



Australian Capital Territory

# Building Regulations

**SL1972-8**

made under the

**Building Ordinance 1972**

**Republication No 0A (RI)**

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SL1979-18 and SL1979-26)

## **About this republication**

### **The republished law**

This is a republication of the *Building Regulations* effective from 29 November 1979 to 20 October 1981.

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# AUSTRALIAN CAPITAL TERRITORY

## BUILDING REGULATIONS

*Incorporating all amendments by legislation made to 31 October 1980*

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### SCHEDULES

#### SCHEDULE 1

Forms

#### SCHEDULE 2

Cost-Fee

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

Citation

2. (1) In these Regulations, unless the contrary intention appears—  
“commercial building work” means work carried out in relation to a  
building that is not a residential building;

Interpretation

Sub-reg. (1)  
amended by  
1978 No. 2 r. 8

24275/80 R 79/1087 Cat. No. 80 0271 8—Recommended retail price 40c

“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,

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.

Amended by  
1978 No. 2 r. 8;  
1979 No. 18 r. 1

(4) A reference in these Regulations to a form by number shall be read as a reference to the form so numbered in Schedule 1.

Regulation 3  
repealed by 1979  
No. 26

\* \* \* \* \*

Licence fees  
Substituted by  
1978 No. 2 r. 1

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

- (a) in the case of the issue of a licence to a person who is the holder of a Builder’s Licence Class A—\$100; and
- (b) in any other case—\$150.

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

- (a) in the case of the issue of a licence to a person who is the holder of a Builder's Licence Class B—\$80; and
- (b) in any other case—\$120.

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

- (a) in the case of the issue of a licence to a person who is the holder of a Builder's Licence Class C—\$60; and
- (b) in any other case—\$90.

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

- (a) in the case of the issue of a licence to a person who is the holder of a Builder's Licence Class D—\$60; and
- (b) in any other case—\$90.

5. The prescribed fee for each inspection of the Register of Builder's Licences is \$1.

Fee for inspection of Register  
Amended by 1979 No. 26

6. (1) Subject to sub-regulation (3), the prescribed fee payable on an application for approval of plans relating to residential building work is—

- (a) where the plans provide for the erection of a building, other than a building referred to in paragraph (1) (aa)—the fee calculated in accordance with Part I of Schedule 2;
- (aa) where the plans and specifications provide for the erection of a garage, carport or other structure not attached to, or forming part of, a residential building—0.5% of the cost of the erection; and
- (b) where the plans provide for the demolition of a building, the alteration of or addition to a building or the erection or construction of a fence, retaining wall, swimming pool, ornamental pond, mast, antenna, aerial, advertising device, notice or sign—0.5% of the cost of the demolition, alteration, addition, erection or construction.

Fees for approval of plans and specifications  
Substituted by 1975 No. 3 r. 1  
Sub-reg. (1) amended by 1978 No. 2 r. 2; 1979 No. 18 r. 5

(2) Subject to sub-regulation (3), the prescribed fee payable on an application for approval of plans relating to commercial building work is the fee calculated in accordance with Part II of Schedule 2.

Amended by 1979 No. 18 r. 5

(3) Notwithstanding the provisions of sub-regulations (1) and (2), the minimum fee payable in respect of an application for approval of plans is \$15.

Amended by 1978 No. 2 r. 2; 1979 No. 18 r. 5

Fee for extension of period of approval of plans

Inserted by 1979 No. 18 r. 2

**6A.** The prescribed fee that is to accompany an application under sub-section 33A (2) of the Ordinance is \$10.

Fee for approval of amendments of plans

Sub-reg. (1) amended by 1979 No. 18 r. 5

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

Amended by 1979 No. 18 r. 5

(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 were submitted for approval as original plans.

(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.

Amended by 1978 No. 2 r. 8; 1979 No. 18 r. 5

(4) Where an application is made for the approval of an amendment of plans, not being an amendment referred to in sub-regulation (2), 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 regulation 6 as if the alteration or addition were an alteration or addition to an existing building.

