I, IAN MACDONALD, Minister for Regional Services, Territories and Local Government, make the following Regulations under the Christmas Island Space Centre (APSC Proposal) Ordinance 2001.

Dated 8 October 2001

IAN MACDONALD
Minister for Regional Services, Territories and Local Government
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Part 1      Preliminary

1 Name of Regulations
These Regulations are the Christmas Island Space Centre (APSC Proposal) Regulations 2001.

2 Commencement
These Regulations commence on 18 October 2001.

3 Interpretation
(1) In these Regulations:
Australian Standard means a standard approved for publication by, or for, the Council of the Standards Association of Australia as an Australian Standard.
blding includes a structure.
Regulation 3

**building expert**, for building activity in an Exclusion Zone, means a person generally recognised within the building industry as having expert knowledge about, or qualifications for, the construction of buildings, and includes any of the following:

(a) a person licensed to practise any of the following professions or trades in a State or Territory:
   (i) building surveyor;
   (ii) architect;
   (iii) engineer engaged in the building industry;
   (iv) fire-safety engineer;

(b) the person responsible for the building activity, or a stage of the building activity;

(c) a corporation that carries on the business of being a building expert in a State or Territory.

**building permit** — see subregulation 4 (2).

**demolition authorisation** — see subregulation 4 (2).

**environmental expert**, for building activity in an Exclusion Zone, means a person who is a member of:

(a) the Environment Institute of Australia; or

(b) an equivalent organisation.

**expert in demolition procedures**, for building activity in an Exclusion Zone, means a person generally recognised within the building industry as having expert knowledge about, or qualifications for, the demolition of buildings.

**Ordinance** means the *Christmas Island Space Centre (APSC Proposal) Ordinance 2001*.

**works** includes:

(a) earthworks or engineering works; and

(b) electrical works; and

(c) hydraulic works.
works expert, for building activity in an Exclusion Zone, means a person generally recognised within the building industry as having expert knowledge about, or qualifications for, the carrying out of works, and includes any of the following:

(a) a person:
   (i) licensed to practice as an engineer in a State or Territory; or
   (ii) qualified for the carrying out of that type of building activity;

(b) the person responsible for the building activity, or a stage of the building activity;

(c) a corporation that carries on the business of being a works expert.

works permit — see subregulation 4 (2).

(2) A reference in these Regulations to the building controller, for an Exclusion Zone for which the Secretary has not appointed a building controller, is a reference to the Secretary.

(3) A reference in these Regulations to an appropriate building expert, for a part of a building activity, is a reference to a building expert having the qualifications appropriate for the carrying out of that part.

Note A number of terms used in these Regulations are defined in section 3 of the Ordinance. They include:

- building activities
- Building Code
- building controller
- earthworks or engineering works
- Exclusion Zone
- structures.
Part 2 Building control

Division 2.1 Building approvals

4 Application for approval to carry out building activity

(1) A person requiring a building approval for a building activity within an Exclusion Zone must:
   (a) apply in writing to the building controller for the Exclusion Zone; and
   (b) pay the appropriate fee specified in item 1 or 2 of Schedule 1.

(2) An application may be for an approval of any of the following kinds:
   (a) if the proposed building activity is the construction or alteration of a building — a building permit;
   (b) if the proposed building activity is the construction or alteration of works — a works permit;
   (c) if the proposed building activity is the demolition, destruction, dismantling or removal of a building or works — a demolition authorisation.

5 Additional information for application for a building permit

(1) If an application is for a building permit, the following documents must be included:
   (a) 2 copies of the building plan;
   (b) 2 copies of the specification for the proposed building activity;
   (c) all certificates required, under any applicable law, approving arrangements for health and comfort of persons (including heating, insulation, cooling, sanitation, disposal of refuse, sewerage, drainage, lighting and ventilation), fire resistance, fire protection, or telecommunications services;
(2) The building plan must:
(a) identify the class or classes, under the Building Code, of the building proposed to be built; and
(b) describe, in accordance with Part C1 of the Code, the proposed type of construction of the building; and
(c) show the dimensions of all parts of the building, including the footings; and
(d) include a section plan of the building at the level of each floor, at an appropriate and legible scale; and
(e) depict each elevation of the building, at an appropriate and legible scale; and
(f) depict designed provision of fire safety measures in the building; and
(g) give details of the construction materials proposed to be used for the building; and
(h) provide for periodic inspections under paragraph 14 (1) (h):
(ii) if the proposed contractual arrangement for the construction of the proposed building is a design and construct contract — by setting out each design and construct stage for the project; or
(ii) in any other case — by specifying the progress stages that it is proposed will be the inspection stages.

