



## BUILDING NOTE

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### CLASSIFICATION OF RAINWATER TANKS

The Department of Local Government and Regional Development has been requested to provide an opinion on whether a rainwater tank can be classified as a building and, if so, whether a building licence is required for this vessel.

*The Local Government Act 1960, states that “building” is defined as... “a structure erected or placed on land, unless in the circumstances of a particular case, a court required to decide the case declares otherwise, but in any case includes a fence erected in the district of a city or town or in a townsite”;*

The *Local Government Act 1995* does not provide a definition for a “building”. Section 2 of the *Local Government (Miscellaneous Provisions) Act 1960*, indicates that in construing the provisions of that Act, account is to be taken of the meanings they had before the *Local Government Act 1995* commenced.

Given the definition of a “building” pursuant to the *Local Government Act 1960* a local authority **may** classify a rainwater tank as a building. The predominant classification would be as a Class 10b building under Part A3 of the Building Code of Australia (BCA).

An aggrieved party cannot appeal to the Minister against a local authority’s classification of a building.

A court may otherwise determine that a rainwater tank is not a “building”.

Water tanks used for fire-fighting purposes should, in any case, be classified pursuant to the BCA so as to ensure their structural adequacy should they be utilised for fire-fighting operations during a fire event.

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