



Australian Capital Territory

# Building Regulations

**SL1972-8**

made under the

**Building Act 1972**

**Republication No 3 (RI)**

**Effective: 29 March 1996 – 26 October 1997**

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## **About this republication**

### **The republished law**

This is a republication of the *Building Regulations* effective from 29 March 1996 to 26 October 1997.

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AUSTRALIAN CAPITAL TERRITORY

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**BUILDING REGULATIONS**

This consolidation has been prepared by the ACT Parliamentary Counsel's Office

Reprinted as at 31 March 1996

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**Citation**

1. These Regulations may be cited as the Building Regulations.<sup>1</sup>

**Interpretation**

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

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- (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;

and includes the cost of any engineering service proposed to be constructed, installed or carried out on or in relation to the land on which the building work is to be carried out but does not include the cost of that land;

“engineering service”, in relation to land on which building work is to be carried out, includes any electrical service, the construction or installation of a driveway, kerb, guttering or storm-water drainage, or the carrying out of regrading or contouring, on or in relation to that land;

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

**Prescribed buildings**

**3. (1)** For the purposes of section 6AA of the Act, each of the following buildings is a prescribed building:

- (a) a fence or wall that—
- (i) does not exceed 1.8 metres in height; and
  - (ii) does not form an integral part of an enclosure for a swimming pool;
- (b) a retaining wall the top of which does not exceed 1.2 metres above the lower ground level;
- (c) a carport or, subject to subregulation (2), a pergola—
- (i) the plan area of which does not exceed 25 square metres;
  - (ii) the height of which does not exceed 3 metres;
  - (iii) the distance between any 2 adjacent supports of which does not exceed 4 metres; and
  - (iv) where it is attached to an approved building—that does not project above the line of any adjacent guttering on that building;
- (d) a shed, gazebo, greenhouse or similar structure the roof area of which does not exceed 10 square metres;
- (e) an external timber deck the height of the floor level of which does not exceed 1 metre above ground level;
- (f) an antenna or aerial not exceeding 5 metres in height;

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- (g) a swimming pool the capacity of which does not exceed 10 cubic metres and designed to be assembled and installed above ground level;
  - (h) an internal alteration to an approved building the effect of which does not alter the classification of the building;
  - (j) an outdoor ornamental pond the depth of which does not exceed 300 millimetres;
  - (k) a barbeque, letterbox, or other structure, having a plan area not exceeding 2 square metres and which is not more than 1.8 metres high;
  - (m) a water tank—
    - (i) having a capacity not exceeding 17 kilolitres;
    - (ii) the top of which is not more than 2.4 metres above ground level; and
    - (iii) that is not connected to the water supply of the Electricity and Water Authority.
- (2) Subparagraph (1) (c) (i) applies to a roofed pergola.
- (3) Subregulation (1) does not apply if—
- (a) the building work in respect of the prescribed building affects—
    - (i) the structural sufficiency, soundness or stability of part of any approved building;
    - (ii) a fire rated wall, ceiling or floor;
    - (iii) any ventilation or air-handling system, fire protection system or other mechanical service; or
    - (iv) any fire escape, emergency lift, stairway, exit or passageway to an exit; or
  - (b) the building proposed to be built adversely affects the provision of natural light or ventilation to any approved building.

**Cost of work**

4. For the purposes of paragraph 58B (c) of the Act, the prescribed amount is \$5,000.

**Expiration of warranty**

5. For the purposes of subsection 58C (3) of the Act, the prescribed period is 5 years.

**Residential building work insurance**

6. (1) For the purposes of paragraph 58E (1) (b) of the Act, the prescribed amount is \$85,000.

(2) For the purposes of paragraphs 58E (1) (c) and (d) of the Act, the prescribed period is 5 years.

(3) For the purposes of paragraph 58E (1) (j) of the Act, the prescribed period is 90 days.

(4) For the purposes of subsection 58E (2) of the Act, the prescribed amount is \$500.

(5) For the purposes of paragraph 58E (7) (f) of the Act, the prescribed amount is \$10,000.

**Refund of fees**

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 for the grant of the permit less the sum of \$24.

(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 for the grant of the permit, being a refund calculated in accordance with the formula—

$$\frac{F \times C}{TC} - 24,$$

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.

(3) Where a person who has made an application for approval of plans under Part III of the Act withdraws the application before being given that approval, he or she is entitled to a refund of the fee paid for the approval of the plans less \$24.

**Cost of building work**

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.

**Specialist building work**

**15. (1)** For the purposes of the definition of “specialist building work” in section 5 of the Act, the following building work is prescribed:

- (a) the installation of a swimming pool;
- (b) the erection of a prefabricated building;
- (c) the installation of a mechanical ventilation system in a building, the modification of the structure of a mechanical ventilation system installed in a building or the removal from a building of a mechanical ventilation system that has been installed in it;
- (d) building work that involves the handling of asbestos or the disturbance of loose asbestos;
- (e) the demolition of a building;
- (f) the erection of an outbuilding.

**(2)** For the purposes of paragraph (1) (d), the handling of asbestos does not include the handling of asbestos cement sheeting that—

- (a) forms part of a residential building within the meaning of Part VA of the Act; and
- (b) is in a stable condition.