(3) If the proposed building activity is the alteration or repair of an existing building, the building plan must be marked in such a way as to distinguish the proposed alteration or repair from the existing building.

(4) The specification for the proposed building must:
(a) describe in detail the type of construction and construction materials for the proposed building; and
(b) describe in detail the proposed methods of drainage, sewerage, water supply and gas supply (if any); and
(c) state whether it is intended to use in the building any second-hand material that could adversely affect the structural integrity of the building or have any other adverse safety consequence.

6 Additional information for application for a works permit

If an application is for a works permit, the following documents and information must be included:
(a) 2 copies of the works plan;
(b) 2 copies of the specification for the proposed works;
(c) all certificates required, under any applicable law, approving arrangements for sewerage, drainage, lighting, ventilation, fire resistance and fire protection;
(d) any certificate given by an appropriate works expert, approving the structural elements of the works plan;
(e) details of the progress stages that it is proposed will be the inspection stages for paragraph 14 (1) (h);
(f) details of the construction materials proposed to be used for the works.

7 Additional information for application for a demolition authorisation

If an application is for a demolition authorisation, the following documents and information must be included:
(a) 2 copies of the demolition plan;
(b) nomination of the provisions of the Australian building standards with which the work is proposed to comply;
(c) any certificate given by an expert in demolition procedures, approving the structural elements of the demolition plan;
(d) the progress stages that it is proposed will be the inspection stages for paragraph 14 (1) (h).
8 Variation or withdrawal of application

(1) At any time before the building controller has made a decision on an application for a building approval, the applicant may vary the application by:
   (a) giving the building controller written notice of the variation; and
   (b) paying the fee specified in item 3 of Schedule 1.

(2) However, subregulation (1) does not permit an applicant to vary an application if the variation:
   (a) would not be within the scope of the approved proposal; or
   (b) would not comply with the development conditions or the Environment Management Plan.

(3) At any time before the building controller has made a decision on an application for a building approval, the applicant may withdraw the application by:
   (a) giving the building controller written notice of the withdrawal; and
   (b) paying the fee specified in item 4 of Schedule 1.

(4) If an application is withdrawn, the building controller must refund the fee originally paid for the application.

9 Decision on application — duty of building controller

(1) The building controller must deal with an application for approval of a building activity by:
   (a) approving the building activity; or
   (b) approving the building activity subject to any condition the building controller determines to be appropriate; or
   (c) undertaking to the applicant that the building activity will be approved if the applicant complies with a direction in the undertaking; or
   (d) refusing to approve the building activity.

(2) If, to enable an application to be competently determined, further information is reasonably required by the building controller, the building controller may request, in writing, the applicant to give the information.
(3) The building controller need not make a decision under subregulation (1) until the requested further information is received.

(4) If the building controller gives an undertaking and direction under paragraph (1) (c), and the applicant complies with the direction, the building controller must approve the building activity.

(5) When the building controller has decided an application, the building controller must:
   (a) give notice, in writing, of the decision to the applicant; and
   (b) if the decision is an approval, specify in the notice the inspection stages (if any) at which the building activity is to be inspected by an appropriate expert under paragraph 14 (1) (h); and
   (c) if the decision is not an unconditional approval, include a statement of the reasons for the decision.

(6) The building controller is taken to have refused to approve a building activity if the building controller has not given the applicant notice of a decision before the end of 28 days after receiving:
   (a) the application for approval; or
   (b) the further information (if any) requested under subregulation (2).

10 Criteria for building permit

(1) If an application is for a building permit, the building controller must not approve the proposed building activity unless the building controller is satisfied that:

   (a) the building activity:
       (i) is within the scope of the approved proposal; and
       (ii) complies with the development conditions and the Environment Management Plan; and

   (b) the proposed building, if completed in accordance with the plan and specification attached to the application, will be fit for occupancy; and
(c) the building activity will be carried out in accordance with appropriate standards.

