
Building (Amendment) Ordinance (No. 3) 1982

No. 71 of 1982

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated 19 August 1982.

N. M. STEPHEN
Governor-General

By His Excellency's Command,

MICHAEL HODGMAN
Minister of State for the Capital Territory

An Ordinance to amend the *Building Ordinance 1972*

Short title

1. This Ordinance may be cited as the *Building (Amendment) Ordinance (No. 3) 1982*.¹

Principal Ordinance

2. In this Ordinance, "Principal Ordinance" means the *Building Ordinance 1972*.²

Approval of plans to erect or alter a building

3. Section 33 of the Principal Ordinance is amended—

(a) by omitting paragraph (1) (a) and substituting the following paragraph:

"(a) if—

(i) the building as proposed to be erected or altered is structurally sufficient, safe and stable for the purpose; and

- (ii) in the case of a building proposed to be altered—the building is not a building to which sub-section (2A) applies,
approve the plans; or”;
- (b) by inserting after sub-section (2) the following sub-sections:
- “ (2A) In considering plans for the alteration of a building, the Building Controller may declare that the building is a building to which this sub-section applies if—
- (a) the building does not make adequate provision for the safety of persons accommodated in, or resorting to, the building;
 - (b) the building does not make adequate provision for protection against fire; or
 - (c) where the aggregate volume (measured by reference to roof and walls) of the proposed alteration and any other alteration made, or proposed to be made, to the building in pursuance of a building permit granted during the period of 3 years immediately preceding the making of the application for approval of the plans is more than one-half of the volume (measured by reference to roof and walls) of the original building—the building does not conform to the requirements and standards set out in the Building Manual in respect of such a building.
- “ (2B) In approving, subject to amendments agreed upon between the Building Controller and an applicant for approval, plans for the alteration of a building to which sub-section (2A) applies, the amendments that may be agreed upon include amendments relating to a part of the building that was not affected by the plans as originally submitted.”;
- (c) by omitting from sub-section (3) “the last preceding sub-section” and substituting “sub-section (2)”;
- (d) by inserting after sub-section (3) the following sub-section:
- “ (3A) The Building Controller shall not declare a building to be a building to which sub-section (2A) applies on the ground of the inadequacy of a matter referred to in paragraph (2A) (a) or (b) if the building conforms to the appropriate acceptable requirements and standards for that matter set out in the Building Manual in respect of such a building.”;
- (e) by omitting from sub-section (4) “ the last preceding sub-section ” and substituting “ sub-section (3) ”; and
- (f) by adding at the end thereof the following sub-section:
- “ (7) In calculating the aggregate volume of alterations for the purposes of paragraph (2A) (c), no regard shall be had to an alteration in respect of which a building permit was granted during the period referred to in that paragraph but which ceased to be in force before any building work in connection with the alteration was carried out.”.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 27 August 1982.
2. Ordinance No. 26, 1972 as amended by Nos. 7 and 38, 1974; Nos. 45 and 61, 1976; No. 46, 1978; No. 30, 1979; Nos. 69 and 70, 1982.