Version No.

**Building Regulations 2017**

**S.R. No.**

Version incorporating amendments as at

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**Version No.**

**Building Regulations 2017**

**S.R. No.**

Part 1—Preliminary

Division 1—Introduction

1 Objectives

The objectives of these Regulations are—

(a) to remake with amendments the regulations which control the design, construction and use of buildings and places of public entertainment; and

(b) to prescribe standards for the construction and demolition of buildings; and

(c) to prescribe standards of safety for places of public entertainment; and

(d) to regulate matters relating to the use and maintenance of buildings and places of public entertainment; and

(e) to prescribe requirements for the design and siting of single dwellings and associated buildings; and

(f) to prescribe standards and matters relating to the maintenance of fire safety and safety measures; and

(g) to prescribe requirements for swimming pool and spa safety; and

(h) to provide for matters relating to the accreditation of building products, construction methods, designs, components and systems connected with building work; and

(i) to prescribe qualifications and provide for other matters relating to registration of building practitioners; and

(j) to prescribe fees in relation to matters before the Building Appeals Board, the Authority and the Building Regulations Advisory Committee; and

(k) to provide for other matters for the purposes of the **Building Act 1993**.

2 Authorising provisions

These Regulations are made under sections 7, 9, 15A, 261 and 262 of and Schedule 1 to the **Building Act 1993**.

3 Commencement

These Regulations come into operation on 1 June 2017.

4 Revocations

The Regulations listed in Schedule 1 are **revoked.**

Division 2—Definitions and interpretation

5 Definitions

(1) In these Regulations—

***allotment*** means land that can be disposed of separately under section 8A of the **Sale of Land Act 1962**without being subdivided;

***approved*** means approved by the relevant building surveyor;

***approved building envelope*** means documented design parameters that deal with a siting matter regulated under Part 6 that—

(a) are specified in a planning permit for the subdivision of land granted under the **Planning and Environment Act 1987** on or after 1 July 1994; and

(b) are—

(i) specified in an agreement made under section 173 of the **Planning and Environment Act 1987** that is recorded on the register under the **Transfer of Land Act 1958** in relation to the relevant allotment; or

(ii) shown as restrictions on the plan of subdivision of land certified under the **Subdivision Act 1988** that is recorded on the register under the **Transfer of Land Act 1958** in relation to the relevant allotment;

***architectural feature*** means eaves, brackets, cornices, light fixtures, coping, fascia, window sills and similar parts of a building that are for decorative purposes and which can be removed from a building or structure without adversely affecting that building’s structural integrity;

***AS 1851—2012*** means AS 1851—2012 Routine service of fire protection systems and equipment published on 3 December 2012, as in force or as issued from time to time;

***AS 2601*** means AS 2601 The demolition of structures as in force or as issued or as published from time to time;

***AS 3959*** means AS 3959—2009 Construction of buildings in bushfire-prone areas published on 10 March 2009, as incorporated for the time being by the BCA;

***BCA*** means the Building Code of Australia;

***BCA Volume One*** means Volume One of the National Construction Code Series including any variations or additions in the Appendix Victoria set out in the Appendices to that Volume;

***BCA Volume Two*** means Volume Two of the National Construction Code Series including any Victoria additions set out in Appendix A of that Volume;

***bushfire*** ***attack level*** has the same meaning as in AS 3959;

***certificate of final inspection*** means a certificate issued under section 38 of the Act;

***clear to the sky*** in relation to an area means an unroofed area or an area roofed with a material that transmits at least 90% of light;

***combined allotments*** means two or more allotments sharing at least one common boundary;

***commencement date*** in relation to building work has the same meaning as in regulation 63(1);

***completion date*** in relation to building work has the same meaning as in regulation 63(2);

***declared road*** means a freeway or an arterial road within the meaning of the **Road Management Act 2004**;

***designated land*** means any land declared to be designated land under Part 10 of the **Water Act 1989**

***designated special area*** means—

(a) an area liable to flooding; or

(b) an area designated under regulation 152 as an area in which buildings are likely to be subject to attack by termites; or

(c) an area designated under regulation 154 as likely to be subject to significant snowfalls; or

(d) designated land; or

(e) designated works

***designated works*** means any works declared to be designated works under Part 10 of the **Water Act 1989**;

***drainage authority*** in relation to a district means the Authority to which Division 3 of Part 10 of the **Water Act 1989** applies in relation to that district;

***electricity supply authority*** has the same meaning as ***electricity corporation*** has in section 85 of the **Electricity Industry Act 2000**;

***essential safety measure*** means—

(a) a safety measure specified in Column 2 of each Part of the Table in Schedule 8 that is required by or under the Act or these Regulations to be provided in relation to a building or a place of public entertainment; or

(b) any other item that is required by or under the Act or these Regulations to be provided in relation to a building or place of public entertainment for the safety of persons in the event of fire and that is designated by the relevant building surveyor as an essential safety measure; or

(c) any other item that is an essential safety measure within the meaning of regulation 1202 of the Building Regulations 2006 as in force before their revocation.

***farm land*** has the same meaning as it has in section 2 of the **Valuation of Land Act 1960**;

***fence*** includes—

(a) a screen; or

(b) a structure similar to a fence;

***fire performance requirement*** means—

(a) performance requirement BP1.1, DP2, DP3, DP4 or DP6 of the BCA Volume One (to the extent that it relates to fire safety); or

(b) performance requirement CP1, CP2, CP3, CP4, CP5, CP6, CP7, CP8, CP9, DP5, EP1.1, EP1.2, EP1.3, EP1.4, EP1.5, EP1.6, EP2.1 or EP2.2 of the BCA Volume One; or

(c) performance requirement P2.1.1, P2.3.1 or P2.3.2 of the BCA Volume Two (to the extent that it relates to fire safety for a Class 1b building and a Class 10 building not associated with a Class 1a building);

***fire safety engineer*** means a registered building practitioner in the category of engineer, class of (Fire safety);

***floodplain management authority*** in relation to a district means an Authority or Minister to which Division 4 of Part 10 of the **Water Act 1989** applies in relation to that district;

***Form*** means a form in Schedule 3;

***gas supply authority*** means—

(a) in relation to an area served by a reticulated gas supply, a gas company within the meaning of the **Gas Safety Act 1997**; and

(b) in relation to pipelines to which the **Pipelines** **Act 2005** applies, the Minister responsible for that Act;

***height*** in relation to—

(a) a building (other than a wall or fence) at any point, means the vertical distance between natural ground level and the top of the roof covering; and

(b) a wall at any point, means the vertical distance between the natural ground level at the base of the wall and the point at which the outer wall intersects the plane of the top of the roof covering or the top of the parapet, whichever is higher; and

(c) a fence at any point, means the vertical distance between natural ground level at the base of the fence and the top of the fence;

***Keeper of Public Records*** means the Keeper of the Public Records within the meaning of the **Public Records Act 1973**;

***maintenance determination*** has the same meaning as it has in regulation 212;

***maintenance schedule*** has the same meaning as it has in regulation 212;

***medium street*** means a street that is more than 6m in width but not exceeding 10m in width;

***narrow street*** means a street that is 6m or less in width**;**

***north-facing window*** means a window that has an axis perpendicular to its surface oriented true north 20° west to true north 30° east;

***pergola*** means an open structure that is unroofed but may have a covering of open weave permeable material;

***planning permit*** means a planning permit granted under the **Planning and Environment Act 1987**;

***planning scheme*** means a planning scheme made under the **Planning and Environment Act 1987** as in force from time to time;

***private open space*** means—

(a) an unroofed area of land; or

(b) a deck, terrace, patio, balcony, pergola, verandah, gazebo or swimming pool;

***recreational private open space*** means any part of private open space on an allotment—

(a) which is—

(i) at the side or rear of an existing dwelling on the allotment; or

(ii) within the front setback of an existing dwelling on the allotment and which is screened for at least 90% of its perimeter by a wall, fence or other barrier that is at least 1·5m high and that has no more than 25% of its area open; and

(b) which is primarily intended for outdoor recreation activities;

***septic tank system*** has the same meaning as it has in Part IXB of the **Environment Protection Act 1970**;

***setback*** from a boundary or building, means a horizontal distance from that boundary or building;

***service authority*** means any of the following—

(a) a council;

(b) a drainage authority;

(c) an electricity supply authority;

(d) a gas supply authority;

(e) a sewerage authority;

(f) a water supply authority;

***sewerage authority*** in relation to a sewerage district under the **Water Act 1989** means the Authority for that sewerage district under that Act;

***site coverage*** in relation to an allotment means that part of the allotment, which is covered by buildings, expressed as a percentage of the area of the allotment;

***street*** includes road, highway, carriageway, lane, footway, square, court, alley and right of way;

***street alignment*** means the line between a street and an allotment;

***the Act*** means the **Building Act 1993**;

***water supply authority*** in relation to a water district under the **Water Act 1989** means the Authority for that water district under that Act;

***wide street*** is a street that is more than 10m in width.

(2) Land is in an ***area liable to flooding*** if—

(a) by or under the **Water Act 1989** it is determined as being liable to flooding (however expressed); or

(b) it is identified in a planning scheme under the **Planning and Environment Act 1987** as being in an area liable to flooding (however expressed); or

(c) it is described on a certified or sealed plan of subdivision or plan of strata subdivision or plan of cluster subdivision (as the case requires) as being liable to flooding (however expressed); or

(d) it is designated by the relevant council as likely to be flooded by waters from—

(i) a ***waterway***, as defined in section 3 of the **Water Act 1989**; or

(ii) any land upon which water concentrates or upon or over which surface water usually or occasionally flows (whether in a defined channel or otherwise) including land affected by flow from a drainage system.

(3) For the purposes of subregulation (1), the width of a street must take into account the accumulative width of all parts of a street, including for example footways and roads.

6 Interpretation

If a provision of any document applied, adopted or incorporated by, or referred to in, these Regulations is inconsistent with any provision in these Regulations, the provision of these Regulations prevails.

7 Numerical values

The numerical values prescribed in these Regulations must be applied subject to tolerances according to any appropriate code, standard, rule, specification or provision adopted by reference in these Regulations, or normal trade practice, or good practice, as the case requires.

8 Use of buildings

In these Regulations any reference to the purpose for which a building is used includes the purpose for which it is proposed to be used.

9 Approved forms

(1) The Authority may from time to time approve forms for the purposes of these Regulations.

(2) The Authority must publish any approved form in the Government Gazette.

Part 2—Building Code of Australia

10 Building Code of Australia

The BCA is adopted by and forms part of these Regulations as modified by these Regulations.

11 Use of BCA terms

Subject to the Act and to regulations 5 and 6, words and expressions used in these Regulations have the same meanings as they have in the BCA.

12 Classification of buildings

For the purposes of these Regulations, buildings must be classified as set out in the BCA.

13 Relevant building surveyor must classify building in case of doubt

If there is any doubt as to the classification of a building under the BCA, the relevant building surveyor must classify the building as belonging to the class it most closely resembles.

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Part 3—Owner Builders

Division 1—Applications for certificates of consent for owner-builders

14 Applications for certificate of consent

(1) An application for a certificate of consent to carry out domestic building work on land must be in the form approved by the Authority and contain the information set out in subregulation (2).

(2) For the purposes of section 25C(2)(a) of the Act, the following information is the prescribed information to be contained in the application—

(a) the address of the land on which the domestic building work is to be carried out;

(b) the name, address, telephone number and ABN, can or ARBN (if applicable) of each owner of the land;

(c) if the applicant is not an owner of the land, the name, address, telephone number, ABN, can or ARBN (if applicable) of the applicant;

(d) a description of the proposed domestic building work;

(e) details of the cost of the proposed domestic building work;

(f) whether or not a building permit referred to in section 25E(1)(e), (f) or (g) of the Act has been issued in the previous 5 years;

(g) the type of work in which the applicant is engaged or intends to engage, and whether it is for profit or gain;

(h) if the applicant intends to seek an exemption under section 25E of the Act, details of the grounds on which the exemption is sought.

15 Information to accompany application for certificate of consent

For the purposes of section 25C(2)(c)(i) of the Act, an application for a certificate of consent must be accompanied by the following information—

(a) any evidence or proof of identity of the applicant that is required by the Authority;

(b) if the land is under the **Transfer of Land Act 1958**, a copy of the certificate of title for the land dated within 7 days before the date of the application;

(c) if the land is not under the operation of the **Transfer of Land Act 1958**, any evidence of ownership of the land required by the Authority;

(d) if the applicant co-owns the land, a written statement from each other owner, stating that the owner authorises the making of the application dated within 28 days before the date of the application.

16 Additional information to accompany application for certificate of consent if land is owned by body corporate

For the purposes of section 25C(2)(c)(i) of the Act, an application for a certificate of consent must be accompanied by the following information in addition to the information required under regulation 15, if the land to which the application relates is owned by a body corporate—

(a) if the owner is a company incorporated under the Corporations Act, a copy of a record of a current company extract dated within 7 days before the date of the application, from the records maintained by the Australian Securities and Investments Commission established under the **Australian Securities and Investments Commission Act 2001** of the Commonwealth that shows the company name, ABN, ACN, the names of the directors and the address of the company’s registered office;

(b) if the body corporate is not a company incorporated under the Corporations Act, any evidence of incorporation required by the Authority;

(c) a written authorisation of the body corporate to the making of the application and the carrying out of the domestic building work on the land by the applicant, dated within 28 days before the date of the application;

(d) a description of the nature of the business of the body corporate.

17 Additional information to accompany application for certificate of consent if land is subject to trust

For the purposes of section 25C(2)(c)(i) of the Act, an application for a certificate of consent must be accompanied by the following information in addition to the information required under regulation 15, if the land to which the application relates is the subject of a trust—

(a) a certified copy of the trust deed, together with any subsequent amendments, showing the name of the trust, the name of each trustee and the name of each beneficiary and which is certified within 28 days before the date of the application;

(b) a written authorisation by each trustee of the trust to the making of the application and to the carrying out of the domestic building work by the applicant on the land dated within 28 days before the date of the application; and

(c) a description of the nature of the business of the trust (if any).

**Note**

It is an offence under section 246 of the Act to make false or misleading statements.

18 Fee for an application for certificate of consent

For the purposes of section 25C(2)(c)(ii) of the Act, the fee for an application for the issue of a certificate of consent is 6·90 fee units.

19 Required knowledge for owner-builders

For the purposes of section 25E(1)(ab) of the Act, the knowledge of the duties and responsibilities of an owner-builder set out in Schedule 2 is prescribed.

Division 2—Certificates of consent

20 Information in certificate of consent

For the purposes of section 25G(1)(a) of the Act, a certificate of consent must contain the following information⎯

(a) the date of issue of the certificate;

(b) a description of the proposed domestic building work to which the certificate relates;

(c) the address of the land on which the domestic building work is to be carried out;

(d) details of the cost of the proposed domestic building work;

(e) an identification number of the certificate;

(f) the name, address, telephone number and ABN, can or ARBN (if applicable) of each owner of the land;

(g) if the applicant is not an owner of the land, the name, address, telephone number and ABN, can or ARBN (if applicable) of the applicant;

(h) if an owner of the land is a body corporate, the names of all the directors of the body corporate;

(i) if the land is subject to a trust, the name of that trust and the names of all the trustees of that trust.

21 Register of certificates of consent

For the purposes of section 25H(2) of the Act, the register of certificates of consent kept by the Registrar of the Authority must contain the following information in relation to each certificate of consent issued⎯

(a) the date of issue of the certificate;

(b) the identification number of the certificate;

(c) the address of the land to which the certificate relates;

(d) the name, address, telephone number and ABN, can or ARBN (if applicable) of each owner of the land;

(e) the description of the proposed domestic building work to be carried out on the land;

(f) if the applicant for the certificate is not an owner of the land, the name, address, telephone number and ABN or ACN (if applicable) of the applicant;

(g) if an owner of the land is a body corporate, the names of all the directors of the body corporate;

(h) if the land is subject to a trust, the name of the trust and the names of all the trustees of the trust.

22 Publication of information kept on the register of certificates of consent

(1) For the purposes of section 25H(3) of the Act, the Authority may publish on the Authority’s website the following information that is kept on the register of certificates of consent in relation to each certificate of consent issued—

(a) the date of issue of the certificate;

(b) the identification number of the certificate;

(c) a description of the domestic building work to which the certificate relates;

(d) the address of the land on which the domestic building work to which the certificate relates is to be carried out.

(2) The Authority may publish the information under subregulation (1) relating to a certificate of consent issued in the previous 10 years.

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Part 4—Combined allotments

23 Application

This Part applies to all buildings whenever constructed.

24 Application to treat combined allotments as one allotment

1. For the purposes of an application for a building permit relating to building work to be carried out in or on a building or land on combined allotments, an application may be made to the municipal building surveyor of the relevant council to treat those combined allotments as one allotment for the purposes of the Act and these Regulations­—

(a) if each allotment is owned by the same person, by the owner or agent of the owner; and

(b) in any other case, by an agent for the owners of the combined allotments.

(2) An application under subregulation (1), must—

(a) contain the information set out in regulation 25(1) and be accompanied by the documents set out in regulation 25(2); and

(b) be in the form of Form 1.

25 Information to be contained in or to accompany application

(1) An application under regulation 24(1) must contain—

(a) a description of the proposed building work on the combined allotments to which the application applies; and

(b) a description of any building on the combined allotments to which the application applies; and

(c) a description of how the proposed building work described under paragraph (a)—

(i) will impact on the structural adequacy of any building on the combined allotments to which the application applies; and

(ii) makes reasonable provision for the amenity of any building on combined allotments to which the application applies; and

(iii) makes reasonable provision for the safety and health of people using any building on combined allotments to which the application applies; and

(iv) makes reasonable provision for avoiding the spread of fire to or from any adjoining building on the combined allotments.

(2) An application under regulation 24(1) must be accompanied by—

(a) if any of the combined allotments are under the operation of the **Transfer of Land Act 1958**, a copy of the certificate of title to the land on that allotment; and

(b) if any of the combined allotments are not under the operation of the **Transfer of Land Act 1958**, any evidence of ownership of the land on that allotment required by the municipal building surveyor; and

(c) copies of drawings and allotment plans that clearly differentiate between any existing building on the combined allotments and any proposed building work on the combined allotments to which the application applies.

26 Building surveyor may request more information

The municipal building surveyor may require an applicant under regulation 24(1) to provide additional information or documents within a specified period, if the municipal building surveyor considers it is necessary for the purpose of making a determination under regulation 28.

27 Application may be refused if information not provided

If information or a document required under regulation 26 is not provided within the period specified by the municipal building surveyor, the municipal building surveyor may refuse the application.

28 Determination to treat combined allotments as one allotment

(1) On receiving an application under regulation 24(1), the municipal building surveyor may by a statement in writing determine that combined allotments can be treated as one allotment for the purposes of the Act and these Regulations.

(2) In deciding whether to make a determination under subregulation (1), the municipal building surveyor must be satisfied of—

(a) the structural adequacy of any building on the combined allotments; and

(b) that reasonable provision is made for—

(i) the amenity of any building on the combined allotments; and

(ii) the safety and health of people using any building on the combined allotments; and

(iii) avoiding the spread of fire to or from any adjoining building on the combined allotments.

(3) A determination under subregulation (1) must be in the form of Form 2.

(4) The municipal building surveyor must within 7 days after making a determination under subregulation (1) forward to the applicant a copy of the determination.

(5) If a determination is made under subregulation (1) and the applicant for the determination is not the owner of the combined allotments, the municipal building surveyor must within 7 days after making the determination forward a copy of the determination to each owner of the combined allotments.

(6) If the municipal building surveyor refuses to make a determination under subregulation (1), the municipal building surveyor must give notice, within 7 days after the decision to refuse the determination, to the applicant for the determination or, if the applicant is not the owner of the combined allotments, to each owner of the combined allotments.

29 Effect of determination

Land to which a determination under regulation 28(1) applies is taken to be an allotment for the purposes of the Act and these Regulations.

30 Private building surveyor may exercise functions of municipal building surveyor under this Part

A private building surveyor may exercise the functions of the municipal building surveyor in accordance with this Part in relation to building work for which the private building surveyor has been appointed under Part 6 of the Act to issue a building permit.

Part 5—Building permits

Division 1— General

31 Exemptions from building permit

A building permit is not required under the Act for the buildings and building work specified in column 2 of the Table in Schedule 4.

Division 2—Applications for building permits

32 Applications for building permits

(1) An application for a building permit must be in the form of Form 3.

(2) For the purposes of clause 1(a) of Schedule 2 to the Act, the prescribed information to be contained in the application is the information set out in Form 3.

(3) For the purposes of clause 1(b) of Schedule 2 to the Act, the documents to accompany an application are—

(a) the documents set out in Form 3 to accompany the application; and

(b) subject to regulation 35, the documents required under regulations 33, 34 and 36.

(4) An application for a building permit must contain sufficient information to show that the building work will comply with the Act and these Regulations.

33 Application for permit to construct or alter building

(1) An application for a building permit to construct or alter a building must be accompanied by—

(a) a copy of any planning permit relating to the proposed building work to which the permit application applies;

(b) 3 copies of drawings showing the plan at each floor level, elevations, sections, dimensions, the sizes and locations of structural members to a scale of not less than 1:100, together with any details that are necessary to show compliance to a scale of not less than 1:20, or other approved scales;

(c) 3 copies of specifications describing materials and methods to be used in the construction;

(d) 3 copies of allotment plans to a scale of not less than 1:500 or other approved scale showing the matters set out in subregulation (3);

(e) a statement of the use or proposed use of all buildings shown on allotment plans;

(f) a copy of any computations or reports necessary to demonstrate that the building and building work will, if constructed in accordance with the computations and reports, comply with the Act and these Regulations;

(g) if the application is for a building permit to alter an existing building, copies of drawings and allotment plans that clearly differentiate between the existing building and the proposed building work for which a building permit is sought.

(2) Despite subregulation (1) and subject to subregulation (4), if the documents referred to in subregulation (1) are lodged with the relevant building surveyor electronically, only one hardcopy must accompany an application for a building permit under this regulation.

