

BUILDING ORDINANCE 1955.*

An Ordinance relating to Buildings and for Other Purposes.

- Short title.** 1. This Ordinance may be cited as the *Building Ordinance 1955*.*
- Commencement.** 2. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.†
- Repeal and saving.** 3.—(1.) The *Buildings Ordinance 1936* is repealed.
(2.) An approval or permit given or issued under the Ordinance repealed by this section and in force at the date of commencement of this Ordinance shall be deemed to be an approval or permit given under this Ordinance.
- Definitions.** 4. In this Ordinance, unless the contrary intention appears—
“building” includes a shed, outbuilding, stable, workshop, garage, privy and any other building of any kind whether used for human habitation or otherwise and includes the foundation of or an excavation for the foundations of a building, and the extension, alteration or addition of or to an existing building;
“building area” includes any town, the boundaries of which have been proclaimed under the provisions of the *Crown Lands Ordinance 1931-1955*, and includes any other area declared to be a building area under section seven of this Ordinance;
“erect” includes re-erect;
“the Board” means the Building Board established under this Ordinance;
“this Ordinance” includes the Regulations;
“to build” means to erect, extend, or alter a building.
- Application.** 5. This Ordinance shall apply only within building areas.
- Exemptions.** 6. The Administrator may, by notice in the *Gazette*, exempt an area or class of buildings from some or all of the provisions of this Ordinance.
- Declaration of building areas.** 7. The Administrator may, by notice in the *Gazette*, declare an area to be a building area for the purposes of this Ordinance.

* No. 22, 1955; assented to by Administrator on 20th December, 1955.

† The date fixed was 25th November, 1960.

8.—(1.) There shall be a Building Board which shall consist of three members appointed by the Administrator by notice in the *Gazette*.

Constitution of Board.

(2.) The Administrator may appoint a member of the Board to be Chairman of the Board.

(3.) Where, on account of illness, absence from the Territory or other reason, a member of the Board is unable to perform his duty as a member, the Administrator may, by notice in the *Gazette*, appoint a person to act in his stead, and the person so appointed may exercise and perform, during the inability to act of the member in whose stead he is appointed, all the powers and functions of a member of the Board.

(4.) The Chairman shall preside at all meetings of the Board at which he is present, and in his absence from a meeting the senior member present shall preside at the meeting.

(5.) Members of the Board, other than the Chairman, shall have seniority according to the order in which they were appointed and where they were appointed by the same instrument they shall be deemed to have been appointed in the order in which they are named in that instrument.

(6.) For the conduct of business, any two members of the Board is a quorum.

(7.) The Board shall meet at least once in each month, unless there is no business for consideration by it, and at such time and place as the Chairman determines.

(8.) At every meeting of the Board, the Chairman or a person appointed by him shall take minutes of the proceedings and shall record them in a minute book.

9. The Board shall be responsible for the administration of this Ordinance and for the control of all building to which this Ordinance applies and, without limiting the generality of the foregoing, shall have the following powers and functions—

Powers of the Board.

- (a) with the approval of the Administrator, to require the demolition, destruction, alteration or modification of buildings which are unsafe or unfit for human habitation;
- (b) to require the alteration or modification of any building in a building area which does not comply with any requirement prescribed by the regulations or determined by the Board under the regulations for that class of building in that building area;
- (c) to issue licences or permits for the erection of buildings subject to such conditions as are provided by or under the regulations;

- (d) to recommend to the Administrator the exemption of an area or class of buildings from the provisions of this Ordinance;
- (e) to recommend to the Administrator the declaration of an area as a building area;
- (f) to investigate and inquire into methods of construction and the types of building most suitable to a particular building area in the Northern Territory of Australia and to report to the Administrator thereon; and
- (g) to exercise such other powers and functions as may be conferred on it by the regulations.

Appeal to
Supreme
Court from
requirement of
the Board.

10.—(1.) Any requirement of the Board shall be given by notice in writing, signed by the Chairman of the Board for the time being, and addressed to the owner or occupier of the building, or such other person as the case may require.

(2.) The person to whom such a notice is addressed shall comply with the requirement within the time specified in the notice.

Penalty: One hundred pounds or imprisonment for six months.

(3.) Whenever the Board requires by notice in writing the demolition, destruction, alteration or modification of any building, the person to whom the notice is addressed may, before the time specified in the notice in writing as the time within which he is to comply with the requirement has expired, apply to the Supreme Court of the Northern Territory for an order setting aside the requirement.

(4.) Upon such an application being made, the Court shall hear and determine the matter and may, if it considers that the requirement has been properly made under this Ordinance and that the building does not comply with the provisions of this Ordinance and that the demolition or destruction or the alteration or modification required by the notice in writing is reasonably required for the administration of this Ordinance, dismiss the application.

(5.) If the Court is not satisfied on the matters set out in the last preceding sub-section it shall grant the application and, by order, set aside the requirement of the Board.

Appointment
of officers.

11. The Administrator may, by notice in the *Gazette*, appoint such engineers, architects, surveyors, inspectors and other persons as are necessary to enable the Board to exercise its powers and perform its functions under this Ordinance.

12. The Administrator may make Regulations, not inconsistent with this Ordinance, prescribing all matters which by this Ordinance are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Ordinance and in particular—

- (a) for prescribing the conditions subject to which buildings may be erected in the Northern Territory;
- (b) for prescribing the purposes for which, and the conditions upon which, licences may be issued and for prescribing the fees payable therefor;
- (c) for prescribing the types, standards, minimum sizes and maximum spacing of materials to be used in buildings of different types, or put or to be put to different uses, in a building area or part of a building area;
- (d) for providing for the use of fire-resistant and fire-retarding materials and the lessening of fire hazards in buildings;
- (e) for providing for the minimum and maximum distances of buildings from the boundary lines of the land upon which they are situated;
- (f) for prescribing the powers of the Board with respect to the repair and maintenance of buildings and the condemnation of buildings which are unsafe or unfit or unsuitable for any purpose;
- (g) for prescribing minimum standards required in the presentation of plans and drawings for the consideration of the Board;
- (h) for the regulation of the erection of advertising signs and hoardings; and
- (i) for prescribing penalties not exceeding Fifty pounds or imprisonment for three months, for a failure to comply with or contravention of the Regulations and, in addition penalties not exceeding Five pounds for each day during which the offence or contravention continues.