

BUILDING ORDINANCE
CANBERRA BUILDING REGULATIONS*

REGULATIONS 1965, No. 3†

Definitions.

1. Regulation 4 of the Canberra Building Regulations is amended—
- (a) by omitting from sub-regulation (1.) the definition “structure” and “the proper authority”;
 - (b) by inserting after sub-regulation (1.) the following sub-regulation:—

“ (1A.) A reference to a form shall be read as a reference to a form in the Schedule to these Regulations.”; and
 - (c) by adding the following sub-regulations:—

“ (3.) Unless the contrary intention appears, expressions in these Regulations have the same meaning as in the *Building Ordinance* 1964.

“ (4.) Unless the contrary intention appears, a reference in these Regulations to a building shall be read as including a reference to an alteration to a building and a reference to the erection of a building shall be read as including the making of an alteration to a building.”.

Building contractors to have licences.

2. Regulation 10 of the Canberra Building Regulations is amended—
- (a) by omitting the words “or other structure”; and
 - (b) by adding at the end thereof the following sub-regulation:—

“ (2.) The last preceding sub-regulation does not apply to or in relation to the erection of a structure or the alteration of a building in respect of which the proper authority has, in pursuance of sub-regulation (4.) of regulation 11A of these Regulations issued a written permit, endorsed ‘No Builder’s Licence Required’, to erect the structure or alter the building.”.

Application for permission to erect buildings.

3. Regulation 11 of the Canberra Building Regulations is amended by omitting sub-regulations (1.) and (2.) and inserting in their stead the following sub-regulations:—
- “ (1.) A person shall not carry out any work on the construction of, or alteration to, a building unless the proper authority has issued a written permit authorizing the erection or alteration of the building by that person.
- “ (2.) An application for a permit referred to in the last preceding sub-regulation (not being an application to which sub-regulation (4.) of the next succeeding regulation applies), shall be made in writing by a builder in a form approved by the proper authority.”.

* Regulations notified in the *Commonwealth Gazette* on 18 October, 1924, as amended by Regulations notified in the *Commonwealth Gazette* on 12 October, 1926; 14 April, 1927; 15 December, 1927; 7 June, 1928; 12 October, 1933; 9 August, 1934; 6 January, 1938; and 30 December, 1938; and by Regulations 1942, No. 6; 1949, No. 4; 1953, No. 12; and 1959, No. 13.

† Made under the *Building Ordinance* 1964 on 27 May, 1965; notified in the *Commonwealth Gazette* and commenced on 27 May, 1965.

4. Regulation 11A of the Canberra Building Regulations is amended— Application for approval of design.
 (a) by omitting from sub-regulation (1.) the words “in accordance with Form H” and inserting in their stead the words “in accordance with the form approved by the proper authority”; and

(b) by adding at the end thereof the following sub-regulation:—

“ (4.) Where—

(a) an application is made under this regulation for the approval to erect a structure or to carry out an alteration to a building; and

(b) the proper authority is satisfied that the construction of the proposed structure or alteration is of such a nature that compliance with the requirement that the construction be carried out by a person who is the holder of a Builder’s Licence or a Builder’s Special Licence is not warranted, the proper authority may—

(i) treat the application as an application for a written permit for the erection of the structure or the alteration of the building, as the case may be; and

(ii) issue a written permit, endorsed ‘No Builder’s Licence Required’, to the person who made the application.”.

5. Regulation 12 of the Canberra Building Regulations is repealed. Repeal.

6. Regulation 14 of the Canberra Building Regulations is repealed and the following regulations are inserted in its stead:—

“ 14.—(1.) Subject to the next succeeding regulation, the fee payable on an application for a permit under these Regulations is the fee specified in, or ascertained in accordance with, the following table. Fees.

Item No.	Description of application.	Fee or method of ascertaining fee.
1	Application for a permit to erect a dwelling house and outbuildings (if any)	10s. for each 100 square feet included in the floor area
2	Application for a permit to carry out an alteration, or to erect an addition to, a dwelling-house	10s. for each 100 square feet by which the floor area of the dwelling house is to be increased, or, an amount of £1, whichever is the greater
3	Application for a permit to erect a building, other than a dwelling house—	
	(a) where the cost of the building does not exceed £1,000	One half per centum of the cost or 10s. whichever is the greater
	(b) where the cost of the building exceeds £1,000 but does not exceed £50,000	£5, and, in addition, one-fifth per centum of the cost of the building in excess of £1,000
	(c) where the cost of the building exceeds £50,000	£103, and, in addition, one-twentieth per centum of the cost of the building in excess of £50,000

