

## AUSTRALIAN CAPITAL TERRITORY

### AMENDMENTS OF THE CANBERRA BUILDING REGULATIONS

#### EXPLANATORY MEMORANDUM

No. 3 of 1965

The amendments of the Canberra Building Regulations are being made in conjunction with the making of the Building Ordinance 1964. This legislation will be an interim measure to secure adequate control over building operations in the Territory and to enforce minimum standards in relation to the more important facets of building work pending the introduction of more comprehensive legislation which is now being drafted.

It is intended that the Canberra Building Regulations will be repealed at the time of promulgation of the abovementioned more comprehensive legislation which will make provision for the issue of a Building Manual setting out minimum standards to be observed in the construction of buildings.

In the meantime the Building Ordinance 1964 will continue the effective operation of the Canberra Building Regulations and the amendments of these Regulations will provide for the following matters:—

- (a) the omission of the definitions of “structure” and “the Proper Authority”, which terms will be redefined in the Building Ordinance;
- (b) a drafting amendment providing for the interpretation of terms in the Regulations in accordance with definitions in the Ordinance;
- (c) The exclusion of certain structures and alterations from the operation of the requirements that a person conducting building work is to be licensed, where the Proper Authority considers that a licence is not necessary for the erection of such structures or alterations;
- (d) the Proper Authority to be empowered to exercise his discretion to determine whether a proposed structure or alteration is such as not to require erection by a licensed builder;
- (e) applications for permits by builders to carry out any work on the construction of or alteration to buildings to be made in writing in a form approved by the Proper Authority.

In addition to the above matters, the amendments of the Regulations repeal the existing Regulation relating to fees payable on applications for permits and substitute a new table of increased fees providing that a fee payable on an application for the

issue by the Proper Authority of a written permit where no builder's licence is required shall be 25% in each case of the fees prescribed in the new table. It is also provided that where a permit has been granted on the basis that no builder's licence is required and an application is subsequently made for the work to be carried out by a licensed builder the balance of the fee, namely 75% in each case of the fees prescribed in the table of fees, is payable.

A provision requiring the issue of a certificate of occupancy by the Proper Authority will be substituted for the existing provision in the Regulations relating to the issue of a certificate of completion of a building, which is to be repealed. This amendment will bring the Regulations into line with modern practice followed in the States and will permit the Proper Authority to exercise more discretion in the control of building construction than was possible under the repealed provision.

The existing Regulations relating to the enforcement powers of the Proper Authority concerning building work not being carried out in accordance with the Regulations and the erection of unauthorised building are to be repealed as these matters will now be covered more comprehensively in the Building Ordinance 1964.

In view of the amended provisions of the Regulations relating to the issue of permits to erect buildings and of the provisions of the Buildings (Design and Siting) Ordinance 1964 concerning the role of the National Capital Development Commission in relation to approvals with respect to the external design and siting of buildings, the existing forms of application relating to these matters, which are now specified in the schedule to the Regulations, are to be omitted.