(3) The following matters are to be shown on an allotment plan—

(a) the boundaries and dimensions of the allotment and any easements that are relevant to the proposed building work;

(b) the distance to the nearest intersecting street;

(c) the position and dimensions of the proposed building and its relationship to—

(i) the boundaries of the allotment; and

(ii) any existing building on the allotment; and

(iii) any part of a building or land on an adjoining allotment if necessary to show compliance with the Act and these Regulations;

(d) the levels of the allotment, the floors of the building, street drainage channel and stormwater drain;

(e) the layout of drains to the point of discharge on the allotment together with details necessary to show compliance with the Act and these Regulations;

(f) the location, dimensions and area of impermeable surfaces covering the allotment if necessary for the purposes of regulation 77;

(g) the location and dimensions of car parking spaces for the purposes of regulation 78;

(h) the location, dimensions and area of private open space for the purposes of regulation 86.

(4) An application for a building permit to construct or alter a building must also be accompanied by any additional copies of the documents set out in subregulation (1) that the building surveyor reasonably requires.

34 Application for permit to demolish or remove building

(1) An application for a building permit to demolish or remove a building must be accompanied by 3 copies of—

(a) any planning permit relating to the proposed building work to which the permit application applies;

(b) an outline and a description of the building or part of the building to be demolished or removed;

(c) an allotment plan showing the location of—

(i) the building in relation to the boundaries of the allotment and adjoining buildings; and

(ii) other buildings on the allotment; and

(iii) streets, footpaths or crossings adjoining the allotment;

(d) if a part only of the building is to be demolished or removed, computations or other information to show that the remainder of the building will comply with the Act and these Regulations either as it remains after the proposed demolition or removal takes place or after other works are undertaken;

(e) information showing the position and description of hoardings, allotment boundaries, barricades, temporary crossings, protective awnings and outriggers;

(f) a written description of the demolition or removal procedure;

(g) a Hazardous Substances Management Plan in accordance with AS 2601 if required under regulation 117; and

(h) evidence that the demolisher has the necessary knowledge, experience, equipment and storage facilities to properly conduct the demolition operations.

(2) Despite subregulation (1) and subject to subregulation (3), if the documents referred to in subregulation (1) are lodged with the relevant building surveyor electronically, only one hardcopy must accompany an application for a building permit under this regulation.

(3) An application for a building permit to demolish or remove a building must also be accompanied by any additional copies of the documents set out in subregulation (1) that the relevant building surveyor reasonably requires.

35 Exemption from application requirements for certain building work

(1) The relevant building surveyor may exempt an application for a building permit in respect of a stage of building work from any requirement of regulation 33 or 34 which the relevant building surveyor considers is not necessary or not appropriate to that stage.

(2) The relevant building surveyor may exempt an application for a building permit in respect of building work from any requirement of regulation 33 or 34 which the relevant building surveyor considers is not required to demonstrate that the building work will comply with the Act and these Regulations.

36 Application for permit where swimming pool or spa proposed

An application for a building permit for construction of a swimming pool or spa and any associated safety barrier must include in addition to other information required under this Part detailed drawings and specifications of the proposed barrier that—

(a) clearly show the location of the pool or spa and the barrier on the allotment, and

(b) demonstrate the barrier’s compliance with these Regulations.

37 Additional information to accompany application for permit

The relevant building surveyor may require all or any of the following information to be submitted in relation to an application for a building permit and the allotment to which it relates—

(a) details of measures for the protection of the public under regulation 116;

(b) documentary evidence to support the use of a material, form of construction or design in a form referred to in clause A2.2 of the BCA Volume One or clause 1.2.2 of the BCA Volume Two;

(c) a survey plan of existing site conditions prepared by a licensed surveyor within the meaning of the **Surveying Act 2004**;

(d) if the allotment is under the **Transfer of Land Act 1958**, a copy of the certificate of title to the allotment;

(e) evidence of ownership of the allotment or evidence that a contract has been entered into pursuant to section 9AA of the **Sale of Land Act 1962** in relation to the allotment;

(f) evidence that each building practitioner to be engaged in, or to carry out, the building work holds a building practitioner's certificate issued by the Authority under the Act or is an architect registered under the **Architects Act 1991** or is an insured architect (as the case requires);

(g) details as to whether the allotment is—

(i) in an area that is liable to flooding within the meaning of regulation 5(2); or

(ii) in an area that is designated under regulation 152 as an area in which buildings are likely to be subject to attack by termites; or

(iii) in an area that is a designated bushfire prone area determined under regulation 157; or

(iv) in an area designated under regulation 154 to be likely to be subject to significant snowfalls; or

(v) that is designated land;

(h) details as to whether an approved building envelope applies to the allotment or to an adjoining allotment;

(i) a list of any essential safety measures to be provided in the building or place of public entertainment to which the building permit relates.

Division 3—Report or consent of reporting authorities

38 Prescribed reporting authorities

For the purposes of clause 7(2) of Schedule 2 to the Act the following are prescribed reporting authorities—

(a) the chief officer;

(b) a relevant council;

(c) an electricity supply authority;

(d) a relevant council or relevant authority referred to in the definition of ***service authority*** in regulation 5(1).

39 Prescribed matters

For the purposes of clause 7(2) of Schedule 2 to the Act—

(a) a matter set out in column 2 of Part 1 of Schedule 5 is a prescribed matter in relation to the chief officer;

(b) a matter set out in column 2 of Part 2 of Schedule 5 is a prescribed matter in relation to a council;

(c) a matter set out in column 2 of Part 3 of Schedule 5 is a prescribed matter in relation to an electricity supply authority;

(d) a matter set out in column 2 of Part 4 of Schedule 5 is a prescribed matter in relation to a service authority.

40 Time limits for application to be given to reporting authority

For the purposes of clause 4(2) of Schedule 2 to the Act, the prescribed time within which the relevant building surveyor must give a copy of an application for a building permit to each reporting authority required to report on or to consent to the application is—

(a) in the case of an application relating to a Class 1 or 10 building, 3 business days after the relevant building surveyor receives the application;

(b) in any other case, 5 business days after the relevant building surveyor receives the application.

41 Further time for an applicant to provide a report or consent

For the purposes of clause 5(4) of Schedule 2 to the Act, the further time prescribed for an applicant to supply a report or consent to the relevant building surveyor is—

(a) in the case of an application relating to a Class 1 or 10 building, 3 months;

(b) in the case of an application relating to a Class 2, 3, 4, 5, 6, 7 8 or 9 building, 6 months.

42 Time limits relating to the report or consent of reporting authorities

(1) For the purposes of clause 6(1), (2) and (3) of Schedule 2 to the Act, the prescribed time is—

(a) in the case of an application relating to a Class 1 or 10 building—

(i) for a matter under Division 2 of Part 6 or regulation 89, within 15 business days after a reporting authority is given an application for a building permit by the relevant building surveyor; and

(ii) in all other cases, within 10 business days after a reporting authority is given an application for a building permit by the relevant building surveyor;

(b) in any other case, within 10 business days after a reporting authority is given an application for a building permit by the relevant building surveyor.

(2) For the purposes of clause 6A(2), (3) and (4) of Schedule 2 to the Act, the prescribed time is 15 business days after the reporting authority receives a copy of the application for the building permit.

43 Time within which relevant building surveyor must decide application for building permit

(1) For the purposes of section 19 of the Act, the relevant building surveyor must decide an application for a building permit—

(a) in the case of a Class 1 or 10 building, within 10 business days after the relevant day; or

(b) in any other case, within 15 business days after the relevant day.

(2) In this regulation the ***relevant day*** means the earlier of—

(a) the day on which all reports and consents required to be supplied by reporting authorities in relation to the application are received by the relevant building surveyor;

(b) the day by which the reports and consents referred to in paragraph (a) must be supplied to the relevant building surveyor.

44 Maximum fees for report and consent

(1) The maximum fee payable for the consideration by a responsible authority under the **Planning and Environment Act 1987** as a reporting authority of an application for a building permit for demolition of a building referred to the reporting authority under section 29A of the Act for report and consent is 5·75 fee units.

(2) The maximum fee payable for the consideration by the relevant council of an application for a building permit referred to it under Part 6, 7 or 11 of these Regulations is 19∙61 fee units.

(3) The maximum fee payable for the consideration by the relevant council of an application for a building permit referred to it under regulation 116(4) for report and consent is 19·90 fee units.

(4) The maximum fee payable for the consideration by the relevant council of an application for a building permit referred to it under regulation 132(2) for report and consent is 9·77 fee units.

Division 4—Building permits

45 Issue of building permit

(1) A building permit must be in the form of Form 4.

(2) A building permit must be signed by the relevant building surveyor.

(3) The relevant building surveyor must include on the building permit—

(a) the commencement date and completion date of the building work; and

(b) the mandatory notification stages for inspecting that building work.

46 Building surveyor to document assessment of performance solutions

If, in deciding whether to issue a building permit under Part 3 of the Act, the relevant building surveyor has assessed a performance solution, the relevant building surveyor must record in writing­—

(a) the details of the performance requirements with which the performance solution must comply; and

(b) in determining whether or not the performance solution complies with the performance requirements—

(i) the assessment method or methods used; and

(ii) the details of any expert judgment relied on; and

(iii) the details of any tests or calculations used; and

(iv) the details of any standards or other information relied on; and

(c) the outcome and date of the assessment of the performance solution.

47 Building surveyor to provide copy of permit

(1) The relevant building surveyor must within 7 days after issuing a building permit give to the applicant for the building permit—

(a) a copy of the permit; and

(b) 2 copies of the plans, specifications and other documents (except for computations or reports) lodged with the application (whether or not with amendments) with evidence of approval stamped and endorsed on them.

(2) Despite subregulation (1)(b), only one copy of each document referred to in that subregulation is to be given to the applicant if the relevant building surveyor gives the document electronically.

(3) The relevant building surveyor must give a copy of a building permit within 7 days after the issue of the permit to—

(a) the person who is specified as the builder in the permit; and

(b) the owner of the allotment to which the permit relates if the owner did not apply for the permit.

48 Applicant to make documents, permit available

An applicant for a building permit must provide a copy of the permit and one set of any approved plans, specifications and documents relating to that permit to the person who is in charge, or is to be in charge, of carrying out the building work to which the permit applies, unless that person is the applicant.

49 Provision and display of permit information

(1) A person who is in charge of the carrying out of building work on an allotment must ensure that a copy of the building permit and one set of any approved plans, specifications and documents relating to that permit are available for inspection at the allotment while the building work to which the building permit applies is being carried out.

1. 10 penalty units.

(2) A person who is in charge of the carrying out of building work on an allotment must ensure that—

(a) the following information is displayed on the allotment in a conspicuous position accessible to the public before the commencement of building work (including demolition or removal of a building on the allotment)—

(i) the registration numbers and contact details of the builder and the relevant building surveyor;

(ii) the number of the relevant building permit and the date of issue of the permit; and

(b) a copy of that information referred to in paragraph (a) continues to be so displayed and remains visible and legible for the duration of the building work to which the permit applies.

1. 10 penalty units.

50 Owner to notify change of owner or builder

An owner of a building or land to which a building permit relates must notify the relevant building surveyor within 14 days after any change in the name or address specified in the permit of the owner or of the builder carrying out the building work.

1. 10 penalty units.

51 Builder to notify change of name or address

A building practitioner registered under Part 11 of the Act who is or is to be specified as the builder in a building permit, must notify the owner of a building or land to which the building permit relates and the relevant building surveyor within 14 days after any change in the name or address of the building practitioner specified in the permit.

1. 10 penalty units.

Division 5—Duties of building surveyor

52 Documents to be given to council

(1) The following documents are prescribed for the purposes of section 30(1A) of the Act—

(a) a notice given to the relevant building surveyor under section 25A(1) of the Act;

(b) a notice given to the relevant building surveyor under section 25A(2) of the Act;

(c) a notice given to the relevant building surveyor under section 25A(3) of the Act;

(d) a determination made by the relevant building surveyor under regulation 111(2);

(e) a notice served on the relevant building surveyor under section 84 of the Act;

(f) a notice given to the relevant building surveyor under section 85 of the Act;

(g) a determination of the relevant building surveyor under section 87 of the Act;

(h) a determination of the Building Appeals Board;

(i) a determination of the relevant building surveyor under the BCA that a performance solution complies with a performance requirement of the BCA together with any computations or reports relied on by the relevant building surveyor in making the determination;

(j) a report and consent of a reporting authority referred to in regulation 38;

(k) a determination of the municipal building surveyor or a private building surveyor exercising the functions of a municipal building surveyor under regulation 28;

(l) an exemption, or consent to partial compliance given by the municipal building surveyor or a private building surveyor exercising the functions of a municipal building surveyor under regulation 227(2) or 229(2) or by the relevant building surveyor under regulation 231(3) or 232(2);

(m) a document setting out any requirement of the relevant building surveyor under regulation 116 to take precautions to protect the safety of the public;

(n) any document required by the relevant building surveyor under clause 2 of Schedule 2 to the Act;

(o) a copy of any permit required for the construction, installation or alteration of a septic tank system issued under section Part IXB of the **Environment Protection Act 1970** if the building work to which the permit applies involves such construction, installation or alteration.

(2) The prescribed time for the purposes of section 30(1A) of the Act is 7 days after the issue of the building permit.

53 Lodgement Fees

(1) For the purposes of clause 1(d) of Schedule 2 to the Act, the prescribed lodgement fee for the lodging of documents by the relevant building surveyor under section 30 of the Act is 8·23 fee units.

(2) Despite subregulation (1), no lodgement fee is payable for lodging documents in relation to an application for a building permit that relates to a class of building referred to in regulation 277.

54 Building permit levies

(1) For the purposes of section 205J of the Act, if the relevant building surveyor receives an amount of levy under Subdivision 4 of Division 2 of Part 12 of the Act in relation to an application for a building permit the relevant building surveyor must—

(a) record the date when the levy is received; and

(b) within 7 days after the end of each month forward to the Authority all amounts of levy received for building permits issued during that month; and

(c) within 7 days after the end of each month give to the Authority, in a form approved by the Authority, the information set out in subregulation (2).

(2) For the purposes of section 205J(1)(d)(iii) of the Act, in addition to the information set out in section 205J(1)(d)(i) and (ii) of the Act, the following information is required to be given to the Authority in relation to each building permit issued during each month—

(a) details of the permit, including permit number and date of issue of permit;

(b) the address and property details of the allotment to which the permit relates;

(c) the name of the owner of that allotment;

(d) a description of the building work to which the permit applies;

(e) the name and contact details of any builder engaged in the building work;

(f) the name and contact details of any draftsperson or architect engaged to prepare documents for the building work;

(g) details of any planning permit relating to the building work to which the permit applies;

(h) the cost of the building work estimated under section 205J of the Act.

55 Information the relevant building surveyor must give to the Authority

A relevant building surveyor must within 7 days after the end of each month give to the Authority in a form approved by the Authority—

(a) details of all permits and certificates of final inspection issued by the relevant building surveyor during that month; and

(b) the following details of the building work to which each building permit issued by the relevant building surveyor during that month applies, including—

(i) whether an occupancy permit is required in relation to the building work;

(ii) whether any of the building work will be carried out on an allotment in a designated bushfire prone area and the applicable bushfire attack level determined for that allotment;

(iii) the mandatory notification stages for the building work set out under Part 13;

(iv) whether the building work is to be carried out on land that is subject to a determination under regulation 28(1);

(v) whether any exemption from, or consent to partial compliance with, certain requirements of these Regulations relating to the building work has been given by the municipal building surveyor or a private building surveyor under regulation 227(2), 229(2), 231(3) or 232(2);

(vi) whether the building work relates to a change of use of a building;

(vii) whether the building work involves the construction of a swimming pool or spa and an associated safety barrier;

(viii) whether protection work is required by the relevant building surveyor to be provided in relation to the building work;

(ix) whether the building work involves the construction of a private bushfire shelter;

(x) whether the building work involves the demolition or removal of a building and a Hazardous Substances Management Plan is required under regulation 117 in accordance with AS 2601;

(xi) any extension granted by the relevant building surveyor under regulation 67 to the commencement date or completion date of building work and the new dates;

(xii) any inspection of building work at a mandatory notification stage under section 34 of the Act;

(xiii) any building permit that lapses during that month;

(xiv) the date protection work is required by the relevant building surveyor under regulation 111 is provided; and

(c) details to the knowledge of the relevant building surveyor of any building work that is commenced, completed or abandoned during that month.

56 Guarantees and bonds

(1) The prescribed circumstances for the purposes of section 22 of the Act are the demolition, removal or re-erection of a building.

(2) For the purposes of section 22(a) and (b) of the Act, the amount of the bond or the amount in respect of which an undertaking and guarantee is given (as the case requires)—

(a) in the case of the demolition or removal of a building, must not exceed the lesser of—

(i) the estimated cost of building work to which the building permit applies; or

(ii) the sum of $100 for every 1m2 of floor area of the building; and

(b) in the case of the re-erection of a building, must not exceed the lesser of—

(i) the estimated cost of the building work to which the building permit applies; or

(ii) $10 000.

Division 6—Duties of council

57 Period that documents must be kept

If a council is required to keep documents under the Act or these Regulations or any corresponding previous regulations in relation to building permits and applications for building permits, including documents relating to protection work, the documents must be kept in any manner specified by the Keeper of Public Records until the building is demolished or removed from the allotment.

58 Council to make documents available on request

On the request of an owner or mortgagee of the building or land, or a person authorised in writing by an owner or mortgagee of a building or land, the relevant council must provide the person making the request with a copy of any documents submitted with an application for a building permit in relation to the building or land.

59 Requests for information from relevant council

(1) Any person may request the relevant council to provide in relation to any building or land—

(a) details of any permit or certificate of final inspection issued in the preceding 10 years; and

(b) details of any current determination made under regulation 28(1) or exemption granted under regulation 229(2); and

(c) details of any current notice or order issued by the relevant building surveyor under the Act.

(2) Any person may request the relevant council to provide in relation to any building or land details as to whether the building or land is—

(a) in an area that is liable to flooding within the meaning of regulation 5(2); or

(b) in an area that is designated under regulation 152 as an area in which buildings are likely to be subject to attack by termites; or

(c) in an area for which a bushfire attack level has been specified in a planning scheme; or

(d) is an area designated under regulation 154 to be likely to be subject to significant snowfalls; or

(e) designated land; or

(f) designated works.

(3) An owner or mortgagee of a building or land, or a prescribed building practitioner reporting on a building under section 137B of the Act, may request the relevant council to provide the approved dates of the inspections carried out of the mandatory notification stages of building work carried out on the building or land.

60 Fees for requests for information

The fee for the provision of information under regulation 59(1), 59(2) or 59(3) is 3·19 fee units.

Division 7—Time limits for building work and permits

61 Commencement of work

If a building permit is issued, the building work must commence—

(a) in the case of the re-erection of a Class 1 or 10 building within 6 months of the date of issue of the building permit; or

(b) in any other case within 12 months of the date of issue of the building permit.

62 Completion of building work

1. If a building permit is issued, the building work must be completed—

(a) in the case of a building permit to re-erect a building, within 12 months after the date of issue of the building permit;

(b) in the case of a Class 1 or 10 building, within 24 months after the date of issue of the building permit;

(c) in the case of a swimming pool or any associated barrier or safety equipment—

(i) if the building work is being carried out on an allotment concurrently with other building work that is being carried out on the same allotment, within the period of completion for the other building work referred to in paragraph (a), (b) or (d) (as the case requires);

(ii) in any other case, within 6 months after the building work commences;

(d) in any other case, within 36 months of the date of issue of the building permit.

(2) If building work is to be completed in more than one stage and more than one building permit is issued in relation to that building work, a reference in subregulation (1) to the date of issue of a building permit is taken to be a reference to the date of issue of the first of those building permits.

63 Lapsing of building permit

(1) A building permit lapses if the building work to which the permit applies has not commenced by the last day of the period within which the work must commence under regulation 61 (the ***commencement date***).

(2) A building permit lapses if the building work to which the permit applies is not completed by the last day of the period within which the work must be completed under regulation 62 (the ***completion date***).

(3) A building permit that has lapsed is no longer in force for the purposes of the Act and these Regulations.

64 Notice of imminent lapse of building permit – commencement of work

If, immediately before 3 months before the commencement date of building work including any extension to that date granted under regulation 67, the relevant building surveyor has not carried out an inspection of the first mandatory notification stage of the work under section 34 of the Act, the relevant building surveyor must, without delay, give a notice in the form of Form 5 to the applicant for the building permit that applies to the building work of the date on which the building permit will lapse under regulation 63.

65 Notice of imminent lapse of building permit – completion of work

If, immediately before 3 months before the completion date of building work including any extension to that date granted under regulation 67, the relevant building surveyor has not carried out an inspection of the final mandatory notification stage of the work under section 34 of the Act, the relevant building surveyor, must without delay, give a notice in the form of Form 6 to the applicant for the building permit that applies to the building work of the date on which the building permit will lapse under regulation 63.

66 Copy of notice of imminent lapse of building permit to be provided

Within 7 days after a notice is issued under regulation 64 or 65, the relevant building surveyor must cause a copy of the notice to be given to—

(a) the owner if the applicant for the relevant building permit is not the owner; and

(b) the builder who is specified as the builder in the building permit subject to the notice of imminent lapse; and

(c) the relevant council; and

(d) the Authority.

67 Extension of building permit

(1) An application for an extension of the commencement date or the completion date of building work may be made in writing to the relevant building surveyor by the applicant for the building permit applying to the building work.

(2) An application under subregulation (1) must be made before the commencement date or the completion date (as the case requires).

(3) The relevant building surveyor may extend the commencement date or completion date of the building work prior to the lapse of a building permit if the relevant building surveyor considers that the extent of the building work warrants an extension.

(4) If any extension is granted under subregulation (2) the relevant building surveyor must notify the applicant without delay—

(a) that the extension has been granted; and

(b) the new commencement or completion date of the building work (as the case requires).

