved

Regulation 4 states that if there is an endorsed plan of works for a building exempted from development approval under the Land (Planning and Environment) (Bushfire Emergency) Regulations 2003, then the corresponding building work is taken to be approved.

Financial Implications

Nil.