

Regulations 1972 No. 8

Regulations under the *Building Ordinance 1972*.*

I RALPH JAMES DUNNET HUNT, the Minister of State for the Interior, hereby make the following Regulations under the *Building Ordinance 1972*.

Dated this twenty-fourth day of August, 1972.

RALPH J. HUNT
Minister of State for the Interior.

BUILDING REGULATIONS

1. These Regulations may be cited as the Building Regulations.

Citation.

2.—(1.) In these Regulations, unless the contrary intention appears—

Interpretation.

“commercial building work” means work carried out in relation to a building that is not a residential building;

“cost”, in relation to building work, means—

(a) where a contract has been entered into for the carrying out of building work, the cost of the work as fixed by the contract; or

(b) where there is no contract, or the contract does not fix the cost of the work, the cost of the work as determined in accordance with regulation 14 of these Regulations,

but does not include the cost of the land on which the building work is to be carried out;

“residential building work” means work carried out in relation to a building that is a domestic dwelling erected or proposed to be erected on land the lease of which provides that the building shall be used for residential purposes only, but does not include a building consisting of units within the meaning of the *Unit Titles Ordinance 1970* or of residential flats;

“the Ordinance” means the *Building Ordinance 1972*.

(2.) For the purposes of these Regulations, each building in a pair of semi-detached buildings shall be deemed to be a separate building.

(3.) A reference in these Regulations to the area of a building means—

(a) in the case of a building of one storey—the area measured between the outer surfaces of the walls at the floor level of that storey; or

(b) in the case of a building of more than one storey—the aggregate of the areas measured between the outer surfaces of the walls, at the floor level of each storey,

and includes the area occupied by a garage, car port, verandah or other structure, whether or not attached to or forming part of the building.

* Notified in the *Commonwealth Gazette* on 24 August 1972.

(4.) A reference in these Regulations to a form by number shall be read as a reference to the form so numbered in the Schedule to these Regulations.

Fees to members of Committees.

3.—(1.) Subject to sub-regulation (3.) of this Regulation, the Chairman or Acting Chairman of the Review Committee or the Standards Committee shall be paid—

- (a) in respect of his attendance on a day at a meeting of the Committee the duration of which on that day is not less than three hours—a fee of Forty dollars; and
- (b) in respect of his attendance on a day at a meeting of the Committee the duration of which on that day is less than three hours—a fee of Twenty-five dollars.

(2.) Subject to the next succeeding sub-regulation, a member of the Review Committee or the Standards Committee, other than the Chairman or Acting Chairman, shall be paid—

- (a) in respect of his attendance on a day at a meeting of the Committee the duration of which on that day is not less than three hours—a fee of Thirty-five dollars; and
- (b) in respect of his attendance on a day at a meeting of the Committee the duration of which on that day is less than three hours—a fee of Twenty dollars.

(3.) The last two preceding sub-regulations do not apply in relation to the attendance at a meeting of the Review Committee or the Standards Committee of a Chairman, Acting Chairman or member of the Committee who is an officer or employee of the Public Service of the Commonwealth or of an authority of the Commonwealth.

Licence fees.

4.—(1.) The prescribed fee for the issue of a Builder's Licence Class A is Fifty dollars.

(2.) The prescribed fee for the issue of a Builder's Licence Class B is Forty dollars.

(3.) The prescribed fee for the issue of a Builder's Licence Class C is Thirty dollars.

(4.) The prescribed fee for the issue of a Builder's Licence Class D is Twenty dollars.

Fee for inspection of Register.

5. The prescribed fee for each inspection of the Register of Builder's Licences is One dollar.

Fee for approval of plans and specifications.

6.—(1.) Subject to sub-regulation (3.) of this regulation, the prescribed fee payable on an application for approval of plans and specifications relating to residential building work, other than work that consists of the demolition of a building, is—

- (a) where the plans and specifications provide for the erection of a building, or for the addition of an area of more than one hundred square feet—Three dollars for every one hundred square feet, and for any fractional part of one hundred square feet, in the area of the proposed building or addition; or
- (b) where the plans and specifications provide for the alteration of a building, the addition of an area of less than one hundred square feet, or the erection or construction of a fence, retaining wall, swimming pool, ornamental pond, mast, antenna, aerial, advertising device, notice or sign—one-quarter of one per centum of the cost of the alteration, addition, erection or construction.