(2) For subregulation (1), the building activity will be carried out in accordance with appropriate standards if:
(a) the design of the proposed building ensures compliance with the applicable Australian building standards; or
(b) the design does not ensure compliance with particular applicable Australian building standards but the applicant provides a written explanation of the inappropriateness of compliance with those standards, and the building controller approves the non-compliance.

(3) The building controller may comply with subregulation (1) in relation to a matter mentioned in subparagraph (1) (a) (ii), or paragraph (1) (b) or (c), by relying on a report prepared by:
(a) an appropriate building expert; or
(b) in relation to environmental aspects of the matter — an appropriate environmental expert.

(4) In considering an application for a building permit, the building controller must also have regard to:
(a) public safety during conduct of the building activity; and
(b) the appropriateness of proposed linkages, for the building activity, with services and facilities outside the Exclusion Zone; and
(c) the appropriateness of proposed arrangements for clean-up and rehabilitation of the site of the building activity.

11 Criteria for works permit

(1) If an application is for a works permit, the building controller must not approve the proposed building activity unless the building controller is satisfied that:
(a) the building activity:
   (i) is within the scope of the approved proposal; and
   (ii) complies with the development conditions and the Environment Management Plan; and
(b) the proposed works, if completed in accordance with the plan and specification attached to the application, will be fit for use; and
(c) the building activity will be carried out in accordance with appropriate standards.

(2) For subregulation (1), the building activity will be carried out in accordance with appropriate standards if:
(a) the design of the proposed building ensures compliance with the applicable Australian building standards; or
(b) the design does not ensure compliance with particular applicable Australian building standards but the applicant provides a written explanation of the inappropriateness of compliance with those standards, and the building controller approves the non-compliance.

(3) The building controller may comply with subregulation (1) in relation to a matter mentioned in subparagraph (1) (a) (ii), or paragraph (1) (b) or (c), by relying on a report prepared by:
(a) an appropriate works expert; or
(b) in relation to environmental aspects of the matter — an appropriate environmental expert.

(4) In considering an application for a works permit, the building controller must have regard to:
(a) public safety during conduct of the building activity; and
(b) the appropriateness of proposed linkages, for the building activity, with services and facilities outside the Exclusion Zone; and
(c) the appropriateness of proposed arrangements for clean-up and rehabilitation of the site of the building activity.

12 Criteria for demolition authorisation

(1) If an application is for a demolition authorisation, the building controller must not approve the proposed building activity unless the building controller is satisfied that the demolition:
(a) will be in accordance with the Environment Management Plan; and
(b) will be carried out in accordance with applicable Australian building standards; and
(c) if completed in accordance with the plan attached to the application, will cause no greater disruption to other activities in the Exclusion Zone than is reasonably practicable.

(2) The building controller may comply with subregulation (1) in relation to a matter mentioned in paragraph (1) (a), (b) or (c) by relying on a report prepared by:
(a) an appropriate expert in demolition procedures; or
(b) in relation to environmental aspects of the matter — an appropriate environmental expert.

(3) In considering an application for a demolition authorisation, the building controller must have regard to:
(a) public safety during the carrying out of the demolition; and
(b) the appropriateness of proposed arrangements for clean-up and rehabilitation of the site of the demolition.

13 Variation of building approval

(1) A person carrying out a building activity in an Exclusion Zone under a building approval may apply to the building controller for the Exclusion Zone to vary the building approval, by:
(a) giving the building controller written notice setting out the variation sought; and
(b) paying the fee specified in item 5 of Schedule 1.

(2) However, subregulation (1) does not permit an applicant to vary an approval if the variation:
(a) would not be within the scope of the approved proposal; or
(b) would not comply with the development conditions or the Environment Management Plan.

(3) The building controller must deal with the application by:
(a) granting a varied building approval; or
(b) granting a varied building approval subject to any condition the building controller determines to be appropriate; or

(c) undertaking to the applicant that a varied building approval will be granted if the applicant complies with a direction in the undertaking; or

(d) refusing to grant a varied building approval.

(4) When the building controller has decided an application, the building controller must:

(a) give notice, in writing, of the decision to the applicant; and

(b) if the decision alters the inspection stages at which the building activity is to be inspected under paragraph 14 (1) (h), specify in the notice the altered inspection stages; and

(c) if the decision is not an unconditional grant, include a statement of the reasons for the decision.

