

Australian Capital Territory

Building (Essential Work at Affected Residential Premises) Guidelines 2020

Notifiable Instrument NI2020–477

made under the

Building (General) Regulation 2008, section 29A (Building approvals not to be issued)

1 Name of instrument

This instrument is the *Building (Essential Work at Affected Residential Premises) Guidelines 2020*.

2 Commencement

This instrument commences on the day after its notification day.

3 Guidelines

I make the guidelines at Schedule 1 about building work essential for health, safety or reasonable living conditions at affected residential premises.

Gordon Ramsay MLA
Minister for Building Quality Improvement
4 August 2020

Schedule 1

(see section 3)

GUIDELINES ON BUILDING WORK ESSENTIAL FOR HEALTH, SAFETY OR REASONABLE LIVING CONDITIONS AT LOOSE-FILL ASBESTOS AFFECTED PREMISES

Note: these guidelines apply for the assessment of building work under the Building Act 2004 and the Building (General) Regulation 2008.

1. PURPOSE OF THE GUIDELINES

These guidelines provide guidance to building certifiers, building industry practitioners, owners of residential premises affected by loose-fill asbestos insulation (affected residential premises) and the general public on what building work is considered essential for health, safety or reasonable living conditions and may be undertaken.

2. GUIDING PRINCIPLES AND EXAMPLES FOR ESSENTIAL WORK

The following principles and examples are provided to assist building certifiers, building industry practitioners, owners of affected residential premises and the general public about the types of building work at affected residential premises which are considered essential for health, safety or reasonable living conditions.

2.1. Principles for essential work

1. Building work is permitted only where it is necessary to allow lawful occupants to maintain tenable conditions to continue to live in their homes (affected residential premises).
2. Building work is permitted only where it is necessary to be undertaken to allow the occupant to remain in the home until mid-2025 (when Government will consider compulsory acquisition actions, as previously announced).
3. Building work which involves aesthetic improvements is not considered essential and is not permitted.
4. Building work must be for an essential health, safety or reasonable living conditions, such as for reasons detailed below.
5. Where applicable, proposed building work should be supported by written evidence from a relevant professional of the essential need for the work to be undertaken, for example: a health professional or disability access professional.

2.2. Examples

Examples of building work which are considered essential for health, safety or reasonable living conditions at affected residential premises may include, but are not limited to, the following:

Health – building work that is required to support ongoing health requirements. For example:

- Internal and external alterations itemised within a relevant Australian standard for accessibility or adaptability or the National Construction Code, required to address

accessibility or mobility requirements of the occupant including the alteration of door widths, strengthening of the structure to support installation of accessibility features, placement of socket outlets, bench heights, ramps, balustrades and handrails.

- The installation of fixtures recommended for the occupant by a registered health professional, including specific types of light switches, door hardware, taps and showerheads.
- Maintenance, repair and replacement of sanitary facilities and fixtures necessary for washing and hygiene, such as showers, water heaters and toilets.
- Work required to repair the building or maintain the condition of the building in protecting occupants from weather, pests and vermin, including work to prevent or fix damage to structural members and wall floor and/or ceiling linings, caused by storms, mould, mildew, termite attack or vermin.

Safety - building work that is required to support safety. For example:

- The installation, maintenance and replacement of security devices such as security cameras and alarms, security screens, bars and door locks or smoke alarms.
- Work to repair structural members and other elements of the building or building systems that may be becoming unsound or unsafe.

Reasonable living conditions - building work that is required for reasonable living conditions of the lawful occupants of the premises. For example:

- Maintenance and general repairs to existing structures, fittings and fixtures.
- Installation or replacement of fixtures and fittings installed for space heating and cooling equipment within the home.
- Maintenance, repair or replacement of facilities reasonably required for preparing and cooking food and clothes washing.