(2.) Subject to the next succeeding sub-regulation, the prescribed fee payable on an application for approval of plans and specifications relating to commercial building work, other than work that consists of the demolition of a building, is the fee calculated in accordance with the following table:—

Cost	Fee
Up to and including \$25,000	$\frac{1}{4}\%$ of cost
Over \$25,000 and not more than \$50,000	\$125 for \$25,000 plus $\frac{1}{4}\%$ on the balance
Over \$50,000 and not more than \$100,000	\$187.50 for \$50,000 plus $\frac{1}{8}\%$ on the balance
Over \$100,000 and not more than \$200,000	\$250 for \$100,000 plus $\frac{1}{10}\%$ on the balance
Over \$200,000 and not more than \$400,000	\$350 for \$200,000 plus $\frac{1}{20}\%$ on the balance
Over \$400,000 and not more than \$800,000	\$450 for \$400,000 plus $\frac{1}{40}\%$ on the balance
Over \$800,000 and not more than \$1,600,000	\$550 for \$800,000 plus $\frac{1}{80}\%$ on the balance
Over \$1,600,000	\$650 for \$1,600,000 plus $\frac{1}{160}\%$ on the balance

(3.) Notwithstanding the last two preceding sub-regulations, the minimum fee payable in respect of an application for approval of plans and specifications is Six dollars.

7.—(1.) This regulation applies where an application is made for approval of an amendment of plans and specifications before they have been approved under the Ordinance.

Fee for approval of amendments of plans and specifications.

(2.) Where an application is made for the purpose of obtaining approval under the *Buildings (Design and Siting) Ordinance 1964-1972* and—

- (a) the amendment consists only of alterations necessary to obtain approval under that Ordinance—no fee is payable; or
- (b) the amendment consists of alterations necessary for that purpose and also of other alterations—the prescribed fee is, subject to the next succeeding sub-regulation, an amount equal to the difference between the fee paid in accordance with the last preceding regulation and the fee that would be payable in accordance with that regulation if the amended plans and specifications were submitted for approval as original plans and specifications.

(3.) Where the first-mentioned fee referred to in paragraph (b) of the last preceding sub-regulation is greater than the second-mentioned fee referred to in that paragraph, a refund of an amount equal to the difference between those fees is payable.

(4.) Where an application is made for the approval of an amendment of plans and specifications, not being an amendment referred to in sub-regulation (2.) of this regulation, and—

- (a) the amendment consists only of alterations necessary to meet objections made by the Building Controller—no fee is payable; or
- (b) the amendment consists of alterations necessary for that purpose and also of other alterations—the prescribed fee is a fee calculated in accordance with the last preceding regulation as if the alteration or addition were an alteration or addition to an existing building.

8. The prescribed fee for the approval of amendments of approved plans and specifications is—

Fee for approval of amendments of approved plans and specifications.

- (a) in the case of an amendment consisting of a deletion that does not involve an examination of the plans and specifications for the purposes of ascertaining the structural sufficiency, stability and safety of the remainder of the building—Five dollars; or

- (b) in the case of an amendment consisting of an addition or an alteration, other than a deletion referred to in the last preceding paragraph—a fee calculated in accordance with regulation 6 of these Regulations as if the addition or alteration were an addition or alteration to an existing building.

Fee for building permit.

9.—(1.) Subject to sub-regulation (3.) of this regulation, the prescribed fee payable in the case of a building permit in respect of residential building work, other than work that consists of the demolition of a building, is—

- (a) in the case of a permit for the erection of a building, or for the addition of an area of more than one hundred square feet—One dollar fifty cents for every hundred square feet, and for any fractional part of one hundred square feet, in the area of the proposed building or addition; or
- (b) in the case of a permit for the alteration of a building, the addition of an area of one hundred square feet or less, or the erection or construction of a fence, retaining wall, swimming pool, ornamental pond, mast, antenna, aerial, advertising device, notice or sign— one-eighth of one per centum of the cost of the alteration, addition, erection or construction.

(2.) Subject to the next succeeding sub-regulation, the prescribed fee payable in the case of a building permit in respect of commercial building work, other than work that consists of the demolition of a building, is—

- (a) in the case of a permit for the erection of a building—Ten dollars for every one thousand square feet, and for any fractional part of one thousand square feet, in the area of the proposed building;
- (b) in the case of a permit for the addition of an area of more than one hundred square feet—Ten dollars for every one thousand square feet, and for any fractional part of one thousand square feet, in the area of the proposed addition; or
- (c) in the case of a permit for the alteration of a building, the addition of an area of one hundred square feet or less or the erection or construction of a fence, retaining wall, swimming pool, ornamental pond, mast, antenna, aerial, advertising device, notice or sign—
- (i) where the cost of the work does not exceed Twenty-four thousand dollars—one-fourth of one per centum of that cost; or
- (ii) in any other case—Sixty dollars plus one-eighth of one per centum of the amount by which the cost exceeds Twenty-four thousand dollars.