(5) The building controller is taken to have refused to grant a varied building approval if the building controller has not given the applicant notice of a decision before the end of 21 days after receiving the application.

14  Duties attaching to building approval

(1) Unless the building controller determines otherwise, in writing, a building approval imposes the following duties on the person carrying out the building activity:

(a) for a building permit — the materials used in the building and the methods of use of those materials must comply with the Australian building standards for materials of that type when used in a building of that type;

(b) for a works permit — the materials used in the works and the methods of use of those materials must comply with the Australian building standards for materials of that type when used in works of that type;

(c) the building activity must be carried out with appropriate expertise;
(d) the building activity must be carried out in accordance with the plan, specifications and conditions, if any, in respect of which the building approval was granted;

(e) the building activity must be carried out by appropriately qualified and licensed persons;

(f) the building activity must be supervised by appropriately qualified and licensed persons;

(g) all necessary safety precautions must be taken in carrying out the building activity;

(h) at least 7 days before the expected date on which the building activity will reach an inspection stage:
   (i) the building controller must be notified of that expectation; and
   (ii) further work on that part of the building activity must not occur until an appropriate building expert, works expert or environmental expert has inspected the building activity and:
      (A) found it to be in accordance with the approval; and
      (B) provided a certificate to that effect to the building controller;

(j) the building controller must be given access to inspect the building activity at any reasonable time after notice is given to the person carrying out the building activity:
   (i) in writing; and
   (ii) a reasonable period in advance of the inspection;

(k) if the building controller reasonably requires, work must be opened up in order to verify that it has been properly performed;

(l) any work or materials found to be defective must be rectified or, if that is not possible, removed;

(m) the building controller must be provided with the results of any tests that the building controller directs, in writing, be carried out;

(n) before the end of 6 months after practical completion of the building activity, the building controller must be given detailed drawings of the resulting construction, in the form actually constructed;
(o) as soon as the building activity is complete, the site of the building activity must be cleaned up and rehabilitated.

(2) For paragraph (1) (h), an inspection stage is a particular stage reached in the building activity that the notice of approval under subregulation 9 (5) specifies as an inspection stage.

15 Additional powers and functions of building controller

(1) A building controller for an Exclusion Zone must monitor compliance by any person carrying out a building activity in the Exclusion Zone with:
   (a) the approved proposal; and
   (b) the development conditions; and
   (c) the Environment Management Plan.

(2) A building controller may impose an additional condition on a building approval if, in the course of the building activity, the additional condition becomes necessary:
   (a) to ensure compliance with the approved proposal, the development conditions or the Environment Management Plan; or
   (b) to protect the health or safety of persons concerned in, or affected by, the building activity; or
   (c) to protect property from damage; or
   (d) to protect the environment.

(3) A building controller may issue a written stop work order if the building controller considers that an action carried out in the performance of a building activity:
   (a) is a significant contravention of the approved proposal, the development conditions, the Environment Management Plan or these Regulations; or
   (b) is causing, or is likely to cause, significant pollution or other damage to the environment.
16 Duration of approval

(1) Subject to subregulation (2), a building approval is in force from the time it is granted:
   (a) until the end of 3 years after the grant; or
   (b) if it specifies a period shorter than 3 years — until the end of the specified period; or
   (c) if, under regulation 17, it is revoked before it would otherwise cease to be in force — until the time it is revoked.

(2) A building controller may, in writing, extend the period for which a building approval is in force.

(3) An application for an extension under subregulation (2) must be made to the building controller before the building approval ceases to be in force.

17 Revocation of approval

The building controller may revoke a building approval if:

(a) the building activity:
   (i) has not begun within 2 years after the approval is given and is not likely to begin before the approval expires; or
   (ii) has ceased and is not likely to be resumed; or
   (iii) can no longer be carried out in accordance with the approval; or
   (iv) is not being carried out in accordance with a plan, specification or standard on the basis of which the approval was given; or
   (v) is not being carried out in accordance with applicable Australian building standards; or
   (vi) is not being carried out in accordance with a condition of the approval; or

(b) the person holding the approval so requests; or

(c) the application for the building approval, or a document or statement supplied in support of the application, was false, or misleading, in a significant way; or
Division 2.2 Certificates of compliance

18 Interpretation for Division 2.2

In this Division:

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19 Application for issue of certificate of compliance

Application for a certificate of compliance for a building or works that is subject to a building approval given by a building controller may be made, in writing, to the building controller by:

(a) the person carrying out the building activity that has resulted in the building or works; or

(b) a person whose interest in the building or works, or in the land on which the building or works is situated, entitles the person to carry out the building activity that has resulted in the building or works.

