

**2000**

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY**

**BUILDING ACT 1972  
BUILDING REGULATIONS AMENDMENT 2000**

**Subordinate Law No. 54 of 2000**

**EXPLANATORY STATEMENT**

**Circulated by authority of  
Brendan Smyth MLA  
Minister for Urban Services**

## Building Regulations Amendment 2000

### OUTLINE

This is an Amendment to the Building Regulations (the Principal Regulations).

The Amendment creates regulations for the purposes of section 67 of the *Building Act 1972* (the Principal Act). Regulations made under this section generally provide exemptions from the application of Parts of the Principal Act for work on prescribed buildings, within certain limitations. This Amendment will exempt externally mounted photovoltaic panels, solar water heaters and airconditioning units from formal approval processes and requirements contained in Part 3 and Part 5 A of the Principal Act.

The installation of these units has implications for development, plumbing and electrical approval, as well as for building approval under the Principal Act. Amendments will be introduced to the *Land (Planning and Environment) Regulations* to exempt these units from requirements for development approval, however, electrical and plumbing approvals are still required.

A photovoltaic panel is a panel which generates electricity. A panel is made up of individual cells. A solar water heater includes a panel which heats water and stores it in an associated tank. Associated with the panel may mean that the tank is placed on the roof above or near the panel, or that water is returned after heating to the tank placed on the ground.

The principle behind the exemption of the above work from approval is that the work will not require structural alteration to the building, wall or other structure to which the units are externally mounted. If structural alteration is required, then approval is also required. Structural alteration for these purposes does not include the removal of tiles from the roof, but does include reinforcing existing trusses in order for these to bear the load of the photovoltaic panel, solar water heater or airconditioning unit.

The Amendment is different from existing exemptions in that it requires compliance with the Building Code of Australia, or the 'building code' as it is referred to in the legislation. The Building Code of Australia sets out the technical standards which work must meet, and this Amendment makes the requirement to meet these standards exist regardless of whether a licensed person is doing the work, or whether a building approval is given.

This measure is designed to ensure that the overall structure is not affected by the installed unit, specifically with regard to its load bearing capacity, or the waterproofing of the unit. In regard to both water-proofing and load capacity the

plumbing Australian standard AS3500, Part 4.2:1997, which is an applicable standard under the *Canberra Sewerage and Water Supply Regulations*, remains in force. Regardless of whether the installer is a licensed builder, this standard is applicable.

### **Financial Implications**

There are some time and financial savings from the removal of requirements to have building approval, which requires hiring licensed builders, private certifiers, and paying the Building Levy.

## CLAUSE NOTES

### Formal clauses

**Clauses 1, 2** are formal clauses that deal with the commencement of the Amendment and identify the Principal Regulations.

### Substitution

**Clause 3** replaces the title of the Principal Regulations with a title which reflects the date of the Principal Act. The changes are in accordance with current drafting style.

### Insertion

**Clause 4** inserts a new regulation 22 to the Principal Regulations, which provides for exemptions from building approval for photovoltaic panels, solar water heaters and airconditioners.

### ***Exemptions for photovoltaic panels, solar water heaters and airconditioners***

**New sub-regulation 22 (1)** provides that Part 3 (plan approval and inspection of work processes) and Part 5A (statutory warranties and insurance) of the Principal Act are not to apply to the above items.

**New paragraph 22(1)(a)** provides the conditions under which photovoltaic panels and solar water heaters may be exempted from requirements for building approval and from requiring licensed persons to conduct the work.

It is intended that any of these items should be capable of being externally mounted onto a building, whether that be onto a wall or the roof of the building.

The conditions are that the work complies with the Building Code of Australia, specifically with its load bearing and water proofing requirements. In addition, the installation must not affect the structural sufficiency (in terms of soundness, water repellent etc) and stability (in terms of its capacity to support the weight of a solar water heater tank etc).

If the unit is installed on the roof, the load bearing capacity of the trusses of the roof must be adequate to support the solar water heater etc. If the trusses are inadequate, they will require adaptation or reinforcement. Therefore the whole installation, including the reinforced portion, will require a building approval and a licensed person to conduct the work.

The type of building to which the exemptions apply is also important and are limited to Class 1 (both 1a and 1b) and Class 10a buildings and structures, as classified by the Building Code of Australia. Class 1a buildings include a single

dwelling which is a detached house, or attached houses such as row houses, terrace houses and town houses. Class 1b buildings include boarding houses, guest houses, hostels or the like in which not more than 12 persons would ordinarily be resident, and which has a floor plan of less than 300m<sup>2</sup>. Class 10a buildings include a non-habitable building being a private garage, carport, shed or the like.

The type of photovoltaic panel, solar water heater or air conditioning unit required by these houses is likely to have fewer structural implications, and/or create less noise, than that required for buildings designed to house greater than 12 people, including aged persons units or multi-level developments. In addition, the installed units are unlikely to affect the structural sufficiency of other dwellings.

**New sub-paragraph 22(1)(a)(ii)** makes compliance with the Building Code compulsory, regardless of whether the person performing the work is licensed.

**New paragraph 22(1)(b)** asserts that externally mounted air conditioning units have the same installation requirements as applies to photovoltaic panels and solar water heaters.

**New sub-paragraph 22(1)(b)(iii)** ensures that where an airconditioner is the only source of ventilation for a room or building, it should require approval and for a qualified person to install it. The provision is designed to ensure that any risks, including health risks, associated with potentially incorrectly installed airconditioning units are lessened.

**New sub-regulation 22(2)** defines a solar water heater. The definition is that used in plumbing standards and refers to a solar water panel, which heats water, and the remote or close coupled tank which holds the heated water. The tank may be located externally on the roof near the panel, in the roof cavity, or on the ground internally or externally to the house.