Item No.	Description of application.	Fee or method of ascertaining fee.
4	Application for a permit to erect a television or wireless mast, aerial or antenna attached to a building	5s., or, if the height of the television or wireless mast, aerial or antenna exceeds 10 feet—5s., and, in addition, 1s. for each foot or part of a foot in excess of 10 feet
5	Application for a permit to erect a television or wireless mast not attached to a building	£1, or, if the height of the television or wireless mast, aerial or antenna exceeds 25 feet, £1, and, in addition, 1s. for each foot or part of a foot in excess of 25 feet
6	Application for a permit to erect a furnace, chimney or ventilation shaft	15s., or, if the height of the furnace, chimney or ventilation shaft exceeds— (a) 75 feet but does not exceed 100 feet—£4; or (b) 100 feet—£4 and for each foot or part of a foot of the height of the furnace, chimney or ventilation shaft, in excess of 100 feet—15s.
7	Application for a permit to alter a shop front— (a) not involving the removal or provision of girders or concrete columns; or (b) involving the removal or provision of girders or concrete columns	15s. 1s. for each foot or part of a foot of the length of the shop frontage
8	Application for a permit to erect, alter or add to an advertising device, notice or sign	15s.
9	Application for a permit to erect, alter or add to a structure not referred to in the preceding items	5s.

“(2.) If the plans and specifications submitted with an application referred to in items 1, 2 or 3 in the table in the last preceding sub-regulation include provisions for a structure referred to in any of the other items in that table, a fee is not payable under that other item.

“(3.) For the purposes of calculating the fee payable in respect of an application referred to in item 1 or 2 in the table in sub-regulation (1.) of this regulation, the floor area of a dwelling house shall be the gross floor area of each storey of the dwelling house measured over the enclosing and supporting walls.

“(4.) For the purposes of item 3 in the table in sub-regulation (1.) of this regulation, the cost of a building shall, in the absence of a contract price in respect of that building, be the cost as estimated by the proper authority.

Fees payable on applications under regulation 11A.

“14A.—(1.) The fee payable on an application under regulation 11A of these Regulations is 25 per centum of the fee prescribed by the last preceding sub-regulation.

“(2.) Where the fee prescribed by the last preceding sub-regulation has been paid on an application made under regulation 11A of these Regulations, and the proper authority has approved the design of the building to which the application relates, the balance of the fee, namely 75 per centum

of the fee prescribed by sub-regulation (1.) of the last preceding regulation, is payable on an application under regulation 11 of these Regulations in respect of that building.

“(3.) If—

- (a) permission to erect the proposed building is refused; or
- (b) a permit is granted, but the building is not proceeded with, and within twelve months the permit is surrendered to the proper authority and application is made for a refund of portion of the fees paid,

a sum not exceeding three-fourths of the fees paid under these Regulations may be returned to the person who paid the fees, but in no case shall the amount retained be less than Ten shillings.”.

7. Regulations 69A and 69B of the Canberra Building Regulations are repealed and the following regulations inserted in their stead:—

“69A.—(1.) A person shall not occupy or use a building, or an addition to a building, unless the proper authority has certified in writing that the building or the addition to the building is fit for occupation and use. Certificates of occupancy.

“(2.) For the purposes of the last preceding sub-regulation, a building shall not include a structure or an alteration to a building.

“69B.—(1.) The proper authority shall not issue a certificate in respect of the erection of a building, other than an addition to a building, under the last preceding regulation, unless he has received— Certificates to be furnished before certificate of occupancy is issued.

- (a) a certificate under the hand of a surveyor licensed under the *Real Property Ordinance* 1925-1963 that the building and structures erected in connexion with the building (if any) stand wholly within the boundaries of the land comprised in the lease on which the building is constructed;
- (b) a certificate under the hand of the engineer appointed under the Canberra Sewerage and Water Supply Regulations, or by a person authorized by the engineer, that the work referred to in those Regulations has been satisfactorily carried out; and
- (c) a certificate under the hand of an engineer authorized by the Australian Capital Territory Electricity Authority certifying that the conditions upon or subject to which electricity will be supplied by the Australian Capital Territory Electricity Authority have been complied with.

“(2.) The proper authority shall not issue a certificate under the last preceding regulation in respect of the construction of an addition to a building unless he has received such of the certificates referred to in the last preceding sub-regulation as he specifies in writing having regard to the works of construction involved in that addition.”.

8. Regulations 69C, 70 and 70A of the Canberra Building Regulations are repealed.

9. The Schedule to the Canberra Building Regulations is amended by omitting Forms F, G, H and I. The Schedule.