



BUILDING NOTE

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BUILDINGS CONSTRUCTED ON LAND THE SUBJECT OF A MINING TENEMENT

The Department of Housing and Works has received several enquiries from local authorities asking if a building licence is required for buildings constructed on mining sites, or whether such buildings are exempt.

The Department considers that Part XV of the *Local Government (Miscellaneous Provisions) Act 1960* applies to all buildings on a land which is the subject of a mining tenement unless:

1. Pursuant to regulation 2A of the *Building Regulations 1989* the Regulations do not apply to the district where the building is located, or
2. There is a State agreement, sanctioned by statute that provides otherwise.

This Department is not aware of any statutes that exempt the application of Part XV of the *Local Government (Miscellaneous Provisions) Act 1960* on a mining site, hence there is a requirement to obtain a building licence on a mining site before commencing to construct a building.

It is acknowledged that many local governments request and receive building licence applications for buildings on mine sites. However, in localities where miners may be required to obtain a building licence for the first time, it is recommended that the relevant local governments give due regard to the economical value of the mining industry to the State and make all reasonable efforts to minimise any delays in the assessment of building licence applications.

In a separate, but related matter, the Department would like to advise that machinery such as conveyors, treatment plants, rock crushers, generators or the like are not controlled by the *Building Regulations 1989* and as such do not require a building licence. It is therefore recommended that local governments do not request a building licence for such machinery. However, this machinery, if located within a building, must not affect the compliance of a building pursuant to the provisions of the Building Code of Australia.

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