Fee for approval of amendments of approved plans

Amended by 1978 No. 2 r. 8; 1979 No. 18 r. 5

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

- (a) in the case of an amendment consisting of a deletion that does not involve an examination of the plans for the purposes of ascertaining the structural sufficiency, stability and safety of the remainder of the building—\$5; or

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

9. (1) Subject to sub-regulations (2) and (4), the fee payable under section 35 or 39 of the Ordinance for a building permit in respect of residential building work is—

Fee for  
building  
permit  
Substituted by  
1979 No. 18 r. 3

- (a) in the case of a permit for the erection of a building other than a building referred to in paragraph (b)—the fee calculated in accordance with Part I of Schedule 2;
- (b) in the case of a permit for the erection of a garage, carport or other structure not attached to, or forming part of, a residential building—0.5 per cent of the cost of the erection; and
- (c) in the case of a permit for the demolition of a building, the alteration of or addition to a building or the erection or construction of a fence, retaining wall, swimming pool, ornamental pond, mast, antenna, aerial, advertising device, notice or sign—0.5 per cent of the cost of the demolition, alteration, addition, erection or construction.

(2) Subject to sub-regulation (4), the fee payable for a building permit endorsed in accordance with section 39 of the Ordinance on the ground that—

- (a) the person seeking the building permit is the owner of the parcel of land on which the building work is to be carried out; and
- (b) the building work is in connection with the erection or alteration of a single residential unit or its associated out-buildings and there will be, after the carrying out of the building work, only one such unit on the parcel,

is an amount equal to the sum of the fee that, but for this sub-regulation and sub-regulation (4), would be payable in accordance with sub-regulation (1) and an amount equal to 0.2 per cent of the cost of the building work in respect of which the building permit is granted.

(3) Subject to sub-regulation (4), the fee payable under section 35 or 39 of the Ordinance for a building permit in respect of commercial building work is the fee calculated in accordance with Part II of Schedule 2.

(4) Notwithstanding any other provision contained in this regulation, the minimum fee payable for a building permit is—

- (a) in the case of a permit referred to in sub-regulation (1) or (2)—\$20; and
- (b) in the case of a permit referred to in sub-regulation (3)—\$30.

Regulation 10  
repealed by 1975  
No. 3 r. 2

\* \* \* \* \*

Fee for  
extension of  
building  
permit

Amended by  
1975 No. 3 r. 3;  
1978 No. 2 r. 4

**11.** The prescribed fee payable on an application for the extension of a building permit is—

- (a) where the permit has not been extended previously—
- (i) for a period of extension not exceeding 6 months, \$15; and
  - (ii) for a period of extension exceeding 6 months, \$15 plus \$15 for each period of 3 months, or part of such a period, exceeding 6 months; and
- (b) where the permit has been extended previously—\$15 for each period of 3 months, or part of such a period, by which the permit is to be extended.

Refund of  
fees

Sub-reg. (1)  
amended by  
1975 No. 3 r. 4;  
1978 No. 2 r. 8

**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 less the sum of \$10.

Amended by  
1975 No. 3 r. 4;  
1978 No. 2 r. 8

(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, being a refund calculated in accordance with the formula—

$$\frac{F \times C}{TC} \quad \text{—10,}$$

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.

Fee for  
permit to  
complete  
building  
work

Amended by  
1978 No. 2 r. 8

**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—

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

where F, C and TC have the same respective meanings as in sub-regulation 12 (2).

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.



15. The prescribed fee for the examination of amendments of structural plans or amendments of calculations is \$15 for the first 2 sheets of plans or pages of calculations, together with \$4 for each sheet or page by which the plans or calculations exceed 2 sheets or 2 pages.

Fee for examination of amendments  
Amended by 1975 No. 3 r. 5; 1978 No. 2 rr. 5 and 8

16. (1) Subject to sub-regulation (2), 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 25 per centum of the fee that would be payable in accordance with regulation 6.

Fee for examination of sketch plans  
Sub-reg. (1) amended by 1978 No. 2 r. 8

(2) Notwithstanding sub-regulation (1), the minimum fee payable in respect of the examination of sketch plans is \$10.

Amended by 1975 No. 3 r. 6; 1978 No. 2 rr. 6 and 8

17. (1) The prescribed fee for the search of a certificate issued under section 53 of the Ordinance is \$5.

Search and statement fees  
Sub-reg. (1) amended by 1978 No. 2 r. 7

(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 \$5.

