



BUILDING ADVISORY SERVICES BRANCH

BUILDING NOTE

Contact No. 8999 8985

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REPEAL OF HIGHWAYS CONTROL BUILDING AREA

The purpose of this building note is to advise of the repeal of the Highways Control Building Area (HCBA) effective 16 September 2015.

The HCBA applied to building work carried out within 500m either side of designated highways in the Northern Territory. In 2007, the Northern Territory Planning Scheme was introduced and the Highways Control Plan (which included the same areas as the HCBA) was repealed for the purposes of planning. The HCBA remained under the *Building Act* as a declared building control area, which created an inconsistency in the application of planning and building regulation.

To realign the requirements for building and planning, a new declaration under s6 of the *Building Act* has been made which removes the HCBA. This came into effect on publication in Gazette No. G 37 on 16 September 2015 (refer to attachment). This means that from this date owners of buildings located within the former HCBA will no longer be required to comply with the building certification process under the *Building Act*.

Notwithstanding this property owners outside of building control areas retain the ability to design and build in accordance with building regulations through a contractual arrangement. When undertaking building works any building contract can be conditional on the building works meeting the National Construction Code.

If the certification process for works in the HCBA has not been completed as at 16 September 2015, the property owner can choose to discontinue with the certification process, taking into account any contractual arrangements they may have with their building certifier. If the owner chooses to continue with the engagement of their certifier, the certifier will not be able to issue an Occupancy Permit for that work under the *Building Act* as the Act no longer applies to building work in those areas. However, the certifier could issue a letter containing similar information to an Occupancy Permit which, in these cases, will be placed on the building record.

17/9/15

ARMANDO PADOVAN
Director of Building Control



Northern Territory of Australia

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General information

The Gazette is published by the Office of the Parliamentary Counsel.

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Notices will be published in the next issue, unless urgent publication is requested.

Availability

The Gazette will be available online at 12 Noon on the day of publication at <http://www.nt.gov.au/ntg/gazette.shtml>

Unauthorised versions of *Northern Territory Acts* and Subordinate legislation are available online at <http://www.legislation.nt.gov.au>

Northern Territory of Australia

Building Act

Application of Act and Regulations

I, David William Tollner, Minister for Lands and Planning:

- (a) under section 6(2) and 6(3) of the *Building Act* and with reference to section 43 of the *Interpretation Act*, revoke the notice entitled "Application of Act and Regulations" dated 29 June 2006 and published in *Gazette* No. S15 dated 3 July 2006; and
- (b) under section 6(2) of the *Building Act*, make the declaration in Schedule 1, Part 2; and
- (c) under section 6(3) of the Act, make the declaration in Schedule 1, Part 3.

Dated 31 August 2015

D. W. Tollner
Minister for Lands and Planning

Schedule 1

Part 1 – Preliminary Matters

- 1 In this notice, **Class**, of a building, means a Class of building specified in the Building Code of Australia published by or on behalf of the Australian Building Codes Board, as amended from time to time.

Part 2 – Application of Act

- 2 Parts 4 to 13 of the Act apply in and in relation to the parts of the Territory specified in Schedule 2, Part 1.
- 3 Parts 4 to 7, section 69, Part 8, Division 4 and Parts 9 to 13 of the Act apply in and in relation to the parts of the Territory specified in Schedule 2, Part 2.
- 4 In addition, Part 8, Divisions 1 to 3 (other than section 69) of the Act apply in and in relation to the parts of the Territory specified in Schedule 2, Part 2 for the following:
 - (a) Class 1a attached dwellings;
 - (b) Class 1b buildings;
 - (c) Class 2 to 9 buildings;
 - (d) Class 10 buildings attached to, and constructed at the same time as, a Class 1a attached dwelling or Class 1b or Class 2 building;
 - (e) retaining walls not attached to a Class 1a attached dwelling or Class 1b or Class 2 building but on which the structural integrity of the dwelling or building depends.

Part 3 – Application of Regulations

- 5 Regulation 15A of the *Building Regulations* does not apply to the parts of the Territory specified in Schedule 2, Part 2 for the following:
 - (a) Class 1a detached houses;
 - (b) Class 10 buildings, other than those attached to, and constructed at the same time as, a Class 1a attached dwelling or Class 2 building.

Schedule 2

Part 1

Alice Springs (Greater Area) Building Area (Compiled Plan 4955)

All that area of land near Alice Springs in the Northern Territory of Australia as depicted on Compiled Plan 4955 held in the Office of the Surveyor General, Darwin.