Part 6—Siting

Division 1—Introduction

68 Application

(1) A regulation in this Part does not apply to the construction of a building if—

(a) a planning permit is required for the construction of that building; and

(b) the relevant planning scheme regulates the same matter as that regulation in relation to the siting of that building; and

(c) the applicant for the permit satisfies the relevant building surveyor that the matter has been assessed as part of a planning permit application.

(2) Section 188A of the Act applies to applications for building permits to which this Part applies.

**Note**

Section 11 of the Act addresses where there is an inconsistency between a planning scheme and a building regulation in relation to a siting matter.

69 What is an existing building?

In this Part, a reference to an existing building (including an existing dwelling) on an adjoining allotment, is a reference to a building—

(a) that was in existence in its current completed form before 1 July 1994; or

(b) for which there is an occupancy permit, a copy of which has been given to the relevant council; or

(c) for which there is a certificate of final inspection, a copy of which has been given to the relevant council (but only if that part of the building can be occupied without the need for any further certificate of final inspection); or

(d) that has been completed (but only if the building can be occupied without the need for an occupancy permit or a certificate of final inspection).

70 What is a single dwelling?

For the purposes of the definition of ***single dwelling*** in section 188A(4) of the Act, the specified classes of building are—

(a) a Class 1 building; and

(b) any Class 10 building associated with a Class 1 building.

71 Approved building envelope design overrides siting requirement

(1) A design in relation to a building on an allotment that does not comply with a regulation in this Part is taken to comply with that regulation if—

(a) an approved building envelope applies to the allotment; and

(b) the approved building envelope deals with the same siting matter as the regulation; and

(c) the design of the building is consistent with the approved building envelope in relation to that siting matter.

(2) If an adjoining allotment is not subject to the same agreement or is not shown on the same certified plan of subdivision, subregulation (1) does not apply to regulations 79, 80, 81, 82, 83, 84, 90, 91, 94, 95 and 96 to the extent that they relate to that adjoining allotment.

(3) In this regulation—

***agreement***has the same meaning as in paragraph (b)(i) of the definition of ***approved building envelope*** in regulation 5(1);

***plan of subdivision*** has the same meaning as in paragraph (b)(ii) of the definition of ***approved building envelope*** in relation 5(1).

Division 2—Single Class 1 buildings and associated Class 10 buildings

72 Application of Division

This Division applies to the construction of a single Class 1 building and associated Class 10a buildings on an allotment.

73 Maximum street setback

(1) A Class 1 building when first constructed must not be set back from the front street alignment more than one-third of the depth of the allotment unless the allotment is equal to or greater than 0.40469ha.

(2) The report and consent of the relevant council must be obtained to an application for a building permit in relation to a design that does not comply with this regulation.

(3) For the purposes of subregulation (1), if a building is on a battleaxe allotment—

(a) a reference to the allotment is taken not to include a driveway that forms part of the battleaxe allotment; and

(b) a reference to the front street alignment is taken to be a reference to the common boundary between the battleaxe allotment and the front allotment (excluding the common boundary between any driveway that forms part of the battleaxe allotment and the front allotment).

(4) In this regulation—

***battleaxe allotment*** means—

(a) an allotment situated behind another allotment that has a street frontage; and

(b) the allotment has access to the street through a driveway, whether or not the driveway forms part of the allotment;

***driveway*** includes any land related and contiguous to the driveway;

***front allotment*** means an allotment that has a street frontage and that is situated in front of a battleaxe allotment.

74 Minimum street setbacks

(1) If—

(a) an allotment is in a zone of a planning scheme specified in Schedule 6; and

(b) a Schedule to that zone in the planning scheme specifies a setback from a street alignment—

a building on that allotment must be set back from a street alignment not less than the relevant setback specified for the street alignment in the Schedule.

(2) If subregulation (1) does not apply, a building must be set back from a street alignment not less than the distance specified in respect of that alignment in Table 74.

**TABLE 74—STREET SETBACKS**

| *Adjoining development context* | *Minimum setback from front street alignment* | *Minimum setback from a side street alignment* |
| --- | --- | --- |
| Existing dwellings on adjoining allotments facing the same street | The average distance of the setbacks of the front walls of the existing buildings on the adjoining allotments facing the front street, or 9 m, whichever is the lesser | Not applicable |
| Existing dwelling on one adjoining allotment facing the same street and no building on the other adjoining allotment facing the same street | The same distance as the setback of the front wall of the existing building on the adjoining allotment facing the same street, or 9m, whichever is the lesser | Not applicable |
| No existing dwellings on adjoining allotments facing the same street | 6m for a building facing a declared road  4m for a building facing any other street | Not applicable |
| Corner allotment  If there is a building on the adjoining allotment facing the same street | The same distance as the setback of the front wall of the existing building on the adjoining allotment facing the front street, or 9m, whichever is the lesser | The same distance as the setback of the front wall of the existing building on the adjoining allotment facing the side street or 2m, whichever is the lesser |
| Corner allotment  If there is no building on the adjoining allotment facing the same street | 6m for a building facing a declared road  4m for a building facing any other street | 2m |

(3) The following may encroach into the setback distance required by subregulation (1) or (2) by not more than 2·5m—

(a) porches, verandahs and pergolas that have a maximum height of less than 3·6m above natural ground level;

(b) eaves, fascia and gutters;

(c) sunblinds and shade sails;

(d) screens referred to in regulation 84(5)(d) or 84(6); and

(e) decks, steps or landings less than 800mm in height.

(4) The report and consent of the relevant council must be obtained to an application for a building permit in relation to a design, which does not comply with this regulation.

(5) In this regulation ***street*** does not include lane, footway, alley or right of way.

(6) For the purposes of this regulation, an allotment does not adjoin another allotment if its boundary only touches the boundary of the other allotment at one point (for example, at a corner).

75 Building height

(1) If—

(a) an allotment is in a zone of a planning scheme specified in Schedule 6; and

(b) that zone, or a Schedule to that zone, specifies a maximum height for buildings—

the height of a building on that allotment must not exceed the relevant height specified in that zone or Schedule (as the case may be).

(2) If subregulation (1) does not apply, the height of a building must not exceed—

(a) 10m if the slope of the natural ground level at any cross section of the site of the building that is wider than 8m is 2·5° or more; and

(b) 9m in any other case.

(3) If a wall is constructed in accordance with regulation 80, and despite regulation 79, any part of the building on the allotment that is within 1m of a side or rear boundary and that is adjacent to the wall must be constructed so as not to exceed the height formed by a line that connects—

(a) any point at the top of the wall; and

(b) any point at a height of 3·6m at a setback of 1m from the boundary.

(4) The report and consent of the relevant council must be obtained to an application for a building permit in relation to a design that does not comply with this regulation.

76 Site coverage

(1) If—

(a) an allotment is in a zone of a planning scheme specified in Schedule 6; and

(b) a Schedule to that zone in the planning scheme specifies a maximum site coverage for buildings—

buildings must not occupy more of the allotment than the site coverage specified in that Schedule.

(2) If subregulation (1) does not apply, buildings must not occupy more than 60% of an allotment.

(3) The following items may be disregarded when calculating site coverage under subregulation (1) or (2) —

(a) not more than 600mm of the width of eaves, fascia and gutters; and

(b) unroofed swimming pools, unroofed terraces, unroofed patios, unroofed decks and pergolas.

(4) The report and consent of the relevant council must be obtained to an application for a building permit in relation to a design that does not comply with this regulation.

77 Permeability

(1) If—

(a) an allotment is in a zone of a planning scheme specified in Schedule 6; and

(b) a Schedule to that zone specifies that an allotment must have a minimum area of permeable surfaces—

the amount of the allotment that must have a permeable surface must not be less than the minimum area of permeability specified in that Schedule.

(2) If subregulation (1) does not apply, and if a building is to be constructed on an allotment, at least 20% of the area of the allotment must have a permeable surface.

(3) The report and consent of the relevant council must be obtained to an application for a building permit in relation to a design that does not comply with this regulation.

78 Car parking

(1) If a new Class 1 building is to be constructed on an allotment, provision must be made for 2 car parking spaces on the allotment that are accessible from the street.

(2) Of the 2 car parking spaces—

(a) one space must be at least 6m long and 3·5m wide; and

(b) the second space must be at least 4·9m long and 2·6m wide.

(3) A building may project into a car parking space if it is at least 2·1m above that space.

(4) Despite subregulation (2), if the 2 required car parking spaces adjoin each other in a garage or carport or in a space constrained by walls, the total space may be 5·5m in width.

(5) An alteration to a building on an allotment must not reduce the number of car parking spaces on the allotment unless there are more than 2 car parking spaces on the allotment in which case the number of car parking spaces may be reduced to 2.

(6) The report and consent of the relevant council must be obtained to an application for a building permit in relation to a design that does not comply with this regulation.

79 Side and rear setbacks

(1) If—

(a) an allotment is in a zone of a planning scheme specified in Schedule 6; and

(b) a Schedule to that zone in the planning scheme specifies minimum setbacks from side and rear boundaries—

a building on the allotment must be set back from a side or rear boundary not less than the relevant setback specified in that Schedule.

(2) If subregulation (1) does not apply, a building must be set back from a side or rear boundary not less than the distance specified in respect of that boundary in Table 79.

**TABLE 79—SIDE AND REAR SETBACKS**

|  |  |
| --- | --- |
| *Building height at any point* | *Minimum setback from side or rear boundary at that point* |
| 3⋅6m or less | 1m |
| More than 3·6m but not more than 6·9m | 1m plus an additional distance calculated at the rate of 300mm for every metre of height over 3·6m |
| More than 6·9m | 2m plus an additional distance calculated at the rate of 1m for every metre of height over 6·9m |

(3) The following may encroach into the setback distance required by subregulation (1) or (2)—

(a) landings with an area of not more than 2m² and less than 1m high;

(b) unroofed stairways and ramps;

(c) pergolas;

(d) shade sails;

(e) eaves, fascia and gutters, if the encroachment is not more than 600mm;

(f) carports that comply with regulation 80.

(4) The following may encroach into the setback distances required by subregulation (1) or (2) by not more than 500mm—

* 1. porches and verandas;
  2. masonary chimneys;
  3. sunblinds;
  4. permanent and fixed screens referred to in regulation 84(5)(d) or 84(6);
  5. flues and pipes;
  6. domestic fuel tanks and water tanks;
  7. heating and cooling equipment and other services.

(5) This regulation does not apply to a wall that complies with regulation 80.

(6) The report and consent of the relevant council must be obtained to an application for a building permit in relation to a design that does not comply with this regulation.

80 Walls and carports on boundaries

(1) This regulation applies to the construction of—

(a) a wall of a building constructed on or within 200mm of a side or rear boundary of an allotment; or

(b) a carport constructed on or within 1m of a side or rear boundary of an allotment and which is open on the side facing the boundary or boundaries.

(2) If—

(a) an allotment is in a zone of a planning scheme specified in Schedule 6; and

(b) a Schedule to that zone specifies the maximum length of the wall, or of the carport, or of the wall and carport, or the maximum of any of those lengths combined with the length of any existing wall or carport—

that length must not exceed any such maximum length specified in that Schedule.

(3) If subregulation (2) does not apply, the length of the wall, or of the carport, or of the wall and carport, or any of those lengths combined with the length of any existing wall or carport, must not exceed the greater of the following—

(a) the length of any existing wall or carport constructed on an adjoining allotment, which is within 200mm of the boundary of that allotment, if the proposed construction abuts the existing wall or carport; or

(b) 10m plus 25% of the remaining length of the boundary of the adjoining allotment, in any other case.

(4) The wall or carport must not exceed—

(a) an average height of 3⋅2m where the average is calculated after excluding any length that is les than 2m in height; and

(b) a maximum height of 3⋅6m.

(5) Despite subregulation (4), if the wall or carport abuts an existing wall or carport it may be constructed to the same height as that wall or carport.

(6) The report and consent of the relevant council must be obtained to an application for a building permit in relation to a design that does not comply with this regulation.

81 Daylight to existing habitable room windows

(1) A building must be set back from a habitable room window in an existing dwelling on an adjoining allotment to provide for a light court to the window that has a minimum area of 3m2 and a minimum dimension of 1m clear to the sky.

(2) The area of the light court required under subregulation (1) may include land on the adjoining allotment.

(3) A wall or carport with an average height of more than 3m opposite a habitable room window in an existing dwelling on an adjoining allotment must be set back from that window at least half the height of the wall or carport if the wall or carport is within a 55° angle in the horizontal plane about a vertical axis through the centre of the window.

(4) For the purposes of subregulation (3), the angle may be swung to not less than 35° from the plane of the wall containing the window.

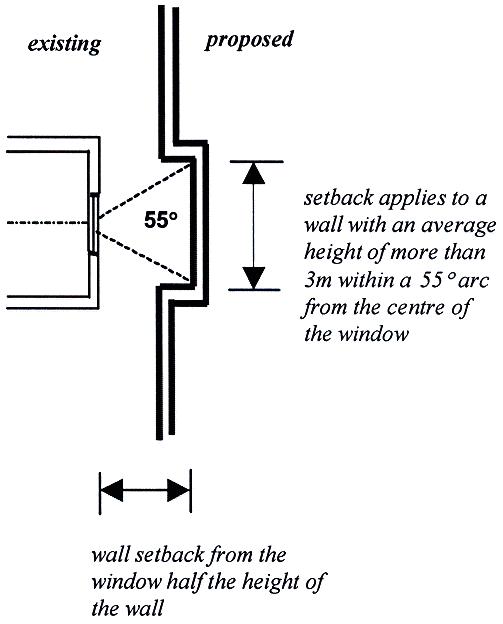
(5) If the window referred to in subregulation (3) is above ground floor level, then for the purposes of that subregulation, the wall or carport height is to be measured from the floor level of the room containing the window.

(6) The report and consent of the relevant council must be obtained to an application for a building permit in relation to a design that does not comply with this regulation.

**Note**

The following diagram illustrates the operation of aspects of regulation 81(3).

**Regulation 81: Daylight to existing windows**

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82 Solar access to existing north-facing windows

(1) This regulation applies if—

(a) a building is to be constructed on an allotment; and

(b) a north-facing window or part of a window of an existing dwelling on an adjoining allotment is—

(i) within 3m of a boundary of the allotment on which the building is to be constructed;

(ii) oriented towards the boundary; and

(iii) will be situated below the eaves of the building being constructed.

(2) The proposed building must be set back from the boundary not less than the distance specified in Table 82 for a distance of 3m from each side of the window or that part of the window that is within 3m of the boundary.

**TABLE 82—SETBACKS FROM NORTH-FACING WINDOWS**

|  |  |
| --- | --- |
| *Building height at any point* | *Minimum setback from side or rear boundary at that point* |
| 3⋅6m or less | 1m |
| More than 3·6m but not more than 6·9m | 1m plus an additional distance calculated at the rate of 600mm for every metre of height over 3·6m |
| More than 6·9m | 3m plus an additional distance calculated at the rate of 1m for every metre of height over 6·9m |

(3) The following may encroach into the setback distance required by subregulation (2) by not more than 500mm and to a height not exceeding 2·5m—

(a) flues and pipes;

(b) domestic fuel tanks and water tanks;

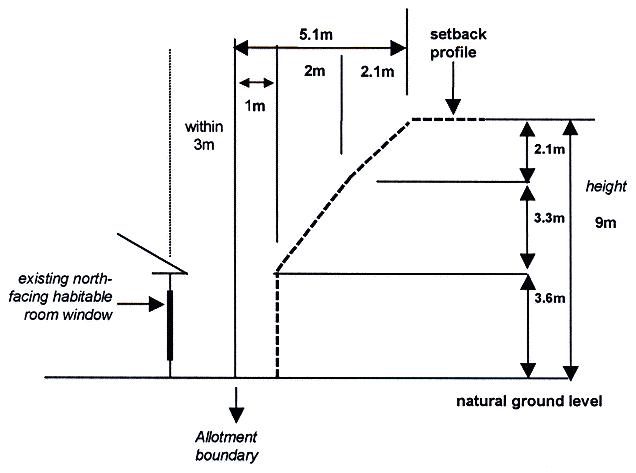
(c) heating and cooling equipment and other services.

(4) The report and consent of the relevant council must be obtained to an application for a building permit in relation to a design that does not comply with this regulation.

**Note**

The following diagram illustrates the operation of aspects of regulation 82.

**Regulation 82: Solar access to existing north-facing habitable room windows**

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83 Overshadowing of recreational private open space

(1) A building must not reduce the sunlight to a recreational private open space of an existing dwelling on an adjoining allotment to the extent that less than the required minimum area of the recreational private open space has less than 5 hours of sunlight between 9 a.m. and 3 p.m. on 22 September.

(2) If a building is to be constructed on an allotment and the existing amount of sunlight to a recreational private open space on an adjoining allotment is less than the amount required under subregulation (1), the amount of sunlight to that area must not be further reduced by the construction of the building.

(3) The report and consent of the relevant council must be obtained to an application for a building permit in relation to a design that does not comply with this regulation.

(4) In this regulation the required minimum area of a recreational private open space is the lesser of—

(a) 75% of the recreational private open space; and

(b) 40m2 with a minimum dimension of 3m.

84 Overlooking

(1) A habitable room window or raised open space of a building on an allotment must not provide a direct line of sight into a habitable room window or on to a secluded private open space of an existing dwelling on an adjoining allotment.

(2) In the case of a direct line of sight from a habitable room window, the line of sight is any line measured from a height of 1·7m above the floor level of the habitable room and contained within the space enclosed by—

(a) a vertical plane measured at an angle of 45° from each side of the window; and

(b) a horizontal plane 1·7m above the floor level of the habitable room; and

(c) the ground level below; and

(d) a horizontal distance of 9m from the window.

(3) In the case of a direct line of sight from a raised open space, the line of sight is any line measured from a height of 1·7m above the floor level and along the perimeter of the raised open space to any point within a horizontal distance of 9m from the raised open space and extending 45° beyond any point where the perimeter of the raised open space meets a wall of a building.

(4) In the case of a secluded private open space, the horizontal distance of 9m referred to in subregulation (2)(d) or (3) is to be measured at ground level.

(5) A habitable room window complies with this regulation if—

(a) in the case where a habitable room window provides a direct line of sight into a habitable room window of an existing dwelling on an adjoining allotment, it is offset a minimum of 1·5m from the edge of one window to the edge of the other; or

(b) it has a sill height at least 1·7m above floor level; or

(c) it has obscure glazing in any part of the window below 1·7m above floor level; or

(d) the direct line of sight is obscured by a permanent and fixed screen that has no more than 25% of its area open.

(6) A raised open space complies with this regulation if the direct line of sight into the habitable room window or on to the secluded private open space on the adjoining allotment is obscured by a permanent and fixed screen which has no more than 25% of its area open.

(7) A window referred to in subregulation (5)(c) may be able to be opened provided that when open the obscure glazing does not permit a direct line of sight on to the secluded private open space or into the habitable room window referred to in subregulation (1).

(8) This regulation does not apply to a new habitable room window or raised open space that faces a property boundary if—

(a) there is a visual barrier at least 1·8m high at the boundary; and

(b) the floor level of the room or the raised open space is less than 800mm above ground level at the boundary.

(9) The report and consent of the relevant council must be obtained to an application for a building permit in relation to a design that does not comply with this regulation.

(10) In this regulation—

***raised open space*** means a landing with an area of more than 2m2, a balcony, a terrace, a deck or a patio;

***secluded private open space*** means any part of private open space on an allotment—

(a) which is screened for at least 90% of its perimeter by a wall, fence or other barrier that is at least 1·5m high and that has no more than 25% of its area open; and

(b) which is primarily intended for outdoor recreation activities.

85 Daylight to habitable room windows

(1) A habitable room window of a building on an allotment must face—

(a) an outdoor space or light court with a minimum area of 3m2 and a minimum dimension of 1m clear to the sky, not including land on an adjoining allotment; or

(b) a verandah on the allotment if it is open for at least one third of its perimeter; or

(c) a carport on the allotment if—

(i) it has 2 or more sides open; and

(ii) it is open for at least one third of its perimeter.

(2) For the purposes of subregulation (1), a side of a carport or verandah may be taken to be open if the roof covering of the carport or verandah adjacent to that side is not less than 500mm from another building on the allotment or the adjoining allotment boundary.

(3) The report and consent of the relevant council must be obtained to an application for a building permit in relation to a design that does not comply with this regulation.

86 Private open space

(1) If—

(a) an allotment is in a zone of a planning scheme specified in Schedule 6; and

(b) a Schedule to that zone in the planning scheme specifies a minimum area and dimension for private open space—

a Class 1 building on that allotment must have private open space of at least the area and dimension specified in that Schedule.

(2) If subregulation (1) does not apply, a Class 1 building on an allotment must have private open space—

(a) of not less than 80m2 or 20% of the area of the allotment, whichever is the lesser; and

(b) which includes an area at the side or rear of the building—

(i) that is at least 25m² with a minimum dimension of 3m; and

(ii) that has convenient access from a habitable room (other than a bedroom).

(3) The report and consent of the relevant council must be obtained to an application for a building permit in relation to a design that does not comply with this regulation.

Division 3—Siting of Class 10a buildings

87 Siting of Class 10a buildings

(1) A Class 10a building must be on the same allotment as a building of another class to which it is appurtenant.

(2) Despite subregulation (1), a Class 10a building is not required to be on the same allotment as a building of another class if the building is—

(a) the only Class 10a building on the allotment and the building has a floor area not exceeding 10 square metres; or

(b) a building approved under the **Planning and Environment Act 1987** or the **Subdivision Act 1988** or any corresponding previous enactments.

(3) The report and consent of the relevant council must be obtained to an application for a building permit for the construction of a building that does not comply with this regulation.

Division 4—Class 10b structures

88 Application of Division

This Division applies to the construction of Class 10b structures on an allotment.

89 Front fence height

(1) If—

(a) an allotment is in a zone of a planning scheme specified in Schedule 6; and

(b) a Schedule to that zone in the planning scheme specifies a maximum height for a fence, or part of a fence, that is within 3m of the street alignment at the front of an allotment—

the height of a fence, or part of a fence, that is within 3m of the street alignment at the front of that allotment must not exceed the relevant maximum height specified in that Schedule.