20 Amendment of application

An applicant for a certificate of compliance may vary, or withdraw, the application, at any time before the building controller has made a decision on the application, by giving the building controller appropriate written notice.
21 Certificate of compliance — decision of building controller

(1) A certificate of compliance may be issued:
   (a) if application is for a building — for occupancy; or
   (b) if application is for works — for use.

(2) The building controller must deal with an application for a certificate of compliance by:
   (a) issuing the certificate; or
   (b) issuing the certificate subject to any condition the building controller determines to be appropriate; or
   (c) refusing to issue the certificate.

(3) The building controller must not issue a certificate of compliance for a building or works in an Exclusion Zone unless the building controller is satisfied that the building or works, as completed:
   (a) is in accordance with the plan and specification submitted to the building controller with the application for the building approval for the building activity that has resulted in the building or works; and
   (b) makes proper provision, in accordance with Australian building standards, for the health, safety and comfort of any occupants or users; and
   (c) can reasonably be used for the purpose for which it was built; and
   (d) complies with the requirements mentioned in regulation 22 or 23, as the case requires.

(4) The building controller may rely on a relevant certificate issued, or report prepared, by a building expert, for the purpose of satisfying the building controller in respect of a matter mentioned in subregulation (3).

(5) If, under the Building Code, different parts of a building are differently classified, the building controller may issue:
   (a) one certificate of compliance for the building; or
   (b) different certificates of compliance for the different parts of the building.
(6) If the building controller is satisfied, under subregulation (3), in respect of part only of the building or works, the building controller may issue a certificate of compliance for that part.

(7) If the building controller decides:
(a) to issue a certificate of compliance subject to a condition; or
(b) to refuse to issue a certificate of compliance;
the building controller must give the applicant notice, in writing, of the decision together with a statement of reasons for the decision.

(8) The building controller is taken to have refused to issue a certificate of compliance if the building controller has not given the applicant notice of a decision before the end of 14 days after receiving the application.

22 Additional criteria for certificate for occupancy
For paragraph 21 (3) (d), the building as completed must:
(a) be consistent with the approval given under regulation 9 for the building activity resulting in the building; and
(b) make adequate provision, in its proposed use, for the protection of occupants against fire; and
(c) make adequate provision, in its proposed use, for insulation, sanitation, disposal of refuse, sewerage, drainage, heating, cooling, lighting and ventilation; and
(d) make adequate provision, in its proposed use, for services, installations and ancillary equipment likely to be required by users.

23 Additional criteria for certificate for use
For paragraph 21 (3) (d), the works as completed must be consistent with the approval given under regulation 9 for the building activity resulting in the works.
24 Duties attaching to certificate of compliance

(1) A certificate for occupancy of a building imposes the following duties on the holder of the certificate:
(a) the building must not be used for a purpose that is inconsistent with the classification of the building under the Building Code;
(b) the building must be maintained in a condition that is consistent with its classification.

(2) A certificate for use of works imposes the following duties on the holder of the certificate:
(a) the works must not be used for a purpose that is inconsistent with the standards to which it was constructed;
(b) the works must be maintained in a condition that is consistent with its use.

25 Content of certificate of compliance

(1) A certificate for occupancy of a building must:
(a) identify the building; and
(b) set out the classification of the building under the Building Code; and
(c) set out any conditions to which the certificate is subject; and
(d) state that the building controller is satisfied in respect of the matters mentioned in subregulation 21 (3); and
(e) if the building controller is satisfied that the building, as completed, complies with Australian building standards — state that fact; and
(f) if the building controller is not satisfied that the building, as completed, complies with those standards — state that the building controller has approved the non-compliance.