Darwin (Greater Area) Building Area (Compiled Plan 4959)

All that area of land near Darwin in the Northern Territory of Australia as depicted on Compiled Plan 4959 held in the office of the Surveyor General, Darwin.

Lake Bennett area (Compiled Plan 4966)

All that area of land near Lake Bennett in the Hundred of Howard, Northern Territory of Australia as depicted on Compiled Plan 4966 held in the Office of the Surveyor General, Darwin.

Part 2

Adelaide River Building Area (Compiled Plan 4954)

All that area of land at Adelaide River in the Northern Territory of Australia as depicted on Compiled Plan 4954 held in the Office of the Surveyor General, Darwin.

Batchelor Building Area (Compiled Plan 4956)

All that area of land at Batchelor in the Northern Territory of Australia shown on Compiled Plan 4956 held in the Office of the Surveyor General, Darwin.

Borroloola Building Area (Compiled Plan 4957)

All that area of land at Borroloola in the Northern Territory of Australia as depicted on Compiled Plan 4957 held in the Office of the Surveyor General, Darwin.

Brewer Estate Building Area (Compiled Plan 4958)

All that area of land near Alice Springs in the Northern Territory of Australia as depicted on Compiled Plan 4958 held in the Office of the Surveyor General, Darwin.

Elliot Building Area (Compiled Plan 4960)

All that area of land at Elliott in the Northern Territory of Australia as depicted on Compiled Plan 4960 held in the Office of the Surveyor General, Darwin.

Jabiru Building Area (Compiled Plan 4962)

All that area of land at Jabiru in the Northern Territory of Australia as depicted on Compiled Plan 4962 held in the Office of the Surveyor General, Darwin.

Katherine Building Area (Compiled Plan 4963)

All that area of land near Katherine in the Northern Territory of Australia as depicted on Compiled Plan 4963 held in the Office of the Surveyor General, Darwin.

Kings Canyon Building Area (Compiled Plan 4965)

All that area of land near Kings Canyon in the Northern Territory of Australia as depicted on Compiled Plan 4965 held in the Office of the Surveyor General, Darwin.

Larrimah Building Area (Compiled Plan 4967)

All that area of land at Larrimah in the Northern Territory of Australia as depicted on Compiled Plan 4967 held in the Office of the Surveyor General, Darwin.

Mataranka Building Area (Compiled Plan 4968)

All that area of land at Mataranka in the Northern Territory of Australia as depicted on Compiled Plan 4968 held in the Office of the Surveyor General, Darwin.

Namarada Building Area (Compiled Plan 4969)

All that area of land near Dundee Beach in the Hundred of Glyde, Northern Territory of Australia as depicted on Compiled Plan 4969 held in the Office of the Surveyor General, Darwin.

Nitmiluk (Katherine Gorge) National Park Building Area (Compiled Plan 4964)

All that area of land near Katherine Gorge in the Northern Territory of Australia as depicted on Compiled Plan 4964 held in the Office of the Surveyor General, Darwin.

Pine Creek Building Area (Compiled Plan 4970)

All that area of land at Pine Creek in the Northern Territory of Australia as depicted on Compiled Plan 4970 held in the Office of the Surveyor General, Darwin.

Tennant Creek Building Area (Compiled Plan 4971)

All that area of land at Tennant Creek in the Northern Territory of Australia as depicted on Compiled Plan 4971 held in the Office of the Surveyor General, Darwin.

Ti Tree Building Area (Compiled Plan 4972)

All that area of land at Ti Tree in the Northern Territory of Australia as depicted on Compiled Plan 4972 held in the Office of the Surveyor General, Darwin.

Timber Creek Building Area (Compiled Plan 4973)

All that area of land at Timber Creek in the Northern Territory of Australia as depicted on Compiled Plan 4973 held in the Office of the Surveyor General, Darwin.

Yulara Building Area (Compiled Plan 4974)

All that area of land at Yulara in the Northern Territory of Australia as depicted on Compiled Plan 4974 held in the Office of the Surveyor General, Darwin.

Note for Schedule 2

The compiled plans for the building areas are held in the Office of the Surveyor General, Darwin and copies are available for inspection at the Department of Lands, Planning and the Environment, Building Advisory Services offices in Darwin, Katherine, Tennant Creek and Alice Springs.