(2) If subregulation (1) does not apply, the height of a fence, or part of a fence, that is within 3m of the street alignment at the front of an allotment must not exceed the relevant maximum height specified in Table 89.

**TABLE 89—FRONT FENCE HEIGHTS**

|  |  |
| --- | --- |
| *Street type* | *Maximum fence height* |
| A declared road | 2m |
| Any other street | 1⋅5m |

(3) The report and consent of the relevant council must be obtained to an application for a building permit in relation to a design that does not comply with this regulation.

90 Fence setbacks from side and rear boundaries

(1) A fence exceeding 2m in height must be set back from a side or rear boundary of an allotment (including a boundary that is a side or rear street alignment) not less than the distance specified in respect of that boundary in Table 90.

**TABLE 90—SIDE AND REAR SETBACKS**

|  |  |
| --- | --- |
| *Fence height at any point* | *Minimum setback from side or rear boundary at that point* |
| More than 2⋅0m but not more than 3⋅6m | 1m |
| More than 3·6m but not more than 6·9m | 1m plus an additional distance calculated at the rate of 300mm for every metre of height over 3·6m |
| More than 6·9m | 2m plus an additional distance calculated at the rate of 1m for every metre of height over 6·9m |

(2) The report and consent of the relevant council must be obtained to an application for a building permit in relation to a design that does not comply with this regulation.

91 Fences on or within 150mm of side or rear boundaries

(1) Despite regulation 90, one or more fences that are more than 2m in height may be constructed on, or within 150mm of, a side or rear boundary of an allotment (other than a boundary that is a side or rear street alignment), if the total length of the fence or fences or that total length combined with the length of any wall, or carport, or wall and carport constructed in accordance with either regulation 80(2) or (3) (as the case requires) on or adjacent to that boundary, does not exceed the greater of the following lengths—

(a) 10m plus 25% of the remaining length of the boundary of an adjoining allotment; or

(b) the length of any wall or carport constructed on an adjoining allotment that is on or within 150mm of the boundary of that allotment and that abuts those fences.

(2) A fence constructed on or within 150mm of a side or rear boundary of an allotment in accordance with this regulationmust not exceed—

(a) an average height of 3m; and

(b) a maximum height of 3·6m along the boundary.

(3) Despite subregulation (2), if a fence abuts an existing wall it may be constructed to the same height as that wall.

(4) This regulation does not apply to a fence if it is provided to comply with regulation 84 or with a planning scheme that regulates the same matter as regulation 84 and—

(a) is not more than 2·5m in height; and

(b) the part of the fence between 2·0m and 2·5m in height has between 20% and 25% of its area open.

(5) The report and consent of the relevant council must be obtained to an application for a building permit in relation to a design that does not comply with this regulation.

92 Fences on intersecting street alignments

(1) Despite regulation 90(1), a fence exceeding a height of 1m above the footpath must be set back from the point of intersection of street alignments at least 9m.

(2) The report and consent of the relevant council must be obtained to an application for a building permit in relation to a design that does not comply with this regulation.

(3) In this regulation ***street*** does not include lane, footway, alley or right of way.

93 Fences must not include barbed wire

(1) A fence adjacent to a street alignment or public open space must not contain barbed wire or other sharp protrusions unless—

(a) despite regulation 90(1), the fence is set back at least 150mm from the street alignment or boundary of the public open space; or

(b) the barbed wire or other sharp protrusion is—

(i) at a height of at least 2m above the level of the street or public open space; or

(ii) the fence is on an allotment that has an area of 2000m² or more and is used principally for raising livestock.

(2) In this regulation, public open space has the same meaning as in section 3(1) of the **Subdivision Act 1988**.

94 Fences and daylight to windows in existing dwelling

(1) A fence more than 2m in height must be set back from a habitable room window in an existing dwelling on an adjoining allotment to provide for a light court to the window that has a minimum area of 3m2 and a minimum dimension of 1m clear to the sky.

(2) The area of the light court required under subregulation (1) may include land on the adjoining allotment.

(3) A fence with an average height of more than 3m opposite a habitable room window in an existing dwelling on an adjoining allotment must be set back from that window at least half the height of the fence if the fence is within a 55° angle in the horizontal plane about a vertical axis through the centre of the window.

(4) For the purposes of subregulation (3), the angle may be swung to not less than 35° from the plane of the wall containing the window.

(5) If the window referred to in subregulation (3) is above ground floor level, then for the purposes of that subregulation, the fence height is to be measured from the floor level of the room containing the window.

(6) The report and consent of the relevant council must be obtained to an application for a building permit in relation to a design that does not comply with this regulation.

95 Fences and solar access to existing north-facing habitable room windows

(1) This regulation applies if—

(a) a fence more than 2m in height is to be constructed on an allotment; and

(b) a north-facing window or part of a window of an existing dwelling on an adjoining allotment is—

(i) within 3m of a boundary of the allotment on which the fence is to be constructed;

(ii) is oriented towards the boundary; and

(iii) will be situated below the height of the fence being constructed.

(2) The proposed fence must be set back from the boundary not less than the distance specified in Table 95 for a distance of 3m from the edge of each side of the window or that part of the window that is within 3m of the boundary.

**TABLE 95—SETBACKS FROM NORTH-FACING WINDOWS**

|  |  |
| --- | --- |
| *Fence height at any point* | *Minimum setback from side or rear boundary at that point* |
| 3.6m or less | 1m |
| More than 3·6m but not more than 6·9m | 1m plus an additional distance calculated at the rate of 600mm for every metre of height over 3·6m |
| More than 6·9m | 3m plus an additional distance calculated at the rate of 1m for every metre of height over 6·9m |

(3) The report and consent of the relevant council must be obtained to an application for a building permit in relation to a design that does not comply with this regulation.

96 Fences and overshadowing of recreational private open space

(1) A fence more than 2m in height must not reduce the sunlight to a recreational private open space of an existing dwelling on an adjoining allotment to the extent that less than the required minimum area of the recreational private open space has less than 5 hours of sunlight between 9 a.m. and 3 p.m. on 22 September.

(2) If a fence is to be constructed on an allotment and the existing amount of sunlight to a recreational private open space on an adjoining allotment is less than the amount required under subregulation (1), the amount of sunlight to that area must not be further reduced by the construction of the fence.

(3) The report and consent of the relevant council must be obtained to an application for a building permit in relation to a design that does not comply with this regulation.

(4) In this regulation the required minimum area of a recreational private open space is the lesser of—

(a) 75% of the recreational private open space; and

(b) 40m² with a minimum dimension of 3m.

97 Masts, poles etc.

(1) A mast, pole, aerial, antenna, chimney, flue or service pipe—

(a) when attached to a building, must not exceed a height of 3m above the highest point of the roof of the building; or

(b) when not attached to a building, must not exceed 8m above ground level.

(2) The report and consent of the relevant council must be obtained to an application for a building permit in relation to a design that does not comply with this regulation.

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Part 7—Projections beyond street alignment

98 Projections beyond the street alignment

Except where otherwise provided in this Part, a building must not project beyond a street alignment.

99 Architectural features – narrow street

(1) An architectural feature of a building on a narrow street must not project beyond the street alignment.

(2) Despite subregulation (1), an architectural feature may project beyond a narrow street no more than 240mm horizontally beyond the street alignment and at a height of at least 2.7m above the natural ground level of the street if—

(a) any footpath or kerb forming part of the street is not more than 240mm in height above the street level; and

(b) the architectural feature is constructed from non-combustible material.

100 Architectural features – medium street

An architectural feature of a building on a medium street must not project beyond a street alignment unless the architectural feature—

(a) projects no more than 600mm horizontally beyond the street alignment; and

(b) is at least—

(i) 5m in height above the natural ground level of any part of the street that may be used by a motor vehicle; or

(ii) 2.7m in height above the natural ground level of the street in any other case; and

(c) is constructed from non-combustible material.

101 Architectural features – wide street

An architectural feature of a building on a wide street must not project beyond a street alignment unless the architectural feature—

(a) projects no more than 1.2m horizontally beyond street alignment; and

(b) is at least—

(i) 5m in height above the natural ground level of any part of the street that may be used by a motor vehicle; or

(ii) 2.7m in height above the natural ground level of the street in any other case; and

(c) is constructed from non-combustible material.

102 Windows and balconies

(1) A window or balcony must not project beyond the street alignment—

(a) of a narrow street; or

(b) a medium street.

(2) A window or balcony must not project beyond the street alignment of a wide street—

(a) more than 1m horizontally; and

(b) at a height less than—

(i) 5m above any part of the natural ground level of the street that may be used by a motor vehicle; or

(ii) 3m above the natural ground level of the street in any other case; and

(c) within 1·2m of the side boundary of an adjoining allotment.

103 Verandahs

A verandah must not project beyond the street alignment unless the verandah—

(a) is set back at least 750mm from the kerb; and

(b) is at a height of at least 3m above the natural level of the ground.

104 Sunblinds and awnings

A sunblind or awning must not project beyond the street alignment—

(a) more than 2·4m horizontally; and

(b) at any height less than—

(i) 5m above the natural ground level of any part of the street that may be used by a motor vehicle; or

(ii) 2·4m above the natural ground level of the street in any other case.

105 Service pipes and rainwater heads

A service pipe, rainwater head or service installation must not project beyond the street alignment—

(a) more than 200mm horizontally in the case of a service pipe; and

(b) more than 300mm horizontally in the case of a rainwater head or service installation; and

(c) at any height less than 2·7m above the natural ground level of the street.

106 Window shutters

Window shutters may project horizontally not more than 50mm beyond the street alignment when in the fully open position.

107 Signs

A sign or similar Class 10b structure must not project beyond the street alignment unless the sign—

(a) is set back at least 750mm from the kerb; and

(b) is at a height of at least 2·7m above the natural level of the ground of the street.

108 Service cabinet doors

(1) A service cabinet door must not project beyond the street alignment more than 600mm when in the open position.

(2) In this regulation ***service cabinet*** means a cabinet or cupboard containing a meter, electrical equipment, water connections, fire equipment or other similar equipment.

109 Report and consent required

(1) The report and consent of the relevant council must be obtained to an application for a building permit to construct any of the following parts of a building if it projects beyond the street alignmentat a different height or distance to that specified in this Part—

(a) an architectural feature;

(b) a window;

(c) a balcony;

(d) a verandah;

(e) a sunblind;

(f) an awning;

(g) a service pipe;

(h) a rainwater head;

(i) a service installation;

(j) a window shutter;

(k) a sign or similar Class 10b structure;

(l) a service cabinet door.

(2) The report and consent of the relevant council must be obtained to an application for a building permit to construct a building if any part of the building not specified in subregulation (1) would project beyond the street alignment.

(3) The relevant council may give its consent under subregulation (1) or (2) if it considers that the projection of the part of the building beyond the street alignment will not be detrimental to the safety of the public.

(4) Despite subregulations (1) and (2), the report and consent of the relevant council under subregulation (1) or (2) need not be obtained to an application for a building permit if⎯

(a) a planning permit is required for the construction of the building; and

(b) the relevant planning scheme regulates the projection of part of a buildingbeyond the street alignment of the same class of part of building referred to in subregulation (3).

110 Footings adjoining boundaries are permissible

(1) A footing may support a party wall.

(2) A footing may extend beyond the boundaries of a street alignment—

(a) to a distance of not more than 300mm if the highest projecting part of the footing is at a depth of at least 450mm but less than 3m below the natural ground level of the street; or

(b) to a distance of not more than 1m if the highest projecting part of the footing is at least at a depth of 3m below the natural ground level of the street.

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Part 8—Protection of adjoining property and the public

Division 1— Protection of adjoining property by means of protection work

111 Required protection work

(1) Protection work must be provided by the owner, in relation to an adjoining property, before and during the carrying out of any building work, if required by the relevant building surveyor.

(2) When deciding an application for a building permit, the relevant building surveyor must determine if protection work is required as a result of the building work proposed in the application.

(3) A determination under subregulation (2) must be in the form of—

(a) Form 7 if the relevant building surveyor requires protection work; or

(b) Form 8 if the relevant building surveyor does not require protection work.

(4) Within 7 days of the making of a determination under subregulation (2), the relevant building surveyor must forward a copy of the determination to—

(a) the applicant for the relevant building permit; and

(b) if the owner referred to in subregulation (1) is not the applicant, the owner.

112 Matters relevant building surveyor must consider when determining if protection work required

(1) For the purposes of making a determination under regulation 111, the relevant building surveyor must have regard to—

(a) any allotment plan provided to the relevant building surveyor under regulation 33 or regulation 34; and

(b) specifications that describe the materials and methods to be used in the proposed building work; and

(c) any demolition required as part of the proposed building work; and

(d) any excavation required as part of the proposed building work; and

(e) any proposed building work in relation to party walls and retaining walls; and

(f) the nature and likely extent of any damage or other adverse effect on the stability or otherwise of an adjoining property that may be caused by the proposed building work; and

(g) any certificate under section 238 of the Act from a registered building practitioner in the category of engineer, class of civil engineer who designed the building work; and

(h) any certificate under section 238 of the Act from an independent engineer who is a registered building practitioner in the category of engineer, class of civil engineer, certifying that the structural design of the building work complies with the Act and these Regulations; and

(i) any other matter the relevant building surveyor considers relevant.

113 Protection work notice

(1) The notice required to be served by the owner on the adjoining owner and the relevant building surveyor by section 84 of the Act must be in accordance with Form 9 and must be accompanied by—

(a) any determination of the relevant building surveyor made under regulation 111;

(b) 3 copies of the notice required to be given by the adjoining owner to the owner under section 85 of the Act;

(c) a statement in a form approved by the Authority, that explains the operation of the protection work process under the Act and these Regulations and the procedure for the resolution of disputes relating to protection work;

(d) plans and specifications for any building work, building or structure that may affect the adjoining property and that contains sufficient detail to show how the building work will affect the adjoining property;

(e) plans and specifications for the proposed protection work that contains sufficient detail to show how the protection work will protect the adjoining property from the effects identified in paragraph (d).

(2) For the purposes of section 84(2) of the Act—

(a) the prescribed details of the proposed building work are—

(i) the relevant details set out in Form 9 (other than the notes); and

(ii) the details required under subregulation (1)(d); and

(b) the prescribed details of the proposed protection work are—

(i) the relevant details set out in Form 9 (other than the notes); and

(ii) the details required under subregulation (1)(e); and

(c) the prescribed information is any information set out in Form 9 that is not a prescribed detail under paragraph (a) or (b).

114 Protection work response notice

(1) The notice required to be given by the adjoining owner to the owner under section 85 of the Act agreeing or disagreeing to the proposed protection work or requiring more information must be in accordance with Form 10.

(2) The prescribed information to be contained in a notice under section 85 of the Act is the information set out in Form 10 (other than the notes).

115 Notice of relevant building surveyor determination

A written notice of determination by the relevant building surveyor under section 87 of the Act must—

(a) be in accordance with Form 11; and

(b) include a statement informing the recipient of the notice of any right of appeal to the Building Appeals Board under section 141 of the Act; and

(c) include the prescribed appeal period under regulation 266 that applies in relation to that right of appeal; and

(d) be accompanied by the owner’s proposal for protection work under section 84 of the Act; and

(e) be accompanied by the adjoining owner’s notice under section 85(1)(b) of the Act.

Division 2—Protection of the public

116 Protection of the public

(1) Precautions must be taken before and during building work to protect the safety of the public if required by the relevant building surveyor.

(2) The precautions must be approved by the relevant building surveyor before building work is commenced.

(3) Before and during the carrying out of building work all excavations must be fenced or otherwise guarded against being a danger to life or property.

(4) The report and consent of the relevant council must be obtained to an application for a building permit relating to the erection of precautions over the street alignment unless a local law requires the taking of precautions and the precautions comply with the local law.

Division 3—Demolition

117 Demolition

(1) Precautions must be taken before and during demolition in accordance with AS 2601—2001 The demolition of structures, published 13 September 2001, as issued, published or amended from time to time and the following—

(a) the demolition must not be commenced until the precautionary measures have been inspected and approved by the relevant building surveyor; and

(b) no part of any external wall on or within 3m of a street alignment may be pulled down except during the hours that the relevant building surveyor directs; and

(c) protective outriggers must be installed where necessary to guard against danger to life or property or when required by the relevant building surveyor; and

(d) the site must be cleared of all debris.

(2) The relevant building surveyor may exempt minor demolition work from the requirements of subregulation (1) if the relevant building surveyor is of the opinion that the nature of the demolition work does not warrant those measures.

Division 4 —Excavations and retaining walls

118 Excavations

(1) All excavations and backfilling must be executed in a safe and workmanlike manner.

(2) Unless exempted by the relevant building surveyor, all water must be removed or diverted from excavations before the laying of footings.

119 Retaining walls

(1) The municipal building surveyor may require the owner of an allotment to provide retaining walls or other means of maintaining the stability of the soil, if the municipal building surveyor considers that the stability of the ground on the allotment or any adjoining property has been or may be adversely affected by any excavation or filling of soil on the allotment.

(2) An owner of an allotment must comply with a requirement in relation to the allotment under subregulation (1).

1. 10 penalty units.

(3) Subregulation (1) does not apply if the owner of the allotment is required to provide protection work in relation to an adjoining property under regulation 111.

Part 9—Building work

Division 1—Methods of assessment of compliance

120 Testing of materials

(1) The relevant building surveyor may require that the owner or builder carrying out building work for which a building permit has been issued arrange for the testing of any material used in the building work.

(2) The relevant building surveyor may, as a result of tests carried out under subregulation (1), prohibit the use of any material that—

(a) does not meet the requirements of these Regulations; or

(b) is found to be unsuitable or unfit for the purposes for which it is intended.

(3) Tests required under subregulation (1) must be carried out by a Registered Testing Authority or an approved person or organisation.

121 Fire performance requirements—performance solutions

(1) Despite anything to the contrary in the BCA or regulation 122(e), the relevant building surveyor must not determine that a performance solution complies with a fire performance requirement of the BCA unless the relevant building surveyor—

(a) holds the Graduate Certificate in Performance Based Building and Fire Codes from Victoria University of Technology; or

(b) holds a qualification that the Victorian Building Authority considers is equivalent to that Certificate; or

(c) relies on a report of the chief officer under regulation 128, which states that the chief officer is satisfied that a satisfactory degree of fire safety is achieved by that performance solution; or

(d) relies on a certificate under section 238 of the Act by a fire safety engineer, who did not design the building work, which states that the performance solution complies with that performance requirement; or

(e) relies on a certificate under section 238 of the Act by a registered building surveyor, who did not design the building work, and who holds a qualification referred to in paragraph (a) or (b), and which states that the performance solution complies with that performance requirement; or

(f) relies on a determination of the Building Appeals Board under section 160A of the Act that the performance solution complies with that performance requirement; or

(g) relies on a Certificate of Accreditation issued by the Building Regulations Advisory Committee which states that the performance solution complies with that performance requirement; or

(h) relies on a Certificate of Conformity issued by the Australian Building Codes Board which states that the performance solution complies with that performance requirement.

122 Certificates of compliance—proposed building work

The prescribed classes of proposed building work and the prescribed categories and classes of practitioners in relation to proposed building work for the purpose of section 238(1)(a) of the Act are as follows—

(a) for a certificate relating to the design or part of the design of building work relating to a structural, sewerage, water or drainage matter—category of engineer, class of civil engineer;

(b) for a certificate relating to the design or part of the design of building work relating to a mechanical matter including hydraulic services within a building—category of engineer, class of mechanical engineer;

(c) for a certificate relating to the design or part of the design of building work relating to an electrical matter—category of engineer, class of electrical engineer;

(d) for a certificate relating to the design or part of the design of building work relating to a fire safety matter—category of engineer, class of fire safety engineer;

(e) for a certificate relating to the design or part of the design of any of the above classes of building work—category of building surveyor.

123 Certificates of compliance—building work

The prescribed classes of building work and the prescribed categories and classes of practitioners in relation to building work for the purpose of section 238(1)(b) of the Act are as follows—

(a) for a certificate relating to the inspection of domestic building work relating to a structural, sewerage, water or drainage matter—category of engineer, class of civil engineer;

(b) for a certificate relating to the inspection of domestic building work relating to a mechanical matter including hydraulic services within a building—category of engineer, class of mechanical engineer;

(c) for a certificate relating to the inspection of domestic building work relating to an electrical matter—category of engineer, class of electrical engineer;

(d) for a certificate relating to the inspection of domestic building work relating to a fire safety matter—category of engineer, class of fire safety engineer;

(e) for a certificate relating to the inspection of domestic building work—category of building surveyor or building inspector;

(f) for a certificate relating to the erection of a prescribed temporary structure—category of building surveyor or building inspector or category of engineer, class of civil engineer or category of erector or supervisor (temporary structures) in the appropriate class.

124 Assessment Method – Evidence of suitability – certificate from professional engineer or other qualified person

(1) The BCA Volume One applies as if in clause A2.2(a)(iii) for “a professional engineer or other appropriately qualified person” there were substituted “a registered building practitioner in the category or class prescribed in the Building Regulations 2017 for the purposes of section 238 of **the Building Act 1993** in relation to the relevant class of building work”.

(2) The BCA Volume Two applies as if in clause 1.2.2(a)(iii) for “a professional engineer or other appropriately qualified person” there were substituted “a registered building practitioner in the category or class prescribed in the Building Regulations 2017 for the purposes of section 238 of **the Building Act 1993** in relation to the relevant class of building work”.

125 Forms of certificates of compliance

A certificate under section 238 of the Act may be in a form approved by the Authority and published from time to time in the Government Gazette.

Division 2—Special provisions

126 Record of pile-driving

Any person installing piles must—

(a) keep a record of all pile-driving operations undertaken during the construction including any determination of allowable loadings; and

(b) make the records available for inspection by the relevant building surveyor during the progress of the pile-driving operations; and

(c) within 28 days of the completion of the pile-driving operations forward the complete records of the pile-driving operations to the relevant building surveyor.