(2) A certificate for use of works must:
(a) identify the land on which the works were carried out; and
(b) set out any conditions to which the certificate is subject; and
(c) state that the building controller is satisfied in respect of the matters mentioned in subregulation 21 (3); and
(d) set out the standards to which the works were required to be completed and:
   (i) if the building controller is satisfied that the works, as completed, comply with those standards — state that fact; and
   (ii) if the building controller is not satisfied that the works, as completed, comply with those standards — state that the building controller has approved the non-compliance.

26 Amalgamation of related certificates of compliance

(1) If a building controller has issued separate certificates of compliance for parts of a building, or works, during its construction, the building controller may issue:
   (a) an amalgamated certificate of compliance for the building, or works, as completed; or
   (b) an amalgamated certificate of compliance for all the parts of the building, or works, as completed, that have the same classification under the building standards or standards to which the works were required to be completed; or
   (c) different certificates of compliance for the different parts of the building, or works, as completed.

(2) The building controller may refuse to issue an amalgamated certificate of compliance if each separate certificate of compliance for which amalgamation is sought is not returned to the building controller for cancellation.

(3) Subregulation (2) does not apply to a certificate of compliance that is lost or destroyed.
27 **Variation of certificate of compliance**

(1) A building controller may vary a certificate of compliance for a building or works that is subject to a building approval given by the building controller if:

(a) application is made, in writing, by the holder of the certificate; or

(b) the building controller is satisfied that the variation is necessary, in the public interest, to ensure, as the case requires, that:

(i) the building is safe for occupancy; or

(ii) the works are safe for use.

(2) In considering whether to vary a certificate of compliance, the building controller must take into account the matters mentioned in subregulation 21 (3), as if the building controller were considering issuing a certificate of compliance.

(3) The building controller is taken to have refused to grant a varied certificate of compliance if the building controller has not given the applicant notice of its decision before the end of 14 days after receiving the application.

28 **Duration of certificate of compliance**

(1) A certificate of compliance is in force from the time it is granted:

(a) until the building, or works, to which it applies ceases to exist, or undergoes alteration not accommodated by the information on which the certificate is based; or

(b) if it is revoked before it would otherwise cease to be in force, until the time it is revoked.

(2) A certificate of compliance does not cease to be in force for the reason only that the person to whom it was granted has given up all, or any, of its interest in the building, or works, or the land on which it is constructed.
29 Revocation of certificate of compliance

(1) The building controller for an Exclusion Zone may revoke a certificate of compliance for a building, or works, on the Exclusion Zone, if:
   (a) the building or works ceases to be suitable for the purpose mentioned in the certificate; or
   (b) the building controller is satisfied that the application, or a document or statement supplied in support of the application, for the certificate, was false or misleading in a significant way; or
   (c) the holder of the certificate fails to comply with an applicable duty under regulation 24.

(2) A certificate of compliance under these Regulations for a building or works is taken to be revoked if another certificate of compliance is issued under these Regulations for, as the case may be:
   (a) the building, or a building that includes that building; or
   (b) the works, or works that include those works.

30 Issue of certified copy of certificate of compliance

(1) This regulation applies if the building controller for an Exclusion Zone is satisfied that:
   (a) a certificate of compliance for a building, or works, in the Exclusion Zone, has been issued, and then lost or destroyed; and
   (b) the content of the certificate is reliably ascertainable.

(2) The building controller may issue a copy of the certificate to:
   (a) the holder of the original certificate; or
   (b) a person who is the successor, for the time being, in title to the interest in the building, or works, of the holder of the original certificate; or
   (c) a person authorised, in writing, by the person mentioned in paragraph (a) or (b), as appropriate, to hold the certificate, or a copy.
(3) The building controller must endorse on the copy a statement that the copy is a true copy of the original certificate.

31 Function of certificate of compliance

A certificate of compliance is evidence that the building, or works, to which it applies may be occupied, or used, but is not evidence that the building controller has authorised the building to be used for a particular purpose.
Part 3  Miscellaneous

32  Payment of fees

Fees payable under these Regulations are payable to the Secretary, on behalf of the Commonwealth, and are recoverable as a debt due to the Commonwealth in a court of competent jurisdiction.