(3.) Notwithstanding the last two preceding sub-regulations, the minimum fee payable in respect of a building permit is—

- (a) in the case of a permit referred to in sub-regulation (1.) of this regulation, or in paragraph (c) of the last preceding sub-regulation—Six dollars; or
- (b) in the case of a permit referred to in paragraph (a) or (b) of the last preceding sub-regulation—Twenty dollars.

Permit fee—demolition.

10. The prescribed fee payable in respect of a permit for building work, being building work that consists of the demolition of a building, is—

- (a) in the case of the demolition of a building of not more than two storeys—Five dollars for each storey;
- (b) in the case of the demolition of a building of more than two storeys— Ten dollars plus One dollar for each storey in excess of two.

11. The prescribed fee payable on an application for the extension of a building permit is Five dollars. Fee for extension of building permit.

12.—(1.) The holder of a building permit, other than a permit for demolition work, who surrenders the permit to the Building Controller before the building work referred to in the permit has commenced is entitled to a refund of the fee paid under regulation 9 of these Regulations less the sum of Five dollars. Refund of fees.

(2.) The holder of a building permit, other than a permit for demolition work, who surrenders the permit to the Building Controller after the building work referred to in the permit has commenced but before the work has been completed is entitled to a refund of the fee paid under regulation 9 of these Regulations, being a refund calculated in accordance with the formula—

$$\left(\frac{F \times C}{TC} \right) - 5,$$

where—

- F is the permit fee paid;
- C is the cost of the building work remaining to be completed; and
- TC is the total cost of the building work.

13. The prescribed fee payable in the case of a building permit, other than a permit for demolition work, in respect of the completion of building work is a fee calculated in accordance with the formula— Fee for permit to complete building work.

$$\frac{F \times C}{TC},$$

where F, C and TC have the same respective meanings as in sub-regulation (2.) of the last preceding regulation.

14. The cost of building work, in a case where the cost is not fixed by contract, is such amount as the Building Controller and the applicant agree to be the cost of the building work or, in default of agreement, such amount as is determined by the Review Committee on application made to it by the applicant or the Building Controller. Cost of building work.

15. The prescribed fee for the examination of amendments of structural plans or amendments of calculations is Five dollars for the first two sheets of plans or pages of calculations, together with Two dollars for each sheet or page by which the plans or calculations exceed two sheets or two pages. Fee for examination of amendments.

16.—(1.) Subject to the next succeeding sub-regulation, the prescribed fee for the examination of sketch plans, other than sketch plans required in connexion with the approval of the design and siting of a building by the Commission, is a sum equal to twenty-five per centum of the fee that would be payable in accordance with regulation 6 of these Regulations. Fee for examination of sketch plans.

(2.) Notwithstanding the last preceding sub-regulation, the minimum fee payable in respect of the examination of sketch plans is Four dollars.

17.—(1.) The prescribed fee for the search of a certificate issued under section 53 of the Ordinance is One dollar. Search fees.

(2.) The prescribed fee for a search by the lessee or owner of a parcel of land of the records kept by the Building Controller in relation to matters under the Ordinance, these Regulations or the repealed laws is One dollar.

Fees for photocopies.

18.—(1.) Subject to the next succeeding sub-regulation, the prescribed fee for a photocopy made by the Building Controller of a document in his records is as follows:—

	\$ c
For plans and drawings—per square foot or part of a square foot ..	0.75
For specifications—per foolscap sheet or part of a foolscap sheet ..	0.25
For other documents—per sheet	0.25
For a certified copy of a document—per sheet	1.00

(2.) Copies of plans and specifications submitted in accordance with the Ordinance shall not be furnished except in accordance with the instructions of the lessee or the owner of the parcel of land on which the building to which the plans and specifications relate is erected.

Form of application for licence.

19.—(1.) An application for the grant of a builder's licence shall, in the case of an application by a company or a partnership, be in accordance with Form 1.

(2.) An application for the grant of a builder's licence shall, in the case of an application by an individual, be in accordance with Form 2.

Form of notification of change of nominee.