1. 10 penalty units.

127 Branding of timber

(1) Despite performance requirement BP1.1 of the BCA Volume One and performance requirement P2.1.1 of the BCA Volume Two, every piece of timber to be used for structural purposes must be—

(a) stress graded in accordance with whichever of the following standards is applicable to the type of timber—

(i) AS 2082 Timber—Hardwood—Visually stress-graded for structural purposes, as in force, issued or published from time to time (***AS 2082***);

(ii) AS 2858 Timber—Softwood—Visually graded for structural purposes, as in force, issued or published from time to time (***AS 2858***);

(iii) AS/NZS 1748 Timber—Solid—Stress-graded for structural purposes, as in force, issued or published from time to time; and

(b) marked at least once with—

(i) the source of the stress grading; and

(ii) the word "seasoned" or the letter "S" if seasoned in accordance with AS 2082 or AS 2858; and

(iii) the stress grade or stress grade colour in accordance with AS 1613 Timber—Colours for marking F‑grades, as in force, issued or published from time to time.

(2) Nothing in this regulation applies to timber—

(a) to be used as a stump, sole plate or as fencing material; or

(b) having a dimension of 25mm or less; or

(c) comprising part of a manufactured component which complies with AS 1720.1 Timber Structures—Part 1: Design Methods, as in force, issued or published from time to time; or

(d) which has been previously used, but which in the opinion of the relevant building surveyor is suitable to be used for structural purposes.

128 Requirements for permits involving fire safety matters

(1) The report and consent of the chief officer must be obtained to an application for a building permit which involves any of the following fire safety matters if those matters do not meet the deemed-to-satisfy provisions of the BCA—

(a) fire extinguishers

(b) fire hydrants;

(c) fire control centres or fire control rooms;

(d) fire precautions during construction;

(e) fire mains;

(f) control valves;

(g) booster assemblies;

(h) open space and perimeter vehicular access to the extent it relates to emergency vehicles;

(i) fire indicator panels;

(j) fire services controls in passenger lift cars.

(2) In a report under subregulation (1), the chief officer may consent to a variation of the requirements of the BCA if the chief officer is satisfied that a satisfactory degree of fire safety is achieved.

(3) When a building permit is issued which involves the installation of fire sprinklers and the installation does not meet the deemed-to-satisfy provisions of the BCA the relevant building surveyor must forward details of the installation to the chief officer.

129 Report and consent for building over easements

(1) The report and consent of a service authority must be obtained to an application for a building permit to construct a building over an easement vested in a service authority.

(2) This regulation does not apply to implied easements under the **Subdivision Act 1988**.

**Note**

Section 148 of the **Water Act 1989** imposes restrictions on building activities in relation to certain easements and works under those Acts.

130 Report concerning need for electricity sub-stations

(1) If an application is made for a building permit for the construction of a building, the relevant building surveyor may require a report from the relevant electricity supply authority as to whether an electricity sub-station is necessary on the allotment and, if so, the size and location of the sub-station.

(2) This regulation does not apply to the construction of a Class 1 or 10 building.

131 Report and consent for septic tank systems

(1) The report and consent of the relevant council must be obtained to an application for a building permit that requires—

(a) the installation or alteration of a septic tank system; or

(b) the construction of a building over an existing septic tank system.

(2) The report and consent of the relevant council need not be obtained to an application for a building permit referred to in subregulation (1), if a permit for the construction, installation or alteration of the septic tank system that is relevant to the application has been issued under Part IXB of the **Environment Protection Act 1970**.

132 Storm water drainage

(1) The design of every stormwater drainage system to the point of discharge from an allotment must be approved by the relevant building surveyor.

(2) The report of the relevant council indicating the location of the point of discharge from an allotment either within the allotment or at the allotment boundary must be obtained in relation to an application for a building permit for the carrying out of building work that includes a stormwater drainage system.

(3) The design of every stormwater drainage system must—

(a) be approved by the relevant building surveyor; and

(b) the point of discharge must be consistent with the point of discharge identified in the report obtained under subregulation (2).

133 Buildings above or below certain public facilities

(1) This regulation does not apply to an item to which Part 7 of these Regulations applies.

(2) The report and consent of the relevant council must be obtained to an application for a building permit for the construction of a building above or below a street, railway, bus terminal or similar public facility whether or not such a building is connected to other buildings.

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Part 10—Building work—safety requirements

Division 1—Requirements for barriers for swimming pools and spas until 1 October 2020

134 Definition of owner

In this Division, ***owner*** in relation to a swimming pool or spa means—

(a) in the case of a swimming pool or spa on land being purchased under a terms contract (within the meaning of the **Sale of Land Act 1962**) under which the purchaser has become entitled to possession or to the receipt of the rents and profits, the purchaser of that land; and

(b) in the case of a swimming pool or spa on any other land, the owner of that land.

135 Application and revocation of this Division

(1) This Division applies to land that has a swimming pool or spa which—

(a) is appurtenant to a Class 1, 2, 3 or 10 building or a Class 4 part of a building; and

(b) has the capacity to contain water that is more than 300mm deep; and

(c) was constructed, or for which a building approval was granted, before 8 April 1991.

(2) This Division is revoked on 1 October 2020.

136 Requirement for barriers

The owner of the land that has the swimming pool or spa must ensure that one or more of the following barriers are in place to restrict access to the part of the land containing the swimming pool or spa—

(a) a wall of a building, but only if—

(i) any door or gate in the wall complies with regulation 137; and

(ii) any openable part of any window in the wall complies with regulation 138;

(b) a fence and gate complying with AS 1926.1—1993 Swimming pool safety Part 1: Fencing for swimming pools, published 26 July 1993 as issued from time to time;

(c) a paling, or imperforate fence if—

(i) it is at least 1·5m in height measured above the ground level on the approach side; and

(ii) any door or gate in the fence complies with regulation 137.

1. 50 penalty units.

137 Requirements for doors or gates

For the purposes of regulation 136(a)(i) and (c)(ii)—

(a) the door or gate must have a self-locking or self-latching device that prevents the door or gate, if the door or gate is in its closed position, from being opened by a person unable to reach the opening mechanism for the door or gate; and

(b) the opening mechanism on the door or gate must be located not less than 1·5m above the ground level or the internal floor level (as the case may be), measured from the approach side; and

(c) the door or gate must be fitted with a device that returns the door or gate to its closed position⎯

(i) from any position in the range of positions from fully open to resting on the lock or latch; and

(ii) from a stationary start from any position within that range without the application of manual force.

138 Requirements for windows in walls used as barriers

For the purposes of regulation 136(a)(ii), the openable part of the window in the wall—

(a) must be not less than 2·4m above the ground or paving immediately external to the window; or

(b) must be not less than 1·5m above the floor of the room containing the window; or

(c) must have a catch, bolt, lock or other stop located not less than 1⋅5m above the floor of the room containing the window so that the openable part of the window cannot be opened more than 125mm; or

(d) must have a securely fitted fly screen.

Division 2—Requirements for barriers for swimming pools and spas from 1 October 2020

139 Definition of owner

In this Division, ***owner*** in relation to a swimming pool or spa means—

(a) in the case of a swimming pool or spa on land being purchased under a terms contract (within the meaning of the **Sale of Land Act 1962**) under which the purchaser has become entitled to possession or to the receipt of the rents and profits, the purchaser of that land; and

(b) in the case of a swimming pool or spa on any other land, the owner of that land.

140 Application of this Division

This Division applies on and from 1 October 2020 to land that has a swimming pool or spa which—

(a) is appurtenant to a Class 1, 2, 3 or 10 building or a Class 4 part of a building; and

(b) has the capacity to contain water that is more than 300mm deep; and

(c) was constructed, or for which a building permit was issued, before 1 May 2010.

141 Swimming pool and spa barriers

(1) A swimming pool or spa must have a barrier that—

(a) complies with AS 1926.1—2012 Swimming Pool Safety—Part 1: Safety barriers for swimming pools, as issued from time to time and AS 1926.2—2007 Swimming Pool Safety—Part 2: Location of fencing for private swimming pools, as issued from time to time; or

(b) was approved in a building permit issued after 1 May 2010.

(2) The owner of the land that has a swimming pool or spa must comply with this regulation.

1. 50 penalty units.

Division 3—Maintenance and operation of barriers for swimming pools and spas

142 Application of this Division

This Division applies to land that has a swimming pool or spa that is appurtenant to a Class 1, 2, 3 or 10 building or a Class 4 part of a building.

143 Swimming pool and spa barrier maintenance

The owner of the land must take all reasonable steps to ensure that a barrier restricting access to a swimming pool or spa is properly maintained.

1. 50 penalty units.

144 Swimming pool and spa barrier operation

An occupier of the land must take all reasonable steps to ensure that a barrier restricting access to the swimming pool or spa is operating effectively.

1. 50 penalty units.

145 Swimming pool and spa barrier gate must remain closed

(1) An occupier of the land must take all reasonable steps to ensure that any gate or door forming part of a barrier restricting access to the swimming pool or spa remains closed except when a person is entering or leaving the part of the land that has the swimming pool or spa.

1. 50 penalty units.

(2) A person who opens a gate or door forming part of a barrier restricting access to a swimming pool or spa must ensure that the gate or door is closed immediately after entering or leaving the part of the land containing the swimming pool or spa.

1. 50 penalty units.

Division 4—Fire safety in certain existing residential buildings

146 Definition of owner

In this Division, ***owner*** in relation to a dwelling, a sole occupancy unit or a building means—

(a) in the case of a dwelling, sole occupancy unit or a building being purchased under a terms contract (within the meaning of the **Sale of Land Act 1962**) under which the purchaser has become entitled to possession or to the receipt of the rents and profits, the purchaser of that dwelling, sole occupancy unit or building; and

(b) in the case of any other dwelling, sole occupancy unit or building, the owner of that dwelling, sole occupancy unit or building.

147 Automatic smoke detection and alarm systems for residential care buildings

(1) This regulation applies to a Class 1, 2 or 3 building or a Class 4 part of a building or a Class 9a building that is a residential care building constructed or for which a building permit was granted before 1 August 1997.

(2) A Class 1 building must have installed a smoke alarm system that complies with Part 3.7.2 of the BCA Volume Two.

(3) A building, other than a Class 1 building, must have installed an automatic smoke detection and alarm system that complies with Specification E2.2a of the BCA Volume One.

(4) This regulation does not apply to a building that has installed throughout the building—

(a) an approved smoke alarm system powered from the mains electricity supply; or

(b) an approved smoke detection system.

(5) This regulation does not apply to a Class 1a, 2 or 3 building or Class 4 part of a building that has one or more self-contained smoke alarms complying with AS 3786-1993 Smoke alarms, published 13 April 1993, as issued from time to time, in each dwelling or sole-occupancy unit in appropriate locations on or near the ceiling of every storey of the dwelling or sole-occupancy unit on the day before these Regulations come into operation.

148 Residential care buildings—automatic fire sprinkler systems

(1) This regulation applies to a residential care building that was constructed or for which a building permit was granted before 1 August 1997.

(2) A residential care building must have installed a fire sprinkler system that complies with deemed-to-satisfy provisions contained in clause E1.5 of the BCA Volume One.

(3) This regulation does not apply to a building that has an approved automatic sprinkler system installed throughout the building.

149 Shared accommodation buildings—automatic sprinkler systems

(1) This regulation applies to a Class 3 building that is a shared accommodation building constructed or for which a building permit was granted before 1 July 2003.

(2) A shared accommodation building must have installed a fire sprinkler system that complies with deemed-to-satisfy provisions contained in clause E1.5 of the BCA Volume One.

(3) This regulation does not apply to a building that has a rise in storeys of not more than 2 and—

(a) the distance of travel from the entrance doorway of each sole-occupancy unit—

(i) to the nearest exit; or

(ii) to a point from which travel in different directions to at least2 exits is available—

is not more than 6m; and

(b) that has a fire hose reel system in accordance with clause E1.4 of the BCA Volume One or, in the case of a fire compartment having a floor area not greater than 500m2 in area, portable fire extinguishers to cover Class A fire risks in accordance with AS 2444—2001 Portable fire extinguishers and fire blankets—Selection and location, issued or published from time to time; and

(c) that has emergency lighting in accordance with clause G4.4 or clause E4.2 of the BCA Volume One (as appropriate); and

(d) that has exit signs in accordance with the deemed-to-satisfy provisions contained in Part E4 of the BCA Volume One; and

(e) that has a management plan in accordance with Practice Note 2008-13 issued by the Building Commission in November 2008.

(4) This regulation does not apply to a building that has a rise in storeys of more than 2 and—

(a) the distance of travel from the entrance doorway of each sole-occupancy unit—

(i) to the nearest exit; or

(ii) to a point from which travel in different directions to at least2 exits is available—

is not more than 6m; and

(b) that has building elements with a fire-resistance level of not less than 60/60/60 separating each sole-occupancy unit from—

(i) a public corridor, public lobby or the like; or

(ii) a room not within the sole-occupancy unit; or

(iii) the landing of an internal non-fire-isolated stairway; or

(iv) another sole-occupancy unit; and

(c) any doorways from each sole-occupancy unit that provide access to a public corridor, public stairway, internal non-fire-isolated stairway or the like are protected with a self‑closing fire door having a fire-resistance level of not less than -/30/30; and

(d) that has a fire hose reel system in accordance with clause E1.4 of the BCA Volume One; and

(e) that has emergency lighting in accordance with clause G4.4 or clause E4.2 of the BCA Volume One (as appropriate); and

(f) that has exit signs in accordance with the deemed-to-satisfy provisions of Part E4 of the BCA Volume One; and

(g) that has a management plan in accordance with Practice Note 2008-13 issued by the Building Commission in November 2008.

(5) This regulation does not apply to—

(a) a building in which—

(i) each storey that has sleeping facilities has its own direct egress to a street or to open space; and

(ii) the distance of travel from the entrance doorway of each sole-occupancy unit, to the nearest exit or to a point from which travel in different directions to at least 2 exits is available, is not more than 6m; or

(b) a residential care building that was constructed or for which building permit was granted before 1 August 1997; or

(c) a building that has an approved sprinkler system installed throughout the building.

Part 11—Designation of special areas for building work

150 Mapping of designated special areas

A council must prepare maps for all designated special areas within its municipal district.

151 Alteration to and creation of new designated special area

(1) If in a municipal district a designated special area is altered or a new designated special area is created a relevant council must, as soon as practicable—

(a) amend the map for the designated special area that has been altered; or

(b) prepare a map of the designated special area that has been created.

(2) A council must advise the Authority within 7 days if a designated special area within its municipal district is altered or if a new designated special area is created.

(3) The relevant council must lodge with the Authority within 7 days copies of designated special areas maps amended or prepared under regulation 150 or subregulation (1).

(4) A council must make an up to date copy of each designated special area map applicable to its municipal district that has been prepared under regulation 150 or subregulation (1) available to the public at the offices of the council during normal business hours.

152 Termite risk areas

A council may designate areas within its municipal district in which buildings are likely to be subject to attack by termites.

153 Construction in termite risk areas

Despite anything to the contrary in performance requirement BP1.1 of the BCA Volume One and performance requirement P2.1.1 of the BCA Volume Two—

(a) a primary building element is only required to be protected against attack by termites if it is part of a building being constructed in an area designated under regulation 152; and

(b) a detached Class 10 building is not required to be protected against termite attack.

154 Significant snowfall areas

(1) For the purposes of the BCA, a council may designate areas in its municipal district that in its opinion are likely to be subject to significant snowfalls.

(2) The BCA Volume One applies as if in clause A1.1 in the definition of "Alpine area" there were inserted at the end of paragraph (a) "as designated by a council under regulation 154(1) of the Building Regulations 2017”.

(2) The BCA Volume Two applies as if in clause 1.1.1 in the definition of "Alpine area" there were inserted at the end of paragraph (a) "as designated by a council under regulation 154(1) of the Building Regulations 2017”.

155 Report and consent for building in areas liable to flooding

(1) This regulation does not apply to—

(a) a Class 10 building; or

(b) a Class 5, 6, 7 or Class 8 building; or

(c) a Class 9b building; or

(d) an unenclosed floor area of a building; or

(e) an alteration to an existing building if the area of the existing building is not increased by more than 20m2.

(2) The report and consent of the relevant council must be obtained to an application for a building permit if the site is on an allotment that is in an area liable to flooding.

(3) The report and consent of the relevant council under subregulation (2) need not be obtained to an application for a building permit if⎯

(a) a planning permit is required for the construction of the building; and

(b) the relevant planning scheme regulates the level of the lowest floor of the building in relation to any flood level declared under the **Water Act 1989** or otherwise determined by the floodplain management authority or the relevant council.

(4) The relevant council must not give its consent under subregulation (2) if it is of the opinion that there is likely to be a danger to the life, health or safety of the occupants of the building due to flooding of the site.

(5) In its report under subregulation (2) the relevant council may specify a level for the surface of the lowest floor of a building on the site.

(6) Before specifying a floor level under subregulation (5) the relevant council must—

(a) consult with the floodplain management authority for that site; and

(b) specify a level at least 300mm above any flood levels declared under the **Water Act 1989** or otherwise determined by the floodplain management authority, unless the flood plain management authority consents to a lower floor level.

(7) The relevant council must without delay advise the floodplain management authority and thesewerage authority for that site of the floor level (if any) specified under subregulation (5).

156 Report and consent for construction on designated land or designated works

(1) The report and consent of the relevant council must be obtained for an application for a building permit for the construction of a building on designated land ordesignated works.

(2) The report and consent may include recommendations controlling the location and construction of retaining walls and fences in relation to designated land or designated works.

(3) Before giving its consent under subregulation (1), the relevant council must consult with the waterway management authority for the designated land or designated works.

(4) The report and consent of the council need not be obtained to an application for a building permit referred to in subregulation (1), if the consent of the relevant water management authority has been obtained as a requirement of a planning permit for the construction of the building.

(5) In this regulation—

***waterway management authority*** in relation to designated land or designated works,means the Authority to which Division 2 of Part 10 of the **Water Act 1989** applies that has the waterway management district (within the meaning of that Act) which contains the designated land or designated works.

Part 12—Bushfire safety

Division 1— Construction in designated bushfire prone areas

157 Designated bushfire prone areas

(1) The Minister may determine that an area which is subject, or which is likely to be subject, to bushfires is a designated bushfire prone area.

(2) A determination under subregulation (1) must be published in the Government Gazette and takes effect on the later of—

(a) the day of publication; or

(b) any later day specified in the determination.

(3) The Minister must prepare a map that describes all areas that are designated from time to time as bushfire prone areas by any determination under subregulation (1).

**Note**

The map prepared for the purpose of this subregulation, including the map as amended from time to time, will be published on the Land Channel website www.land.vic.gov.au.

(4) If the Minister alters a designated bushfire prone area or creates a new designated bushfire prone area in a determination under subregulation (1), the Minister must, as soon as practicable after making the determination, amend the map prepared under subregulation (3) to describe the altered designated bushfire prone area or the new designated bushfire prone area (as the case requires).

(5) The Minister must give a copy of any map prepared under this regulation to the Authority.

(6) The Minister must make a copy of any map given to the Authority under subregulation (5) available without charge for inspection by members of the public during normal office hours at the Authority.

(7) The Minister must, as soon as practicable after preparing any map under this regulation, give a copy of the map to each council in relation to which a designated bushfire prone area described by the map is wholly or partially within the council's municipal district.

(8) A council must make a copy of the most recent map given to it under subregulation (7) available for inspection by members of the public without charge during business hours at the office of that council.

158 Relevant building surveyor must accept bushfire attack level in planning scheme or site assessment for planning permit

(1) Despite anything to the contrary in the BCA, if a building is to be constructed in a designated bushfire prone area and the bushfire attack level for the site is specified in a planning scheme applying to that site, the relevant building surveyor must accept that bushfire attack level for the purpose of determining the construction requirements that are applicable to the building.

(2) Despite anything to the contrary in the BCA, if a building is to be constructed in a designated bushfire prone area and⎯

(a) a planning permit is required for the construction of the building; and

(b) a site assessment for the purpose of determining the bushfire attack level for the site has been considered as part of the application for the planning permit⎯

the relevant building surveyor must accept that site assessment for the purpose of determining the bushfire attack level of the site and the construction requirements that are applicable to the building.

159 Relevant building surveyor must accept bushfire attack level of 12·5

(1) Despite anything to the contrary in the BCA, if—

(a) a building is to be constructed in a designated bushfire prone area; and

(b) the bushfire attack level for the site is—

(i) determined as LOW by the relevant building surveyor; or

(ii) accepted by the relevant building surveyor as LOW under regulation 158—

the relevant building surveyor must accept that the bushfire attack level is 12·5 when determining the construction requirements that are applicable to the building.

(2) In this regulation, ***building*** means—

(a) a Class 1, 2 or 3 building; or

(b) a Class 10a building or deck that is associated with a Class 1, 2 or 3 building; or

(c) a specific use bushfire protected building.

**Note**

Regulation 160 inserts a definition of **Specific use bushfire protected building**into the BCA Volume One.

160 Specific use bushfire protected buildings—Construction requirements

(1) The BCA Volume One applies as if in clause A1.1, after the definition of **Sole‑occupancy unit** there were inserted—

"**Specific use bushfire protected building** means—

(a) a Class 9a or 9c building; or

(b) a building from which a school within the meaning of section 1.1.3(1) of the **Education and Training Reform Act 2006** is operated; or

(c) a building from which an *early childhood centre* is operated; or

(d) a Class 4 part of a building associated with a building referred to in paragraphs (a) to (c); or

(e) a Class 10a building or deck associated with a building referred to in paragraphs (a) to (c).".

(2) The BCA Volume One applies as if in Part G5—

(a) in the **Application** at the foot of clause GP5.1, there were inserted after paragraph (a)—

"(ab) a *specific use bushfire protected building*; or";

(b) in clause G5.1, there were inserted after paragraph (a)—

"(ab) a *specific use bushfire protected building*; or";

(c) in clause G5.2, there were inserted after paragraph (a)—

"(ab) *a specific use bushfire protected building; or*".