33  Review by Administrative Appeals Tribunal

Application may be made to the Administrative Appeals Tribunal by a person described in an item in the following table for review of a decision mentioned in the item:

<table>
<thead>
<tr>
<th>Item</th>
<th>Decision by building controller</th>
<th>Person</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Subregulation 9 (1) — refusal or failure to approve a building activity, imposition of a condition on a building approval or giving of a direction in relation to a building approval</td>
<td>The applicant for the approval</td>
</tr>
<tr>
<td>2</td>
<td>Paragraph 10 (2) (b) — refusal to approve non-compliance with Australian building standards</td>
<td>The applicant for the approval</td>
</tr>
<tr>
<td>3</td>
<td>Paragraph 11 (2) (b) — refusal to approve non-compliance with Australian building standards</td>
<td>The applicant for the approval</td>
</tr>
<tr>
<td>4</td>
<td>Subregulation 13 (3) — refusal to grant a varied building approval, imposition of a condition on a varied building approval or giving of a direction in relation to a varied building approval</td>
<td>The person carrying out the building activity</td>
</tr>
<tr>
<td>5</td>
<td>Subregulation 15 (2) — imposition of additional condition on a building approval</td>
<td>The person carrying out the building activity</td>
</tr>
<tr>
<td>Item</td>
<td>Decision by building controller</td>
<td>Person</td>
</tr>
<tr>
<td>------</td>
<td>-------------------------------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------</td>
</tr>
<tr>
<td>6</td>
<td>Subregulation 15 (3) — issuing of a stop work order on a building approval</td>
<td>The person carrying out the building activity</td>
</tr>
<tr>
<td>7</td>
<td>Subregulation 16 (2) — refusal to extend the period for which a building approval is in force</td>
<td>The person carrying out the building activity</td>
</tr>
<tr>
<td>8</td>
<td>Regulation 17 — revocation of a building approval (except at the request of the holder)</td>
<td>The person carrying out the building activity</td>
</tr>
<tr>
<td>9</td>
<td>Subregulation 21 (2) — refusal to issue a certificate of compliance, or imposition of a condition on a certificate of compliance</td>
<td>The holder of the building approval that authorised the building activity that resulted in the building or works</td>
</tr>
<tr>
<td>10</td>
<td>Subregulation 27 (1) — refusal to vary a certificate of compliance on application under paragraph 27 (1) (a)</td>
<td>The holder of the certificate of compliance</td>
</tr>
<tr>
<td>11</td>
<td>Subregulation 27 (1) — variation of a certificate of compliance in the public interest under paragraph 27 (1) (b)</td>
<td>The holder of the certificate of compliance</td>
</tr>
<tr>
<td>12</td>
<td>Subregulation 29 (1) — revocation of a certificate of compliance</td>
<td>The holder of the certificate of compliance</td>
</tr>
<tr>
<td>13</td>
<td>Subregulation 30 (2) — refusal to issue certified copy of a certificate of compliance</td>
<td>The person who applied for the certified copy</td>
</tr>
</tbody>
</table>
## Schedule 1 Fees
(regulations 4, 8 and 13)

<table>
<thead>
<tr>
<th>Item</th>
<th>Matter</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Application for a building permit or works permit (subregulation 4 (1))</td>
<td>0.25% of the total estimated cost of building or works, but not less than $100 or more than $70,000</td>
</tr>
<tr>
<td>2</td>
<td>Application for a demolition authorisation (subregulation 4 (1))</td>
<td>$400</td>
</tr>
<tr>
<td>3</td>
<td>Variation of application for building approval (subregulation 8 (1))</td>
<td>$100; plus if the total estimated cost of the building or works, if constructed according to the application as varied, would be greater than that of the building or works if constructed according to the original application — the difference (if any) in the application fee payable for the original application and the application fee that would have been payable for the application as varied</td>
</tr>
<tr>
<td>4</td>
<td>Withdrawal of application for building approval (subregulation 8 (3))</td>
<td>$100</td>
</tr>
<tr>
<td>Item</td>
<td>Matter</td>
<td>Fee</td>
</tr>
<tr>
<td>------</td>
<td>------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>5</td>
<td>Variation of building approval (subregulation 13 (1))</td>
<td>$100; plus if the total estimated cost of the building or works, if constructed according to the approval as varied, would be greater than that of the building or works if constructed according to the original approval — the difference (if any) in the application fee payable for the application for the original approval and the application fee that would have been payable for the application for the approval as varied</td>
</tr>
</tbody>
</table>

**Note**