

AUSTRALIAN CAPITAL TERRITORY
BUILDING (AMENDMENT) ORDINANCE 1982

EXPLANATORY STATEMENT

No.69 of 1982

The Building (Amendment) Ordinance 1982 amends the Building Ordinance 1972 (the Principal Ordinance) to allow the Building Controller to issue a notice specifying the period within which a survey plan must be provided by an owner or a builder who has failed to produce a survey plan to the Building Controller and has proceeded with building work above the damp course level contrary to section 36(3) of the Principal Ordinance, and also provides that a stop notice for a contravention of section 36(3) will not lapse until the survey plan is received by the Building Controller. Under the previous provisions the stop notice lapsed after 7 days.

Details of the amending Ordinance are as follows:

- . Sections 1 and 2 deal with interpretation.
- . Section 3 amends section 43 of the Principal Ordinance by omitting paragraph 3(b) and substituting new paragraphs 3(b) and 3(ba). New paragraph 3(b) reproduces old paragraph 3(b) with a consequential reference to new paragraph 3(ba). New paragraph 3(ba) provides that a stop notice in relation to the requirement in section 36(3) that building work not proceed above the damp course level unless the Building Controller has been provided with a survey plan shall continue in force until the required plan is provided.
- . Section 4 inserts a new section 45A in the Principal Ordinance to allow the Building Controller, if work has been carried out in contravention of section 36(3), to serve on either the owner or the builder a notice requiring production of a survey plan within a specified period being not less than 7 days.
- . Section 5 amends section 46 of the Principal Ordinance relating to the giving of notices to carry out building work (including demolition) by omitting reference to section 36(3) to take account of the new system of notices in relation to contraventions of section 36(3) provided for by new section 45A.
- . Section 6 amends section 51 of the Principal Ordinance to provide the same level of penalty for a breach of new section 45A as applies to breaches of sections 44 and 46.

Ord No.

8151