Division 2—Requirements for buildings replacing buildings destroyed in the 2009 bushfires

161 Application of this Division

This Division applies to a Class 1a building on an allotment if—

(a) construction of the building is proposed on the same allotment as a Class 1a building that was destroyed in bushfires between 1 January 2009 and 31 March 2009 (inclusive); and

(b) the allotment is subject to a Bushfire Management Overlay under a planning scheme specified in Schedule 7 which applies to that allotment; and

(c) a planning permit is not required for the construction of the building.

162 Static water supply for fire fighting purposes

(1) This regulation does not apply in relation to an allotment if—

(a) the bushfire attack level of the allotment is determined as LOW or 12·5 in accordance with AS 3959; and

(b) there is a fire hydrant connected to a reticulated water supply within 120m of the rear of the building.

(2) A static water supply for fire fighting purposes (the ***static water supply***) must be provided on the allotment in accordance with this regulation.

(3) The static water supply must be—

(a) used solely for fire fighting purposes; and

(b) able to hold 10 000 litres in onsite static storage located on the allotment; and

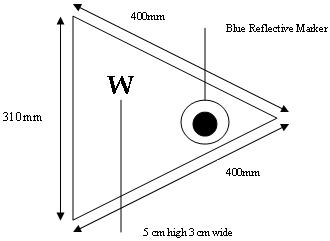
(c) located within 60m of the building; and

(d) situated so as to enable emergency services vehicles access to within 4m of the water supply outlet.

(4) If the static water supply is not able to be readily seen from the building or access driveway, a sign in or to the like effect of the sign illustrated in the diagram at the foot of this subregulation must be located on the allotment so that it is—

(a) easily seen by persons operating emergency vehicles; and

(b) pointing in the direction of the water supply.



Diagram—Sign indicating static water supply location

(5) All below-ground water pipelines relating to the static water supply must be installed to the depths of—

(a) 300mm if subject to vehicle traffic; or

(b) 75mm if under a house or concrete slab; or

(c) 225mm in all other locations.

(6) All fixed above-ground water pipelines and fittings relating to the static water supply, including the water supply, must be constructed of non-corrosive and non‑combustible materials, or be protected from the effects of radiant heat and flame.

(7) If the static water supply is above ground, the following additional requirements apply—

(a) there must be at least one pipe fitting no less than 64mm, 3 thread/25mm × 50mm nominal bore British Standard Pipe (BSP) round male coupling;

(b) all pipe work and valving between the water supply and the water supply outlet must be no less than 50mm nominal bore;

(c) if the water supply is less than 20m from the building, each outlet must face away from the building to allow access during emergencies.

163 Access for emergency vehicles

(1) The driveway to the building must be designed to allow an emergency vehicle access in accordance with this regulation.

(2) The driveway to the building must be designed so that—

(a) any curves in the driveway have a minimum inner radius of 10m; and

(b) the average grade for the driveway is no more than 1 in 7 (14⋅4%) (8⋅1o) with a maximum of no more than 1 in 5 (20%) (11⋅3o) for no more than 50m; and

(c) any dips in the driveway have no more than a 1 in 8 (12⋅5%) (7⋅1o) entry and exit angle.

(3) If the driveway from the road to the building or static water supply, including gates, bridges and culverts, is greater than 30m in length, the driveway must—

(a) be designed, constructed and maintained for a load limit of at least 15 tonnes and be of all weather construction; and

(b) provide a minimum trafficable width of 3⋅5m, and be clear of encroachments to a height of 4m from the ground.

(4) If the driveway from the road to the building or static water supply is longer than 100m, a turning area for emergency vehicles close to the building must be provided for by either—

(a) a turning circle with a minimum radius of 8m; or

(b) the driveway encircling the building; or

(c) a T head or Y head with a minimum forced surface of each leg being 8m in length measured from the centre point of the head and 4m trafficable width.

**Note**

The following diagrams illustrate aspects of subregulation (5)(c).

8m

8m

4m

8m

8m

4m

4m

Diagram—Y head Diagram—T head

(5) If the driveway from the road to the building or static water supply is longer than 200m, passing bays must be provided every 200m and must—

(a) be 20m long; and

(b) have a trafficable width of 6m.

(6) In this regulation ***static water supply*** has the same meaning as in regulation 162.

164 Report and consent required for non-complying static water supply and access

(1) The report and consent of the chief officer must be obtained to an application for a building permit to construct a building to which this Division applies if the requirements of regulation 162 or 163 are not proposed to be complied with.

(2) In reporting on and considering whether to consent to a variation of the requirements of regulation 162 or 163 under subregulaton (1), the chief officer must take into account whether a satisfactory degree of bushfire safety will be achieved if the variation is consented to.

Division 3—Private bushfire shelters

165 Application of this Division

This Division applies to a Class 10c building associated with a Class 1 building.

**Note**

A Class 10c building is a private bushfire shelter as defined in the BCA.

166 Private bushfire shelter construction requirements

(1) The BCA Volume One applies as if in clause A1.1 in the definition of "**Private bushfire shelter**", for "Class 1a dwelling" there were substituted"Class 1 building".

(2) The BCA Volume Two applies as if—

(a) in clause 1.1.1 in the definition of "**Private bushfire shelter**", for "Class 1a dwelling" there were substituted"Class 1 building"; and

(b) in clause O2.3(d), for "Class 1a dwelling" there were substituted"Class 1 building"; and

(c) in performance requirement P2.3.5(e) for "associated dwelling" there were substituted "associated Class 1 building"; and

(d) in the **Application** at the foot of performance requirement P2.3.5 after "Class 10c building" there were inserted "associated with a Class 1 building".

167Private bushfire shelter performance requirements—performance solutions

Despite anything to the contrary in the BCA, a relevant building surveyor must not determine that a performance solution complies with performance requirement P2.3.5 of the BCA Volume Two unless the relevant building surveyor—

(a) relies on a certificate under section 238 of the Act by a fire safety engineer, who did not design the building work, which states that the performance solution complies with that performance requirement; or

(b) relies on a determination of the Building Appeals Board under section 160A of the Act that the performance solution complies with that performance requirement; or

(c) relies on a certificate of accreditation issued by the Building Regulations Advisory Committee, which states that the performance solution complies with that performance requirement; or

(d) relies on a Certificate of Conformity issued by a person or body duly authorised under the CodeMark Scheme administered by the Australian Building Codes Board, which states that the performance solution complies with that performance requirement.

168 Private bushfire shelter maintenance and operation

(1) The occupier of an allotment containing a Class 10c building associated with a Class 1 building must ensure that the Class 10c building is maintained in a state that enables the Class 10c building to fulfil its purpose.

1. 20 penalty units.

(2) The occupier of an allotment containing a Class 10c building associated with a Class 1 building must ensure that any paths of travel from the Class 1 building to the Class 10c building are maintained in an efficient condition and kept readily accessible, functional and clear of obstruction so that access to the Class 10c building is maintained.

1. 20 penalty units.

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Part 13—Inspections notices and orders

Division 1— Inspections and directions

169 Prescribed mandatory notification stages for construction or alteration of building

For the purposes of the definition of ***mandatory notification stage*** in section 3(1) of the Act, in relation to the construction of a new building or alteration to an existing building, the following stages of building work are prescribed—

(a) prior to placing a footing;

(b) prior to pouring an in situ reinforced concrete member nominated by the relevant building surveyor;

(c) completion of framework;

(d) completion, prior to covering, of any walls required to have a fire-resistance level including the junction of the wall and the ceiling or the roof covering above and any penetrations;

(e) prior to covering a waterproofing membrane in any wet area;

(f) completion of any stormwater drainage connection;

(g) final, upon completion of all building work.

170 Prescribed mandatory notification stages for demolition or removal of building

For the purposes of the definition of ***mandatory notification stage*** in section 3(1) of the Act, in relation to the demolition or removal of a building, the following stages of building work are prescribed—

(a) completion of any precautions required to be taken under regulation 116 or 117;

(b) final, upon completion of all demolition or removal work.

171 Prescribed mandatory notification stages for construction of swimming pool

For the purposes of the definition of ***mandatory notification stage*** in section 3(1) of the Act, in relation to the construction of a swimming pool, the following stages of building work are prescribed—

(a) completion of any excavation related to the installation of a swimming pool;

(b) prior to pouring any footing or reinforced concrete member nominated by the relevant building surveyor;

(c) completion of any precautions required to be taken under regulation 116;

(d) final, upon completion of the swimming pool and related safety barrier.

172 Variation of mandatory notification stages

The relevant building surveyor may vary a mandatory notification stage set out in regulation 169 for building work if that stage is not relevant to the building work.

173 Building permit must specify mandatory notification stages

The relevant building surveyor must specify the mandatory notification stages for building work determined under regulations 169, 170, 171 and 172 in the building permit issued for that building work.

174 Relevant building surveyor to keep and make available directions to fix building work

The relevant building surveyor must—

(a) keep a copy of each written direction to fix building work that the relevant building surveyor gives under Division 2 of Part 4 of the Act until the earliest of the following—

(i) an occupancy permit or certificate of final inspection relating to the building work is issued;

(ii) the direction is revoked;

(iii) the direction is quashed or set aside by the Building Appeals Board; and

(b) make copies of directions kept under paragraph (a) available for inspection by any person during office hours.

175 Person to whom authorised person must give documents under section 37J of the Act

For the purposes of section 37J of the Act, the relevant building surveyor is a prescribed person to whom an authorised person must give the documents set out in that section.

Division 2— Notices and orders

176 Emergency orders

For the purposes of section 103(3) of the Act, an emergency order made under section 102 of the Act must include—

(a) the location of the building, land or place of public entertainment to which the order applies; and

(b) the name of the owner or occupier to whom or which the order is directed; and

(c) the reason or reasons why the order was made; and

(d) the period within which the order must be complied with; and

(e) the date and time of any inspection of the building, land or place carried out by the municipal building surveyor before the making of the order; and

(f) the date and time of any inspection of the building, land or place relied on by the municipal building surveyor for the purpose of making the order, and the name and qualifications of the person or persons who conducted the inspection; and

(g) the date of making of the order; and

(h) the name and address of the municipal building surveyor.

177 Form of emergency orders

An emergency order made under section 102 of the Act may be in the form of Form 12.

178 Building notices

For the purposes of section 108(2) of the Act, a building notice served under section 106 of the Act must include—

(a) the location of the building or place of public entertainment to which the notice applies; and

(b) the name and address of the owner to whom or which the notice is directed; and

(c) the reason or reasons why the notice was served; and

(d) the date and time of any inspection carried out by the relevant building surveyor before the serving of the notice; and

(e) the date and time of any inspection of the building, land or place relied on by the relevant building surveyor for the purposes of deciding whether to serve the notice, and the name and qualifications of the person or persons who conducted the inspection; and

(f) the date of making of the notice; and

(g) the name and address of the relevant building surveyor.

179 Form of building notice

A building notice served under section 106 of the Act may be in the form of Form 13.

180 Building orders

For the purposes of section 114(1)(c) of the Act, a building order made under section 111, 112 or 113 of the Act must include—

(a) the location of the building, land or place of public entertainment to which the order applies; and

(b) the name and address of the person to whom the order is directed; and

(c) the reason or reasons why the order was made; and

(d) the date and time of any inspection of the building, land or place carried out by the relevant building surveyor before making the order; and

(e) the date and time of any inspection of the building, land or place relied on by the relevant building surveyor for the making of the order, and the name and qualifications of the person or persons who conducted the inspection; and

(f) the date of making of the order; and

(g) the name and address of the relevant building surveyor.

181 Form of building order

(1) A building order made under section 111 may be in the form of Form 14.

(2) A building order made under section 112 of the Act may be in the form of Form 15.

(3) A building order made under section 113 of the Act may be in the form of Form 16.

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Part 14—Occupancy Permits and Certificates of Final Inspection

Division 1—General

182 Application of Part

Subject to these Regulations, this Part applies to all buildings and places of public entertainment.

183 Exemptions from occupancy permit

(1) For the purposes of section 21(2)(c) of the Act, an occupancy permit is not required—

(a) in respect of building work relating to—

(i) a Class 10 building; or

(ii) an alteration to a Class 1a building; or

(iii) an alteration within a sole occupancy unit in a Class 2 or 3 building; or

(b) in respect of building work specified in column 2 of the Table in Schedule 3.

(2) A building specified in column 2 of the Table in Schedule 3 is exempted from the requirement for an occupancy permit in relation to building work carried out on that building.

Division 2—Applications for occupancy permit

184 Application for occupancy permit

(1) An application for an occupancy permit must be in the form of Form 17.

(2) For the purposes of clause 1(a) and (b) of Schedule 2 to the Act—

(a) the information to be contained in the application is the information that must be set out in Form 17; and

(b) the application must be accompanied by the following documents—

(i) if the building to which the application relates is situated on an allotment created by a subdivision, a copy of a certificate of title for the allotment issued within 7 days before the date the application is given to the relevant building surveyor;

(ii) any compliance certificate within the meaning of Part 12A of the Act given for plumbing work carried out in conjunction with the building work in the building to which the application applies;

(iii) any certificate of compliance within the meaning of section 3 of the **Electricity Safety Act 1998** for electrical work carried out in conjunction with the building work in the building or place of public entertainment to which the application applies.

185 Reporting authorities for occupancy permit

(1) The report and consent of the chief officer must be obtained in relation to an application for an occupancy permit—

(a) if the chief officer was a reporting authority in relation to the application for the building permit which required the issue of the occupancy permit; or

(b) relating to a building or building work involving the transmission signal of alarms required, under these Regulations or any previous corresponding regulations,to be connected to a fire station or other approved monitoring service.

(2) Subject to subregulation (3), the report and consent of the relevant council must be obtained in relation to an application for an occupancy permit relating to—

(a) the installation or alteration of a septic tank system; or

(b) the construction of a building over an existing septic tank system.

(3) The report and consent of the relevant council need not be obtained in relation to an application for an occupancy permit referred to in subregulation (2), if a certificate approving the use of the septic tank system the subject of the application has been issued under section 53MB of the **Environment Protection Act 1970**.

186 Time limits for application to be given to reporting authority

For the purposes of clause 4(2) of Schedule 2 to the Act, the prescribed time within which the relevant building surveyor must give a copy of an application for an occupancy permit to each reporting authority required to report on or to consent to the application is—

(a) in the case of an application relating to a Class 1 building, 3 business days after the relevant building surveyor receives the application;

(b) in any other case, 5 business days after the relevant building surveyor receives the application.

187 Time limits relating to the report or consent of reporting authorities

For the purposes of clause 6(1), (2) and (3) of Schedule 2 to the Act, the prescribed time is—

(a) in the case of an application relating to a Class 1 building, within 5 business days after a reporting authority is given a copy of an application for an occupancy permit by the relevant building surveyor; and

(b) in any other case, within 10 business days after a reporting authority is given a copy of an application for an occupancy permit by the relevant building surveyor.

188 Time within which relevant building surveyor must decide application for occupancy permit

(1) For the purposes of sections 43 and 56 of the Act, the relevant building surveyor must decide an application for an occupancy permit—

(a) in the case of a Class 1 building, within 2 business days after the relevant day; and

(b) in any other case, within 5 business days after the relevant day.

(2) In this regulation the ***relevant day*** means the earlier of the following days—

(a) the day on which all reports and consents required to be supplied by reporting authorities in relation to the application are received by the relevant building surveyor;

(b) the day by which the reports and consents referred to in paragraph (a) must be supplied to the relevant building surveyor.

189 Time within which relevant building surveyor must decide application to amend occupancy permit

The municipal building surveyor must decide an application to amend an occupancy permit under section 70(1)(a) of the Act—

(a) in the case of a Class 1 building, within 7 business days after the day the application is received by the municipal building surveyor; or

(b) in any other case, within 14 business days after the day the application is received by the relevant building surveyor.

Division 3—Occupancy permits

190 Form of occupancy permit

An occupancy permit issued under Part 5 of the Act must be in the form of Form 18.

191 Relevant building surveyor to provide copy of permit

The relevant building surveyor must give a copy of an occupancy permit to the applicant for the occupancy permit within 7 days after issuing the permit.

192 Occupancy permit must specify essential safety measures and related requirements

(1) The relevant building surveyor or the Authority (as the case requires), must ensure that an occupancy permit (including that permit as amended from time to time) issued in relation to a building or place of public entertainment specifies—

(a) all essential safety measures required to be provided in the building or place as part of the building work carried out under the building permit requiring the occupancy permit; and

(b) the level of performance, determined by the relevant building surveyor or the Authority (as the case requires), that each essential safety measure must achieve to fulfil its purpose; and

(c) the frequency and type of inspection, testing and maintenance required for each essential safety measure determined by the relevant building surveyor or the Authority (as the case requires).

(2) In determining matters in subregulation (1)(b) and (c), the relevant building surveyor or Authority must specify the provision of the building regulations with which the installation and operation of the essential safety measure must comply and which sets out the frequency and type of inspection, testing and maintenance required for the essential safety measure.

(3) In this regulation—

***building*** means—

(a) a Class 1b, 2, 3, 5, 6, 7, 8 or 9 building; and

(b) a Class 4 part of a building;

***provision of the building regulations*** has the same meaning as in section 160 of the Act.

(4) This regulation does not apply in relation to a smoke alarm installed in a sole-occupancy unit in a Class 1b or 2 building or a Class 4 part of a building.

193 Condition on occupancy permit

(1) It is a condition of an occupancy permit that each essential safety measure specified in an occupancy permit under regulation 192, must—

(a) be inspected and tested as specified in the occupancy permit; and

(b) be maintained as specified in the occupancy permit so that each essential safety measure achieves the level of performance specified in the occupancy permit.

(2) If a maintenance determination is made under regulation 213 in relation to a building or place of public entertainment and an occupancy permit applies to the building or place of public entertainment, it is a condition of the occupancy permit that each essential safety measure specified in the maintenance determination must—

(a) be inspected and tested as specified in the maintenance determination; and

(b) be maintained as specified in the maintenance determination so that the essential safety measure achieves the level of performance specified in the maintenance determination.

194 Compliance with AS 1851—2012 taken to be compliance with earlier standards

(1) This regulation applies in relation to an occupancy permit which specifies the frequency and type of inspection, testing and maintenance required for an essential safety measure in a building or place of public entertainment.

(2) Despite sections 40 and 51 of the Act, if an occupancy permitspecifies that the essential safety measure must be maintained in accordance with AS 1851—2005 Maintenance of fire protection systems and equipment published on 29 June 2005, as in force and as issued from time to time, or an equivalent standard published before 5 September 2005, compliance with AS 1851—2012 is taken to be compliance with the frequency and type of inspection, testing and maintenance requirements specified in the occupancy permit (if applicable).

(3) If the owner of the building or place of public entertainment, in accordance with subregulation (2), complies with AS 1851—2012 in relation to the essential safety measure, instead of the frequency and type of inspection, testing and maintenance required for the essential safety measure specified in theoccupancy permit the owner must continue to comply with AS 1851—2012 in relation to the essential safety measure.

Division 4—Display and inspection requirements for occupancy permits

195 Display of occupancy permit at approved location

(1) This regulation applies to—

(a) Class 1b, 2, 3, 5, 6, 7 and 8 buildings constructed on or after 1 July 1994; and

(b) Class 9 buildings; and

(c) places of public entertainment.

(2) An owner of a building or place of public entertainment must ensure that a copy of any current occupancy permit in relation to that building or place is displayed and kept displayed at an approved location within the building or place.

1. 10 penalty units.

196 Approved location for display of permit

(1) Subject to subregulation (3), the relevant building surveyor must ensure that a location approved within a building for the purposes ofregulation195 is in a prominent position and is accessible to the occupants of the building.

(2) The relevant building surveyor must ensure that a location approved within a place of public entertainment for the purposes ofregulation 195 is in a prominent position and is accessible to the public.

(3) In a building of a class of building referred to in regulation 277, the location approved for the purposes of regulation 195 may be in an area to which access is available only with the authorisation of the owner of the building.

197 Owner to make permit available for inspection

(1) This regulation applies to—

(a) Class 1b, 2, 3, 5, 6, 7 and 8 buildings constructed on or after 1 July 1994; and

(b) Class 9 buildings; and

(c) places of public entertainment.

(2) An owner of a building or place of public entertainment must ensure that a copy of any current occupancy permit is available at that building or place for inspection by the municipal building surveyor or chief officer at any time on request.

1. 10 penalty units.

Division 5—Certificates of final inspection

198 Form of certificate of final inspection

A certificate of final inspection must be in the form of Form 19.

199 Building surveyor to notify chief officer of issue of certificates of final inspection

(1) If a certificate of final inspection is issued in relation to a building or building work involving the transmission signal of an alarm required, under these Regulations or any previous corresponding regulations, to be connected to a fire station or other approved monitoring service, the relevant building surveyor must notify the chief officer within 10 days after issuing the certificate that—

(a) the certificate has been issued; and

(b) the required connection has been made.

(2) If a certificate of final inspection is issued and the chief officer was a reporting authority in relation to the application for the relevant building permit, the relevant building surveyor must notify the chief officer of the issue of the certificate within 10 days after issuing the certificate.

Division 6—Records

200 Keeping of occupancy permit records

(1) For the purposes of section 75 of the Act, a council must keep the documents relating to occupancy permits in any manner specified by the Keeper of Public Records until—

(a) the building in relation to which the permit is given is demolished or removed from the allotment; or

(b) the occupancy permit is cancelled.

(2) For the purposes of section 75 of the Act, a council must keep documents relating to a temporary approval for 3 years after the earlier of the following—

(a) the end of the period for which the temporary approval applies;

(b) the temporary approval is cancelled.

