

HIGHLIGHTS OF THE NEW NORFOLK ISLAND *BUILDING ACT 2002*

6(1)	Establishes a Norfolk Island Building Code – the Building Code is prescribed in the Building Regulations 2004 (Reg 6 – Schedule 2).
16(2)	A building approval must not be given for a building activity for which a development approval is required, under the <i>Planning Act 2002</i> , unless the development approval has been given.
22	This section provides for modification to building approvals (with certain conditions).
28	The CEO may approve ‘minor amendments’ to a building approval if the amendment is minor in nature and extent, and does not significantly change the building activity.
31	Where the building activity has not been substantially completed in accordance with the approval by the date prescribed by the Regulations, the building approval lapses on the prescribed date (prescribed by Regulation 14, ie, the later of 24 months after the date of approval or a later date specified in the approval).
Note 1	There is difference here from previous approval requirements – previously only ‘substantial progress’ was required within the first 12 months – now ‘substantial completion’ is required within 24 months from date of approval.
32(2)	A person shall not commence building work unless the Chief Executive Officer has been given 48 hours prior notice, in writing, of the commencement of the work.
33(2)	The person who is in charge of building work shall take the specified safety precautions in relation to the building work.
34	A person shall not proceed beyond each inspection stage unless the person has issued a compliance declaration in relation to the part of the building work carried out; and the building work has been inspected by an authorised officer who gives written permission for building work to continue.
37	A person shall not occupy or use a building in or on which building work for a building activity is carried out unless a compliance declaration for the building has been given to the Chief Executive Officer and there is an occupancy certificate for that occupation or use.
38	A compliance declaration shall be issued by the person who carried out the building work for the structure to the owner of the structure and the Chief Executive Officer. This section places other requirements on the person who carried out the building work and who either issues or refuses to issue a compliance declaration.
39	A person shall not make a compliance declaration that is false in any material particular.
43	This section list the decisions that are reviewable by the Administrative Review Tribunal.
48	The court may prohibit the carrying out of building work by a persistent offender or for a serious offence.

Note 2	<p>“building work” is defined by Section 5 of the Building Act as: “the actual physical work for or in connection with the construction, erection, alteration, demolition or removal of –</p> <ul style="list-style-type: none"> (a) a building or structure; or (b) plumbing, gasfitting or drainage services, whether or not connected to a building, other than services carried out by or on behalf of the Administration relating to the mains sewer facility as defined in the <i>Public Health Act 1996</i>.”
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Note 3	The <i>Building Act 2002</i> prescribes penalties for contravention of most sections contained within the Act.
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Note 4	<p>The Norfolk Island <i>Building Regulations 2004</i> lists (among other items):</p> <ul style="list-style-type: none"> (a) details which shall accompany a building application (Regulation 16). (b) the Norfolk Island Building Code (Schedule 2) (c) compulsory inspection stages of building work (Schedule 3) (d) activities for which building approval is not required (Schedule 1).
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