Amended by 1975 No. 3 r. 7

(3) The prescribed fee for a statement in writing of the Building Controller supplied to the lessee or owner of a parcel of land and specifying information obtained from the records of the Building Controller kept by him in relation to such matters under the Ordinance, these Regulations or the repealed laws as relate to the parcel of land is \$15.

Added by 1978 No. 2 r. 7

18. (1) Subject to sub-regulation (2), the prescribed fee for a photocopy made by the Building Controller of a document in his records is as follows:

Fees for photocopies  
Sub-reg. (1) substituted by 1975 No. 3 r. 8; amended by 1979 No. 18 r. 4

|                                                                                       | \$   |
|---------------------------------------------------------------------------------------|------|
| For plans and drawings—per 0.1 m <sup>2</sup> or part of 0.1 m <sup>2</sup> . . . . . | 2.00 |
| For other documents—per sheet . . . . .                                               | 0.50 |
| For a certified copy of a document—per sheet . . . . .                                | 5.00 |

(2) Copies of plans 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 relate is erected.

Amended by 1979 No. 18 r. 5

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.

Form of application for licence

(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

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

Amended by 1979 No. 18 r. 5

Form of application for permit

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

Heading substituted by 1975 No. 3 r. 9

SCHEDULES

SCHEDULE 1

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/their nominee:

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]

SCHEDULE 1—continued

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]

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

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]

*Building Regulations*

## SCHEDULE 1—continued

## FORM 4

Regulation 21

Amended by  
1979 No. 18 r. 5

## AUSTRALIAN CAPITAL TERRITORY

*Building Ordinance 1972*

## APPLICATION FOR APPROVAL OF PLANS

Name of applicant:

Address:

Name of <sup>lessee</sup>  
owner of parcel of land:

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

Date.....

.....  
[Signature of Applicant](To be completed if application made otherwise than by the <sup>lessee</sup>  
owner his solicitor or architect)

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

.....  
[Signature of <sup>lessee</sup>  
owner]

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

SCHEDULE 1—continued

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 Plan No. Approved

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

Total number of storeys including the ground floor, excluding the basement

Total area

Date.....

.....

{Signature of Applicant}

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

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## SCHEDULE 2

## PART I

| Cost                                      | Fee                                          |
|-------------------------------------------|----------------------------------------------|
| Up to and including \$30,000              | 0.2% of cost                                 |
| Over \$30,000 and not more than \$60,000  | \$60 for \$30,000 plus 0.4% on the balance   |
| Over \$60,000 and not more than \$120,000 | \$180 for \$60,000 plus 0.6% on the balance  |
| Over \$120,000                            | \$540 for \$120,000 plus 0.8% on the balance |

## PART II

| Cost                                           | Fee                                               |
|------------------------------------------------|---------------------------------------------------|
| Up to and including \$60,000                   | 0.5% of cost                                      |
| Over \$60,000 and not more than \$125,000      | \$300 for \$60,000 plus 0.2% on the balance       |
| Over \$125,000 and not more than \$250,000     | \$430 for \$125,000 plus 0.1% on the balance      |
| Over \$250,000 and not more than \$500,000     | \$555 for \$250,000 plus 0.05% on the balance     |
| Over \$500,000 and not more than \$1,000,000   | \$680 for \$500,000 plus 0.04% on the balance     |
| Over \$1,000,000 and not more than \$2,000,000 | \$880 for \$1,000,000 plus 0.03% on the balance   |
| Over \$2,000,000 and not more than \$4,000,000 | \$1,180 for \$2,000,000 plus 0.02% on the balance |
| Over \$4,000,000                               | \$1,580 for \$4,000,000 plus 0.01% on the balance |

## NOTE

- The Building Regulations (in force under the *Building Ordinance 1972*) as shown in this reprint comprise Regulations 1972 No. 8 as amended by the other Regulations specified in the following table:

| Year and number | Date of making | Date of notification<br>in <i>Gazette</i> | Date of<br>commencement |
|-----------------|----------------|-------------------------------------------|-------------------------|
| 1972 No. 8      | 24 Aug 1972    | 24 Aug 1972                               | 24 Aug 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              |
| 1979 No. 26     | 26 Nov 1979    | 29 Nov 1979                               | 29 Nov 1979             |