201 Documents to be given to council

The following documents are prescribed for the purposes of section 73(1A) of the Act—

(a) a notice given to the relevant building surveyor under section 25A(1) of the Act;

(b) a notice given to the relevant building surveyor under section 25A(2) of the Act;

(c) a notice given to the relevant building surveyor under section 25A(3) of the Act;

(d) a notice served on the relevant building surveyor under section 84 of the Act;

(e) a notice given to the relevant building surveyor under section 85 of the Act;

(f) a determination of the relevant building surveyor under section 87 of the Act;

(g) a determination or order of the Building Appeals Board;

(h) a determination of the relevant building surveyor under the BCA that a performance solution complies with a performance requirement of the BCA together with any computations or reports relied on by the relevant building surveyor in making the determination;

(i) a determination of the municipal building surveyor or a private building surveyor under regulation 28(1);

(j) an exemption or consent to partial compliance given by the municipal building surveyor or a private building surveyor under regulation 227(2) or 229(2) or by the relevant building surveyor under regulation 231(3) or 232(2);

(k) any test carried out in accordance with regulation 120(1);

(l) a document setting out any requirement of the relevant building surveyor under regulation 116 to take precautions to protect the safety of the public;

(m) a complete record of pile-driving operations under regulation 126;

(n) a record of inspection made under section 34 of the Act;

(o) a report and consent of a reporting authority referred to in regulation 185;

(p) any document required by the relevant building surveyor under clause 2(1) of Schedule 2 to the Act.

202 Prescribed time to give council other documents

For the purposes of section 73(1A) of the Act, the prescribed time is 7 days after the issue or amendment of the occupancy permit or temporary approval (as the case requires).

203 Information to be supplied to council

In addition to the requirements of section 73 of the Act, the relevant building surveyor must within 7 days—

(a) after issuing a certificate of final inspection, give to the relevant council a copy of the certificate; and

(b) after issuing an occupancy permit or a certificate of final inspection, give to the relevant council the approved dates of the inspections carried out of the mandatory notification stages of building work carried out on the building or land.

1. 10 penalty units.

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Part 15—Places of public entertainment

204 Application

This Part applies to any place of public entertainment.

205 Prescribed classes of buildings or places

(1) For the purposes of the definition of ***place of public entertainment*** in section 3(1) of the Act—

(a) the following are prescribed classes of buildings—

(i) Class 9b buildings with an area greater than 500 m²;

(ii) prescribed temporary structures; and

(b) places with an area greater than 500 m² are a prescribed class of places unless—

(i) the place is used for the purposes of conducting an event or activity which is organised and controlled by a community-based organisation; and

(ii) the number of persons in the place at any one time during the event or activity does not exceed 5000.

**Example**

A place used for a public market conducted by a Rotary club would fall within the class of places prescribed under paragraph (b) if the number of persons in the place at any one time did not exceed 5000.

(2) For the purposes of this regulation, ***community-based organisation*** means a body, whether or not it is a corporate body, that—

(a) is not established primarily for the purposes of profit or gain; and

(b) does not distribute any part of any profit or gain made in the conduct of its activities to any member of the organisation; and

(c) operates in a community wholly for—

(i) a philanthropic or benevolent purpose, including the promotion of art, culture, science, religion, education or charity; or

(ii) any sporting or recreational purpose, including the benefiting of any sporting or recreational club or association.

206 Prescribed temporary structures

For the purposes of the definition of ***prescribed temporary structure*** in section 3(1) of the Act, the following are prescribed classes of temporary structures, if those structures do not form part of a building other than a temporary structure or temporary building—

(a) tents, marquees or booths with a floor area greater than 100m2;

(b) seating stands for more than 20 persons;

(c) stages or platforms (including sky borders and stage wings) exceeding 150m2 in floor area;

(d) prefabricated buildings with an area exceeding 100m2 and that are not placed directly on the ground surface.

207 Exemption from permit for temporary structures

(1) For the purposes of section 16(6) of the Act, building work is exempted to the extent it relates to a temporary structure prescribed by regulation 206.

(2) A temporary structure prescribed by regulation 206 is exempt from these Regulations, other than regulations 209 and 210.

**Note**

If a prescribed temporary structure is used for the purpose of providing public entertainment it must have an occupancy permit under Division 2 of Part 5 of the Act and meet the requirements of the Authority under that permit.

208 Prescribed place of public entertainment

For the purposes of section 53(2) of the Act, the sportsgrounds and spectator stands known as Kardinia Oval, Kardinia Park, Geelong is a prescribed place of public entertainment.

209 Conditions on occupancy permits

Without limiting the conditions to which an occupancy permit may be subject, an occupancy permit for a place of public entertainment may be issued subject to conditions relating to—

(a) the engagement of safety officers to be in attendance at the place of public entertainment to provide for the safety of the public; and

(b) the safety training qualifications that must be held by any person engaged as a safety officer; and

(c) the responsibilities of the safety officer, including—

(i) the operation of fire safety elements, equipment and systems; and

(ii) the establishment and operation of evacuation procedures; and

(iii) the safety of barriers and exits; and

(iv) the control of the use of naked flame in theatrical productions; and

(d) the exclusion of the public from unsafe areas; and

(e) the keeping, testing and storage of flammable material or explosive items and equipment in a safe manner, to the extent that this is not required by any other Act or regulations; and

(f) the ignition of fireworks and the discharge of pistols or other shooting devices in a safe and responsible manner, to the extent that this is not required by any other Act or regulations; and

(g) the location and designation of passageways and exits; and

(h) the availability of public toilet facilities and the condition of those facilities.

210 Structural design of prescribed temporary structures

Prescribed temporary structures must be designed in accordance with engineering principles to provide for their structural safety and the safety of the public and other persons using them.

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Part 16—Maintenance of buildings and places of public entertainment

Division 1—Maintenance of essential safety measures

Subdivision 1—General

211 Application of this Division

(1) Subject to subregulation (2), this Division applies to—

(a) a Class 1b, 2, 3, 5, 6, 7, 8 or 9 building; and

(b) a Class 4 part of a building; and

(c) a place of public entertainment.

(2) This Division does not apply to a smoke alarm installed in a sole-occupancy unit in a Class 1b or 2 building or a Class 4 part of a building.

212 Definitions in this Division

In this Division—

***essential safety measure*** means—

(a) a safety measure specified in Column 2 of each Part of the Table in Schedule 8 that is required by or under the Act or these Regulations to be provided in relation to a building or a place of public entertainment; or

(b) any other item that is required by or under the Act or these Regulations to be provided in relation to a building or place of public entertainment for the safety of persons in the event of fire and that is designated by the relevant building surveyor as an essential safety measure; or

(c) any other item that is an essential safety measure within the meaning of 1202 of the Building Regulations 2006 as in force before their revocation; or

(d) any other measure (including an item of equipment, form of construction or safety strategy) required for the safety of persons using a building or place of public entertainment required to be provided in relation to that building or place by or under the Act or any previous corresponding Act before 1 July 1994;

***maintenance determination*** means—

(a) a determination made by a relevant building surveyor under regulation 213; or

(b) a maintenance determination within the meaning of regulation 1202 of the Building Regulations 2006 as in force before their revocation;

***maintenance schedule*** means—

(a) a maintenance schedule prepared by the municipal building surveyor or a private building surveyor that complies with regulation 220; or

(b) a maintenance schedule within the meaning of regulation 1202 of the Building Regulations 2006 as in force before their revocation.

Subdivision 2—Maintenance determinations

213 Maintenance determinations for essential safety measures in buildings and or places of public entertainment

(1) This regulation applies if an essential safety measure is required to be provided or altered in a building or place of public entertainment by—

(a) a building permit that does not require an occupancy permit; or

(b) an emergency order or a building order under Part 8 of the Act.

(2) The relevant building surveyor must determine and specify in the determination the following—

(a) the essential safety measure that is the subject of the determination;

(b) the level of performance that the essential safety measure must achieve to fulfil its purpose;

(c) the frequency and type of inspection, testing and maintenance required for the essential safety measure.

(3) A determination under subregulation (2) must—

(a) be in writing in the form approved by the Authority; and

(b) be given to the owner of the building or place of public entertainment—

(i) with the certificate of final inspection, if the essential safety measure is required under a building permit; or

(ii) without delay after it is made, if the essential safety measure is required under an emergency order or a building order under Part 8 of the Act; and

(c) be given to the relevant council with a report under section 120(2)(a) of the Act, if the essential safety measure is required under an emergency order or a building order under Part 8 of the Act.

214 Owner must comply with maintenance determination

(1) This regulation applies if a maintenance determination is issued in relation to a building or place of public entertainment to which an occupancy permit does not apply.

(2) The owner of the building or place of public entertainment must ensure that each essential safety measure that is the subject of a maintenance determination in relation to that building or place—

(a) performs at the level to fulfil its purpose specified in the maintenance determination; and

(b) is tested, inspected and maintained in accordance with the requirements specified in the maintenance determination.

Penalty: 20 penalty units.

215 Compliance with AS 1851—2012 taken to be compliance with earlier standards

(1) This regulation applies in relation to a maintenance determination that specifies the frequency and type of inspection, testing and maintenance required for an essential safety measure in a building or place of public entertainment.

(2) Despite regulation 214, if a maintenance determination specifies that the essential safety measure must be maintained in accordance with AS 1851—2005 Maintenance of fire protection systems and equipment published on 29 June 2005, as in force and as issued from time to time, or an equivalent standard published before 5 September 2005, compliance with AS 1851—2012 is taken to be compliance with the frequency and type of inspection, testing and maintenance requirements specified in the maintenance determination (if applicable).

(3) If the owner of the building or place of public entertainment, in accordance with subregulation (2), complies with AS 1851—2012 in relation to the essential safety measure, instead of the frequency and type of inspection, testing and maintenance required for the essential safety measure specified in the maintenance determination, the owner must continue to comply with AS 1851—2012 in relation to the essential safety measure.

Subdivision 3—Maintenance schedules

216 Relevant building surveyor must prepare or update maintenance schedule for an existing building or place

(1) This regulation applies if an essential safety measure is required to be provided or altered in a building or place of public entertainment—

1. by a condition on an occupancy permit imposed in accordance with regulation 193; or
2. a maintenance determination under regulation 213.

(2) The relevant building surveyor must prepare or update a maintenance schedule so that it complies with regulation 220 in relation to the building or place of public entertainment.

(3) The owner of a building or place of public entertainment must provide to the relevant building surveyor who must prepare or update a maintenance schedule under subregulation (2) relating to that building or place all the documents referred to in regulation 223 that relate to essential safety measures in the building or place within 7 days after a request of the relevant building surveyor to provide those documents.

Penalty: 10 penalty units

217 Owner of building or place may apply for maintenance schedule

(1) The owner of a building or place of public entertainment may apply to the municipal building surveyor or a private building surveyor to request the municipal building surveyor or private building surveyor to prepare a maintenance schedule that complies with regulation 220 in relation to the building or place.

(2) If the municipal building surveyor or a private building surveyor agrees to prepare a maintenance schedule that complies with regulation 220 in relation to a building or place of public entertainment, the owner of the building or place must provide to the municipal building surveyor or private building surveyor all documents referred to in regulation 223 relating to essential safety measures in the building or place.

218 Building surveyor may prepare maintenance schedule

The municipal building surveyor or a private building surveyor may prepare a maintenance schedule in relation to a building or a place of public entertainment that complies with regulation 220 if the owner of the building or place has applied in accordance with regulation 217 to the municipal building surveyor or private building surveyor for such a maintenance schedule to be prepared.

219 Building surveyor must give owner copy of maintenance schedule

The municipal building surveyor or private building surveyor who prepares or updates a maintenance schedule in relation to a building or place of public entertainment under regulation 216 or 218 must give a copy of the maintenance schedule to the owner of the building or place without delay.

220 Maintenance schedules

(1) For the purposes of regulation 216, a maintenance schedule must list all essential safety measures required to be provided in a building or place of public entertainment by an occupancy permit or a maintenance determination and the maintenance requirements for those essential safety measures.

(2) For the purposes of regulation 218, a maintenance schedule must list all essential safety measures required to be provided in a building or place of public entertainment by or under the Act or these regulations or any previous corresponding Act or regulations.

(3) The essential safety measures and related maintenance requirements must be listed in chronological order according to the date on which each essential safety measure was required to be provided by or under the Act or these regulation or any corresponding Act or regulations.

(4) A maintenance schedule under this regulation must be prepared in a form approved by the Authority.

(5) In this regulation, ***maintenance requirements*** in relation to an essential safety measure consist of—

(a) the level of performance that the essential safety measure must achieve to fulfil its purpose; and

(b) the frequency and type of inspection, testing and maintenance required for the essential safety measure.

Subdivision 4—Reporting and records

221 Owner must prepare annual essential safety measures report

(1) The owner of a building or place of public entertainment in respect of which an essential safety measure is required to be provided in the building or place by an occupancy permit or a maintenance determination must ensure that an annual essential safety measures report is prepared in accordance with regulation 222 within 28 days beforeeach anniversary of the relevant anniversary date.

1. 20 penalty units.

(2) The owner of a building or place of public entertainment that was constructed before 1 July 1994, in respect of which an essential safety measure was required to be provided in the building or place by the Act or these regulations or any previous corresponding Act or regulations, must ensure that an annual essential safety measures report is prepared in accordance with regulation 222 within 28 days before13 June 2017 and each anniversary of that date.

1. 20 penalty units.

(3) Subregulation (2) does not apply in relation to any essential safety measure in respect of which an annual report is required to be prepared under subregulation (1).

(4) In this regulation—

***anniversary date*** means the earlier of the following dates—

(a) the date of issue of the first occupancy permit or amendment to an occupancy permit that required that an essential safety measure be provided in the building or place of public entertainment;

(b) the date of making of the first maintenance determination which required that an essential safety measure be provided in the building or place of public entertainment.

222 Contents and form of annual essential safety measures report

For the purposes of regulation 221, the annual essential safety measures report for a building or place of public entertainment must—

(a) be in a form approved by the Authority; and

(b) be signed by the owner of the building or place; and

(c) state the address of the building or place; and

(d) include the details of any inspection report made under section 227E of the Act in respect of an essential safety measure in the building or place; and

(e) if applicable, state that the owner of the building or place, in accordance with regulation 194 or 215, is complying with AS 1851—2012 in relation to an essential safety measure required to be provided in the building or place, instead of the frequency and type of inspection, testing and maintenance required for the essential safety measure specified in the relevant occupancy permit or the maintenance determination (as the case requires); and

(f) state that the owner has taken all reasonable steps to ensure that each essential safety measure in the building or place—

(i) is operating and has been maintained in a state that enables the essential safety measure to fulfil its purpose; and

(ii) has been inspected, tested and maintained in accordance with the Act and these Regulations.

223 Records relating to essential safety measures must be made available

An owner of a building or place of public entertainment must ensure that the following documents relating to the building or place are available for inspection at that building or place within 24 hours after a request by the municipal building surveyor or chief officer to inspect the documents—

(a) all annual essential safety measures reports prepared under these regulations or any previous corresponding regulations within 10 years before the request; and

(b) all maintenance schedules in relation to the essential safety measures in the building or place; and

(c) all maintenance determinations requiring an essential safety measure to be provided in the building or place; and

(d) the records of all inspections, testing and maintenance (including repairs) of any essential safety measure in the building or place.

1. 20 penalty units

224 Maintenance responsibility of owner of building or place constructed before 1 July 1994

(1) The owner of a building or place of public entertainment must ensure that any essential safety measure required to be provided in relation to that building or place is maintained in a state which enables the essential safety measure to fulfil its purpose.

1. 20 penalty units.

(2) In this regulation—

***essential safety measure*** has the meaning set out in paragraph (d) of the definition of ***essential safety measure*** in regulation 212.

225 Essential safety measures not to be moved from approved locations

The owner of a building or place of public entertainment must ensure that any essential safety measure required to be provided in relation to that building or place is not removed from its approved location except for the purpose of inspection or testing of, or the carrying out of maintenance on, that essential safety measure.

Penalty: 20 penalty units.

Division 2— Maintenance of exits and paths of travel relating to buildings or places of public entertainment

226 Maintenance of exits by occupiers of buildings or places of public entertainment

The occupier of a Class 1b, 2, 3, 5, 6, 7, 8 or 9 building or a place of public entertainment must ensure that—

(a) all exits in the building or place; and

(b) any paths of travel to exits in the building or place; and

(c) any paths of travel on the allotment from exits in the building or place to a road—

required to be provided in relation to that building or place are kept readily accessible, functional and clear of obstruction so that egress from the building or place is maintained.

Penalty: 20 penalty units.

Part 17 — Existing Buildings

Division 1—Change of use of existing buildings

227 Change of use

(1) A person must not change the use of a building or place of public entertainment unless the building or place of public entertainment complies with the requirements of these Regulations applicable to the new use.

1. 20 penalty units.

(2) Despite subregulation (1), the municipal building surveyor may exempt a building or place of public entertainment from compliance with any of these Regulations applicable to the new use.

(3) In deciding whether to grant an exemption under subregulation (2) the municipal building surveyor must take into account—

(a) the structural adequacy of the building or place of public entertainment; and

(b) the requirements necessary to make reasonable provision for—

(i) the amenity of the building or place and the safety and health of people using the building or place; and

(ii) avoiding the spread of fire to or from any adjoining building.

(4) An exemption granted under subregulation (2) must be in the form of Form 20.

(5) This regulation applies in addition to any other requirements in the Act or these Regulations that apply because of the change of use of a building or place of public entertainment.

228 Private building surveyor may exercise functions of municipal building surveyor under regulation 227

A private building surveyor may exercise the functions of the municipal building surveyor under regulation 227 in the case of a building or place of public entertainment for which the private building surveyor has been appointed to issue an occupancy permit.

Division 2—Subdivision of existing building

229 Subdivision of existing building

(1) Subject to regulation 231, if an existing building, whenever constructed, is subdivided, each building resulting from the subdivision must be brought into conformity with these Regulations.

1. 20 penalty units.

(2) Despite subregulation (1), the municipal building surveyor may exempt a building from all or any of the requirements of subregulation (1).

(3) In deciding whether to grant an exemption under subregulation (2) the municipal building surveyor must take into account—

(a) the structural adequacy of any building to which the exemption applies; and

(b) the requirements necessary to make reasonable provision for—

(i) the amenity of any building and the safety and health of people using any building to which the exemption applies; and

(ii) avoiding the spread of fire to or from any adjoining building.

(4) An exemption granted under subregulation (2) must be in the form of Form 20.

230 Private building surveyor may exercise functions of municipal building surveyor under regulation 229

A private building surveyor may exercise the functions of the municipal building surveyor under regulation 229 in the case of building work for which the private building surveyor has been appointed to issue a building permit.

Division 3— Alterations

231 Alteration to existing building

(1) Building work to alter an existing building must comply with these Regulations.

(2) Subject to regulations 232 and 234, if the proposed alterations to an existing building, together with any other alterations completed or permitted within the previous 3 years, relate to more than half the original volume of the building the entire building must be brought into conformity with these Regulations.

(3) Despite subregulations (1) and (2) and subject to subregulation (6), the relevant building surveyor may consent to partial compliance of building work or an existing building with subregulation (1) or (2).

(4) In determining whether to consent to partial compliance with subregulation (1) or (2) in respect of any alteration to a building, the relevant building surveyor must take into account—

(a) the structural adequacy of the building; and

(b) the requirements necessary to make reasonable provision for—

(i) the amenity of the building and the safety and health of people using the building; and

(ii) avoiding the spread of fire to or from any adjoining building.

(5) Any consent to partial compliance under subregulation (3) must be in the form of Form 20.

(6) If any part of the alteration is an extension to an existing building, the relevant building surveyor may only consent to partial compliance in respect of the extension if the floor area of the extension is not greater than the lesser of—

(a) 25% of the floor area of the existing building; and

(b) 1000m2.

232 Alterations affecting exits and paths to exits

(1) If a proposed alteration to an existing building other than a Class 1 or 10 building would adversely affect any exit or path of travel to an exit, the building must comply with Section D of the BCA Volume One.

(2) The relevant building surveyor may consent to partial compliance of a building with subregulation (1).

(3) In determining whether to consent to partial compliance with subregulation (1) the relevant building surveyor must take into account the requirements necessary to make reasonable provision for—

(a) the amenity of the building; and

(b) the safety and health of people using the building.

(4) Any consent to partial compliance under subregulation (2) must be in the form of Form 20.

233 Extension of non-complying external wall

Despite anything to the contrary in these Regulations, a single storey external wall (including any openings) of a Class 1 building may be extended, once, a maximum of 6m measured horizontally in similar construction without the extension of the wall complying with performance requirement P2.3.1 of the BCA Volume Two.

234 Application of requirements in the BCA Volume One relating to access to buildings for persons with disabilities

(1) Subject to subregulation (4), if an existing building is to contain a new part that must comply with an access provision, any affected part of the building must be brought into conformity with that access provision.

**Note**

This provision aligns the operation of these Regulations, incorporating the BCA Volume One, with the Disability (Access to Premises−Buildings) Standards 2010 of the Commonwealth. The Disability (Access to Premises−Buildings) Standards 2010 apply the requirements of the Access Code contained in those Standards (being building requirements relating to access to buildings and associated facilities and services for persons with a disability) not only to new parts of buildings but also to the affected parts of buildings that contain new parts. Affected parts of buildings may be in buildings that pre-date the commencement on 1 May 2011 of the access provisions in the BCA Volume One or they may be in buildings constructed after 1 May 2011.

(2) An access provision that was not in force immediately before 1 May 2011 does not apply to building work carried out under a building permit in respect of which an application was made before 1 May 2011, whether the permit was issued before or after 1 May 2011.

(3) Despite anything to the contrary in the BCA Volume One, an access provision does not apply to—

(a) a new part of an existing Class 1b building if the Class 1b building—

(i) has less than 4 bedrooms that are used for rental accommodation; and

(ii) was constructed before 1 May 2011, or in respect of which an application for a building permit for construction was made before 1 May 2011; or

(b) a new part of an existing Class 2 building if the Class 2 building was constructed before 1 May 2011, or in respect of which an application for a building permit for construction was made before 1 May 2011; or

(c) the internal parts of a sole-occupancy unit in a Class 2 building; or

(d) a Class 4 building; or

(e) a Class 10 building or a new part of a Class 10 building that is associated with—

(i) a Class 1a building; or

(ii) a Class 4 part of a building.