**Furnishing copies of documents**

**18.**

**(5)** Copies of plans submitted in accordance with the Act shall not be furnished except in accordance with the instructions of—

- (a) the lessee or the owner of the parcel of land on which the building to which the plans relate is erected; or
  - (b) where the plans relate to a unit within the meaning of the *Unit Titles Act 1970*—the proprietor of the unit.
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## Building Regulations

### NOTE

1. The Building Regulations (in force under the *Building Act 1972*) as shown in this reprint comprise Regulations 1972 No. 8 amended as indicated in the Tables below.

Citation of Laws—The *Self-Government (Citation of Laws) Act 1989* (No. 21, 1989) altered the citation of most Ordinances so that after Self-Government day they are to be cited as Acts. That Act also affects references in ACT laws to Commonwealth Acts.

#### Table of Subordinate Laws

Regulation No.	Date of making	Date of notification in Gazette	Date of commencement	Application, saving or transitional provisions
1972 No. 8	24 Aug 1972	24 Aug 1972	1 Sept 1972	
1974 No. 5	28 Mar 1974	29 Mar 1974	29 Mar 1974	—
1975 No. 3	25 Feb 1975	27 Feb 1975	27 Feb 1975	—
1978 No. 2	30 Jan 1978	1 Feb 1978	1 Feb 1978	—
1979 No. 18	29 Sept 1979	5 Oct 1979	5 Oct 1979	—
26	26 Nov 1979	29 Nov 1979	29 Nov 1979	—
1981 No. 22	9 Oct 1981	21 Oct 1981	21 Oct 1981	—
1982 No. 34	4 Aug 1982	18 Aug 1982	18 Aug 1982	—
1983 No. 7	23 Aug 1983	24 Aug 1983	24 Aug 1983	—
1984 No. 26	4 Dec 1984	12 Dec 1984	12 Dec 1984	—
1987 No. 11	8 Sept 1987	16 Sept 1987	16 Sept 1987	—
1988 No. 25	8 Dec 1988	9 Dec 1988	9 Dec 1988	—
1990 No. 12	20 Aug 1990	5 Sept 1990	5 Sept 1990	—
1991 No. 23	26 Sept 1991	4 Oct 1991	4 Oct 1991	—
No. 33, 1992	7 Dec 1992	11 Dec 1992	9 Dec 1992 (see r. 1 and Gazette 1992, No. S230, p. 2)	—
No. 3, 1996	22 Mar 1996	29 Mar 1996	29 Mar 1996	—

#### Table of Amendments

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

Provision	How affected
R. 2.....	am. 1978 No. 2; 1979 No. 18; 1981 No. 22; 1983 No. 7; 1991 No. 23
R. 3.....	am. 1978 No. 2 rep. 1979 No. 26 ad. No. 33, 1992
R. 4.....	rs. 1978 No. 2 rep. 1983 No. 7 ad. No. 3, 1996
R. 5.....	am. 1979 No. 26 rep. 1983 No. 7 ad. No. 3, 1996
R. 6.....	am. 1974 No. 5 rs. 1975 No. 3 am. 1978 No. 2; 1979 No. 18; 1981 No. 22



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**NOTE—continued**

**Table of Amendments—continued**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

Provision	How affected
	rep. 1983 No. 7 ad. No. 3, 1996
R. 6A .....	ad. 1979 No. 18 rep. 1983 No. 7
Rr. 7, 8 .....	am. 1978 No. 2; 1979 No. 18 rep. 1983 No. 7
R. 9 .....	am. 1974 No. 5 rs. 1975 No. 3 am. 1978 No. 2 rs. 1979 No. 18 am. 1981 No. 22; 1982 No. 34 rep. 1983 No. 7
R. 10 .....	rep. 1975 No. 3
R. 11 .....	am. 1975 No. 3; 1978 No. 2 rep. 1983 No. 7
R. 12 .....	am. 1975 No. 3; 1978 No. 2 1983 No. 7; 1987 No. 11
R. 13 .....	am. 1978 No. 2 rep. 1983 No. 7
R. 15 .....	am. 1975 No. 3; 1978 No. 2 rep. 1983 No. 7 ad. 1984 No. 26 am. 1988 No. 25; 1990 No. 12
R. 16 .....	am. 1975 No. 3; 1978 No. 2 rep. 1983 No. 7
R. 17 .....	am. 1975 No. 3; 1978 No. 2; 1981 No. 22 rep. 1983 No. 7
R. 18 .....	am. 1974 No. 5; 1975 No. 3; 1979 No. 18 rs. 1981 No. 22 am. 1983 No. 7
Rr. 19, 20 .....	rep. 1991 No. 23
R. 21 .....	am. 1979 No. 18 rep. 1991 No. 23
R. 22 .....	rep. 1991 No. 23
Heading to The Schedule ..	rep. 1975 No. 3
Heading to Schedules .....	ad. 1975 No. 3
Heading to Schedule 1 .....	ad. 1975 No. 3
Schedule 1 .....	am. 1979 No. 18; 1984 No. 26 rep. 1991 No. 23
Schedule 2 .....	ad. 1975 No. 3 rs. 1981 No. 22 rep. 1983 No. 7

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