20. The prescribed form for the purposes of section 22 of the Ordinance shall be in accordance with Form 3.

Form of application for approval of plans and specifications.

21. An application for approval of plans and specifications shall be in accordance with Form 4.

Form of application for permit.

22. An application for a building permit shall be in accordance with Form 5.

THE SCHEDULE

Regulation 2.

FORM 1.

Regulation 19.

AUSTRALIAN CAPITAL TERRITORY

Building Ordinance 1972.

APPLICATION FOR BUILDER'S LICENCE

(Company or Partnership)

Application is hereby made by [name of applicant(s)] of [business address] or, in the case of a company, registered office for the grant of a Builder's Licence under the Building Ordinance 1972.

Class of Builder's Licence applied for:

The applicant(s) nominate(s) the following licensed builder as its nominee: their

Name:

Class of Builder's Licence held:

Position in company : partnership :

Class of Builder's Licence previously held by applicant(s) expiring on.....

Date.....

[Signature of applicants or seal of company and signatures of officers in whose presence seal affixed]

FORM 2.

Regulation 19.

(Front of Form)

AUSTRALIAN CAPITAL TERRITORY

Building Ordinance 1972.

APPLICATION FOR BUILDER'S LICENCE

(Individual)

I [full name] of [address]

hereby apply for a Builder's Licence under the provisions of the Building Ordinance 1972.

Details of my qualifications and experience are set out overleaf.

Class of Builder's Licence applied for:

I have previously held a Builder's Licence Class expiring on.....

Date.....

[Signature of Applicant]

(Back of Form)

Qualifications of Applicant

(If this application is to replace an expiring licence and no change of classification is required this portion NEED NOT BE COMPLETED)

- 1. Formal Qualifications:
2. Experience:

Date.....

[Signature of Applicant]

Building Regulations

THE SCHEDULE—continued

FORM 3.

Regulation 20.

AUSTRALIAN CAPITAL TERRITORY

Building Ordinance 1972.

NOTICE OF CHANGE OF NOMINEE.

Notice is hereby given by [full name] of [business address or, in the case of a company, registered office] as required by section 22 of the *Building Ordinance 1972* that [name of previous nominee]

the nominee of the company partnership has ceased to be the nominee and has been replaced by the following nominee:

Name:

Class of Builder's Licence held:

Position in company partnership :

The licence of the company partnership is attached for alteration.

Date.....

[Signature, or seal of company and signatures of officers in whose presence seal affixed]

FORM 4.

Regulation 21.

AUSTRALIAN CAPITAL TERRITORY

Building Ordinance 1972.

APPLICATION FOR APPROVAL OF PLANS AND SPECIFICATIONS.

Name of applicant:

Address:

Name of lessee of parcel of land: owner

Address:

Description of land on which the building work is to be carried out:

Block..... Section..... Division.....

*Type of construction:

*Class of occupancy:

Cost \$

Total floor area where applicable.....

I hereby apply for approval of the attached plans and specifications

Date.....

[Signature of Applicant]

(To be completed if application made otherwise than by the lessee owner, his solicitor or architect)

I hereby authorize the abovenamed..... of [address of applicant] to make this application on my behalf.

[Signature of lessee owner.]

* To be specified in accordance with the appropriate classification in the Building Manual.

FORM 5.

Regulation 22.

AUSTRALIAN CAPITAL TERRITORY

Building Ordinance 1972.

APPLICATION FOR BUILDING PERMIT.

NOTE: Except as provided by section 39 of the *Building Ordinance 1972*, this application must be made by the holder of a Builder's Licence.

Description of land:

Block	Section	Division	Approved Plan No.
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Name of applicant

Address

Name of lessee or owner

Address

*Type of construction:

*Class of occupancy:

Cost as per contract
or estimated cost
(excluding land)

Type of building:

Description of Work. Please place a tick (✓) in the appropriate square:

Type of work:

New building Additions to existing building Alterations to existing building Other (specify)

Main material used in outside walls:

Brick/masonry blocks Timber/weatherboard Concrete Asbestos cement sheets Other (specify)

Main material of building frame:

Timber Brick Steel Concrete Other (specify)

Main material of roof:

Terra-cotta tiles Cement tiles Asbestos cement sheets Corrugated iron Other (specify)

Main material of floors:

Timber Concrete Steel Earth Other (specify)

Number of Residential units	
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Total number of storeys including the ground floor, excluding the basement	
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Total area	
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Date

.....
[Signature of Applicant]

* To be specified in accordance with the appropriate classification in the Building Manual.