(4) Despite anything to the contrary in the BCA Volume One and subject to regulation 232—

(a) an access provision does not apply to an affected part of an existing building if—

(i) parts of the building are leased to different persons; and

(ii) one of the persons is responsible for building work to be carried out in respect of the new part of the building; and

(iii) the new part is leased to that person; and

(b) the deemed-to-satisfy provision in Table E3.6b in the BCA Volume One requiring a passenger lift, which travels more than 12 metres, to have a lift floor dimension of not less than 1400mm x 1600mm does not apply if the passenger lift—

(i) is an existing passenger lift; and

(ii) is located in a new part or an affected part of an existing building; and

(iii) has a lift floor dimension of no less than 1100mm x 1400mm; and

(c) the deemed-to-satisfy provisions in F2.4(c) and F2.4(e) in the BCA Volume One do not apply to an existing accessible sanitary compartment or an existing sanitary compartment suitable for a person with a disability to the extent that the requirements require a sanitary compartment to comply with AS 1428.1—2009 Design for access and mobility Part 1: General requirements for access—New building work published on 27 November 2009 as incorporated by the BCA Volume One, if the existing sanitary compartment—

(i) is located in a new part or an affected part of an existing building; and

(ii) complies with AS 1428.1—2001 Design for access and mobility Part 1: General requirements for access—New building work published on   
5 June 2001.

(5) In this regulation—

***access provision*** means—

(a) a performance requirement—

(i) that is contained in Section D, Part E3 or Part F2 of the BCA Volume One; and

(ii) in respect of which there is an equivalent performance requirement contained in the Access Code within the meaning of the Disability (Access to Premises−Buildings) Standards 2010 of the Commonwealth; and

**Note**

The Disability (Access to Premises−  
Buildings) Standards 2010 of the Commonwealth is available from the Australian Government Federal Register of Legislation website at [www.legislation.gov.au](http://www.legislation.gov.au) .

(iii) to the extent that the performance requirement relates to the provision of access to buildings, and facilities and services within buildings, for persons with disabilities; and

(b) a provision of a document applied, adopted or incorporated by reference in a performance requirement referred to in paragraph (a);

***affected part***, in relation to an existing building that is to contain a new part, means—

(a) the principal pedestrian entrance of the building; and

(b) any part of the building that is necessary to provide a continuous accessible path of travel from the entrance to the proposed new part;

***new part***, in relation to an existing building, means a part of that building that is to be altered, including an extension to the building, in respect of which an application for a building permit is made on or after 1 May 2011.

**Note**

Under section 160B of the Act a person may apply on the ground of unjustifiable hardship to the Building Appeals Board for a determination that an access provision does not apply, or applies with specified modifications or variations, to a building or land.

Division 4— General

235 Small live music venue classification

(1) The BCA Volume One applies as if, in clause A1.1, for paragraph (c)(iii) of the definition of **Assembly building** there were substituted—

"(iii) a sports stadium, sporting or other club—

but not including a *small live music venue*; or".

(2) The BCA Volume One applies as if, in clause A1.1, after the definition of **Sitework** there were inserted—

"**Small live music venue** means the whole or the only part of a Class 6 building that has a rise in storeys of no more than 2—

(a) in which live music entertainment is provided to the public; and

(b) that has a floor area not greater than 500m2.".

(3) The BCA Volume One applies as if, at the foot of the definition of **Class 6** in clause A3.2, there were inserted—

"**Note**

A Class 6 building or part of a Class 6 building in which people assemble for entertainment purposes remains a Class 6 building or part of a Class 6 building if it is a *small live music venue*—see the definition of **Assembly building**."

Part 18—Building product accreditation

Division 1—Definitions

236 Definitions

In this Part—

***building product*** includes construction method, design, component or system connected with building work;

***Committee*** means the Building Regulations Advisory Committee.

Division 2—Accreditation persons and bodies

237 Prescribed persons and bodies to accredit building products

For the purposes of sections 14 and 15 of the Act the following persons and bodies are prescribed as accreditation persons or bodies—

(a) the Australian Building Codes Board;

(b) a person or body authorised by the Australian Building Codes Board.

238 Definition of Certificate of Accreditation in the BCA

(1) The BCA Volume One applies as if, in clause A1.1, in the definition of **Certificate of Accreditation** for “a State or Territory accreditation Authority” there were substituted “the Building Regulations Advisory Committee”.

(2) The BCA Volume Two applies as if, in clause 1.1.1, in the definition of **Certificate of Accreditation** for “a State or Territory accreditation Authority” there were substituted “the Building Regulations Advisory Committee”.

Division 3—Accreditation by Committee

239 Application of Division

This Division does not apply to a building product that complies with the relevant deemed-to-satisfy provisions of the BCA.

240 Application for accreditation

(1) A person may apply to the Committee to have a building product accredited under this Division.

(2) An application for accreditation must be in the form of Form 21.

(3) An application must be accompanied by—

(a) the prescribed fee; and

(b) if required by the Committee any one or more of the following—

(i) an appraisal of the building product from an organisation or person that is recognised by the Committee as competent to make the appraisal, including details of the appraisers’ qualifications and experience;

(ii) an appraisal of the building product from an organisation or person nominated by the Committee, addressing any matter relating to the properties and performance of a building product requested by the Committee;

(iii) a report from a Registered Testing Authority, showing that the building product has been submitted to the tests listed in the report and setting out the results of those tests and any other relevant information that demonstrates the suitability of the building product for its proposed purpose ; and

(iv) any installation manual produced for the building product;

(v) any other information or document required by the Committee.

241 Information in application to remain confidential

(1) A person must not disclose, except to the extent necessary to carry out functions or exercise powers under this Part, any information obtained by that person from an application for accreditation unless the disclosure is authorised in writing by the person who made the application.

1. 10 penalty units.

(2) Subsection (1) does not apply—

(a) to the disclosure of information that is contained in the register under regulation 248 at the time of disclosure; or

(b) to the disclosure of information that has been published in the Government Gazette under regulation 249 or 250 before the disclosure.

242 Accreditation fees

(1) The fee for accreditation of a building product under this Division is 138·31 fee units.

(2) All fees paid under this Division must be paid into the Building account of the Victorian Building Authority Fund.

243 Certificate of accreditation

(1) If the Committee accredits a building product under this Division, the Authority must issue a certificate of accreditation to the applicant.

(2) A certificate of accreditation must set out the following—

(a) the name of the building product;

(b) a description of the building product;

(c) a description of purpose and use of the building product;

(d) any regulation in relation to which the building product is accredited;

(e) any conditions or variations to which the accreditation is subject;

(f) the name and address of the holder of the accreditation;

(g) the number of the certificate of accreditation;

(h) the date of issue of the certificate of accreditation;

(i) any other information that the Committee considers appropriate.

244 Revocation of accreditation

(1) The Committee may at any time revoke an accreditation under this Division if it finds that—

(a) the accreditation has been obtained by fraud, misrepresentation or concealment of facts; or

(b) the standard of the building product which is the subject of the accreditation—

(i) is unsatisfactory; or

(ii) differs or fails to comply with the standard of that building product as at the time the accreditation was granted; or

(c) the regulation in relation to which the building product was accredited has been revoked.

(2) If the Committee determines to revoke an accreditation the Authority must notify the holder of the certificate in writing of the decision of the Committee.

245 Holder may request revocation of accreditation

(1) The holder of a certificate of accreditation may, in writing, at any time request the Committee to revoke the accreditation.

(2) The Committee must revoke an accreditation under this Division on receipt of a request made under subregulation (1).

(3) If the Committee revokes an accreditation under subregulation (2), the Authority must update the register accordingly.

246 Accreditation ceases to have effect on revocation

An accreditation under this Division ceases to have effect on its revocation.

247 Offence to falsely claim product accredited

A person or body must not knowingly claim that a building product is accredited under this Division if a current certificate of accreditation has not been issued for that building product.

1. 20 penalty units.

Division 4—Register and records

248 Register of accredited products

(1) The Authority must keep a register of all building products accredited under Division 3.

(2) The register must contain the following information in relation to each accredited building product—

(a) the name of the building product;

(b) a description of the building product;

(c) a description of purpose and use of the building product;

(d) any regulation in relation to which the building product is accredited;

(e) any conditions or variations to which the accreditation is subject;

(f) the name and address of the holder of the accreditation;

(g) the number of the certificate of accreditation;

(h) the date of issue of the certificate of accreditation;

(i) any other information that the Committee considers appropriate.

(3) The Authority must make the register available for inspection by any person during normal office hours.

249 Notice of accreditation

(1) The Authority must cause to be published in the Government Gazette notice of any accreditation of a building product under Division 3 as soon as practicable after that accreditation.

(2) Notice of accreditation must contain the information set out in regulation 243(2).

250 Notice of revocation of accreditation

(1) The Authority must cause to be published in the Government Gazette notice of any revocation of an accreditation under Division 3 as soon as practicable after that revocation.

(2) A notice that an accreditation has been revoked must include—

(a) the name of the building product;

(b) a description of the building product;

(c) the number of the certificate of accreditation;

(d) a statement to the effect that the accreditation of the building product has been revoked by the Committee;

(e) the date of the revocation;

(f) the power under which the accreditation is revoked;

(g) any other information the Committee considers appropriate.

251 Records

The Authority must keep—

(a) all documents considered by the Committee in relation to an accreditation under Division 3 until the accreditation is revoked; and

(b) copies of all certificates of accreditation issued by the Authority.

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Part 19—Building Practitioners

Division 1—Appointment of private building surveyor

252 Period for which private building surveyor may not act

The prescribed period for the purposes of section 79(1)(b) of the Act is 1 year.

Division 2—Registration

Subdivision 1 – Initial application for registration

253 Applications for registration

(1) An application for registration under section 169 of the Act must be in a form approved by the Authority.

(2) For the purposes of subregulation (1), the Authority may approve a form for each category and class of building practitioner.

254 Information to accompany application for registration

For the purposes of section 169(2)(c) of the Act, an application for registration under section 169 of the Act must be accompanied by the following information—

1. any evidence or proof of identity of the applicant that is required by the Authority;
2. any information about the applicant’s work or employment history and experience in the building industry, including any technical referee report, that is required by the Authority;
3. a certified copy of each licence or registration to carry out a relevant scope of work outside of Victoria (if any);
4. a declaration for the purposes of regulation 255;
5. a certified copy of any academic qualifications for the purposes of section 170 of the Act;
6. a certified copy of any other document being relied on in support of the application.

255 Prescribed information as to character of applicant for registration

For the purposes of section 169(2)(ca) of the Act, the prescribed information relating to character to be provided with an application for registration as a building practitioner is whether—

1. the applicant has within the last 10 years as an adult or the last 5 years as a child, been convicted or found guilty of an indictable offence or an offence that, if committed in Victoria, would be an indictable offence involving fraud, dishonesty, drug trafficking or violence; or
2. the applicant has ever been insolvent under administration; or
3. any licence, permit, registration or other authority enabling the applicant to work as a building practitioner in Victoria or in an equivalent occupation in the building and construction industry in another State or Territory has ever been cancelled or suspended; or
4. the applicant has ever been disqualified from holding or been refused a licence, permit, registration or other authority enabling the applicant to work as a building practitioner in Victoria or in an equivalent occupation in the building and construction industry in another State or Territory; or
5. the applicant has been fined, reprimanded or cautioned for any breach of an Act, regulations, rules, professional conduct or code of ethics, in relation to working as a building practitioner in Victoria or in an equivalent occupation in the building and construction industry in another State or Territory; or
6. any insurer has ever declined, cancelled, or imposed special conditions in relation to the provision of professional indemnity insurance, public liability insurance, or any other indemnity insurance in relation to the applicant working as a building practitioner in Victoria or in an equivalent occupation in the building and construction industry in another State or Territory.

Subdivision 2—Prescribed qualifications and classes of building practitioner

256 Prescribed qualifications and classes of building practitioner

1. For the purposes of section 170(1)(b)(i) of the Act, the prescribed qualifications for registration of a category or a prescribed class of building practitioner are any—
   1. degree, diploma, certificate, accreditation, authority, training or examination set out in column 3 of Schedule 9 for the category or class in column 2; and
   2. practical experience set out in Schedule 9 for that category or class.
2. In this regulation, ***practical experience*** means experience—
3. including compliance with any supervision requirements during the obtaining of that experience; and
4. obtained in the 7 years before the application for registration was made.

Subdivision 3—Condition on registration

257 Condition of registration

For the purposes of section 170A(a) of the Act, it is a prescribed condition of registration that a building practitioner must not allow another person to use the certificate issued to the building practitioner under section 172 of the Act.

Division 3 – Application for renewal of registration

258 Applications for renewal of registration

1. An application for renewal of registration under section 172AA(1) of the Act must be in a form approved by the Authority.
2. For the purposes of subregulation (1), the Authority may approve a form for each category and class of building practitioner.

259 Renewal criteria for application for renewal of registration

For the purposes of section 172AA(4)(b), the renewal criteria for an application for renewal of registration is to provide any evidence or proof of identity of the applicant that is required by the Authority.

Division 4— Disciplinary proceedings and action for building practitioners

260 Notice of suspension or cancellation of registration

For the purposes of section 183A of the Act—

* 1. a notice of suspension of registration must be in the form of Form 22; and
  2. a notice of cancellation of registration must be in the form of Form 23.

Division 5—Professional standards

261 Professional standards

A registered building practitioner must—

* 1. perform work as a building practitioner in a competent manner and to a professional standard; and
  2. immediately inform a client in writing if a conflict of interest arises or appears likely to arise between the building practitioner and that client; and
  3. receive remuneration for services as a building practitioner solely by the professional fee or other benefits specified in the contract of engagement or by the salary and other benefits payable by the building practitioner's employer.

Division 6—Fees

262 Duplicate certificate fee

For the purposes of section 172(7) of the Act, the prescribed fee for a duplicate building practitioner's certificate is 2·75 fee units.

Division 7—Exemptions for certain building practitioners

263 Builders engaged in low value domestic building work

(1) This regulation applies to a person who is—

(a) engaged in the business of carrying out domestic building work that is not carried out under a major domestic building contract; and

(b) not registered in an appropriate class of building practitioner with respect to the building work described in paragraph (a).

(2) Despite sections 176(1)(a) and 176(1A)(c) of the Act, to the extent that a person is engaged in the business described in subregulation (1), that person may—

(a) take or use the title building practitioner; and

(b) purport to be qualified to practise as a building practitioner.

264 Builders of Class 10 buildings

(1) This regulation applies to a person who is—

(a) engaged in the business of constructing Class 10 buildings other than—

(i) Class 10b structures constructed for the purpose of displaying a sign; or

(ii) the construction of Class 10 buildings where that construction is domestic building work carried out under a major domestic building contract; and

(b) not registered in an appropriate class of building practitioner under Part 11 of the Act with respect to the building work described in paragraph (a).

(2) Despite sections 176(1)(a) and 176(1A)(c) of the Act, to the extent that a person is engaged in the business described in subregulation (1), that person may—

(a) take or use the title building practitioner; and

(b) purport to be qualified to practise as a building practitioner.

(3) Despite sections 24A(1)(a) and 24A(3)(a)(i) of the Act, a relevant building surveyor is not required to be satisfied that a person to which this regulation applies is registered under Part 11 of the Act to the extent that the person is engaged in the business described in subregulation (1).

265 Draftsperson doing certain domestic building work

(1) This regulation applies to a person engaged in the business of preparing documentation relating to permits or permit applications or preparing plans or specifications for—

(a) domestic building work that is not carried out under a major domestic building contract; or

(b) a building practitioner registered in the category of engineer.

(2) Despite sections 176(1)(a), 176(1)(e) and 176(1A)(c) of the Act, to the extent that a person is engaged in the business described in subregulation (1), that person may—

(a) take or use the title building practitioner or draftsperson; and

(b) purport to be qualified to practise as a draftsperson.

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Part 20—Appeals and reviews

266 Appeal periods

(1) For the purposes of section 146(1)(a) of the Act, the prescribed appeal period is—

(a) in the case of an appeal against the refusal of a permit, amendment, application or approval— 30 days from the day the applicant is notified of the refusal; or

(b) in the case of an appeal against the deemed refusal of a permit or application — 30 days from the day the permit or application is deemed under the Act to have been refused; or

(c) in the case of an appeal against the imposition of a condition on a permit or approval — 30 days after the day the permit is given or the approval is issued; or

(d) in the case of an appeal against the amendment of a permit or approval — 30 days from the day the owner of the building or land is notified of the amendment;

(e) in the case of an appeal against a requirement of a reporting authority or relevant building surveyor to give more information about a permit application or to amend a permit application – 30 days from the day the applicant is notified of the requirement; or

(f) in the case of an appeal against a refusal by a person or body to make a determination or exercise a discretion under a condition of a permit— 30 days after the day the applicant is notified of the refusal; or

(g) in the case of an appeal against a decision to issue a permit that differs from, or fails to implement, a reporting authority’s recommendations in a report on the application for the permit— 30 days from the day the reporting authority receives notification from the relevant building surveyor; or

(h) in the case of an appeal against a decision to fix building work under Division 2 of Part 4 of the Act – 7 days from the day the person is given the written direction under section 37C(b) or 37D(2) of the Act; or

(i) in a case of an appeal against the cancellation of an approval— 30 days from the day the owner of the building or land concerned is notified of the cancellation; or

(j) in a case of an appeal against the refusal of the Authority to consent to the termination of a building surveyor’s appointment under section 81(1) of the Act— 30 days from the day the owner or the relevant building surveyor (as the case requires) is notified of the Authority’s refusal; or

(k) in the case of an appeal against the refusal of the Authority to consent to the proposed appointment of a private building surveyor or municipal building surveyor under section 81(4) of the Act— 30 days from the day the owner or the building surveyor (as the case requires) is notified of the Authority’s refusal; or

(l) in the case of an appeal against a determination under section 87(1) of the Act as to the appropriateness of protection work— 14 days from the day the owner or the adjoining owner is given notice of the determination; or

(m) in the case of an appeal against a declaration made under section 89(1) of the Act— 30 days from the day the owner or the adjoining owner (as the case requires) is given notice of the declaration; or

(n) in the case of an appeal against a requirement made under section 87 of the Act to give more information— 14 days from the day the owner is asked to give more information under section 87(2)(a) of the Act; or

(o) in the case of an appeal against a decision to serve a building notice on an owner— 30 days from the day the building notice is served on the owner; or

(p) in the case of an appeal against the making of an order— 30 days from the day the order is served on the person to whom it is directed; or

(q) in the case of an appeal against the imposition of a condition on an order— 30 days from the day the order is served on the person to whom it is directed; or

(r) in the case of an appeal against a refusal to amend or cancel an order— 30 days from the day the owner is notified of the refusal or the day the relevant building surveyor is deemed to have refused to amend or cancel the order; or

(s) in the case of an appeal against a requirement that an order made under the Act be fully complied with— 30 days from the day the owner is notified of the requirement; or

(t) in the case of an appeal against a decision of the Authority under section 42 or 43 of the **Building and Construction Industry Security of Payment Act 2002**— 30 days from the day the Authority makes the decision; or

(u) in the case of an appeal against a failure by a person or body to make a decision, determination, approval, cancellation or amendment or to exercise a discretion within a reasonable time— 30 days from the day which is 30 days after the request was made to the person or body to make the decision, determination, approval, cancellation or amendment or to exercise the discretion; or

(v) in the case of an appeal against any other decision, determination, declaration or approval or exercise of discretion by a person or body— 30 days from the day notification is given of the decision, determination, declaration or approval or exercise of discretion; or

(w) in any other case— 30 days from the day of the event in relation to which the appeal is brought.

(2) If an appeal period prescribed under this regulation begins on the day on which a person is notified under the Act or these Regulations, but the notice has not been so given, the prescribed appeal period for the purposes of section 146(1)(a) of the Act is—

(a) 37 days from the day of the event that required that notification to be given; or

(b) any longer period that the Building Appeals Board considers appropriate in the circumstances.

267 Appeal, referral and application fees

(1) The fees for making an appeal, a referral or an application to the Building Appeals Board in a matter relating to a Class 1 or 10 building are—

(a) for an appeal under—

(i) section 138, 140, 141 or 142 of the Act— 23.04 fee units; or

(ii) section 139, 144 or 144A of the Act— 13.82 fee units; or

(b) for a referral under—

(i) section 150 of the Act— 13.82 fee units; or

(ii) section 151, 152, 153, 154, 155, 156, 157 or 158 of the Act— 23.04 fee units; or

(c) for an application under—

(i) section 159 of the Act—23.04 fee units; or

(ii) section 160 of the Act— 8.29 fee units; or

(iii) section 164 of the Act— 13.82 fee units.

(2) The fees for making an appeal, a referral or an application to the Building Appeals Board in a matter relating to a building other than a Class 1 or 10 building are—

(a) for an appeal under—

(i) section 138, 140, 141 or 142 of the Act— 46.10 fee units; or

(ii) section 139, 144 or 144A of the Act—23.04 fee units; or

(b) for a referral under—

(i) section 150 of the Act— 23.04 fee units; or

(ii) section 151, 152, 153, 154, 155, 156, 157 or 158 of the Act— 46.10 fee units; or

(c) for an application under—

(i) section 159 of the Act— 46.10 fee units; or

(ii) section 160 of the Act— 18.43 fee units; or

(iii) section 164 of the Act— 23.04 fee units.

(3) The fees for making an application to the Building Appeals Board are—

(a) for an appeal under section 160A of the Act— 18.43 fee units; or

(b) for an appeal under section 160B of the Act— 41.89 fee units.

268 Fees for fast track appeals

(1) The fee for making a request to the Building Appeals Board under section 147(1) of the Act is 36.88 fee units.

(2) For the purposes of section 147(3)(b) of the Act, the additional prescribed fee is 14.75 fee units per hour or part of an hour.

(3) The Building Appeals Board must refund under this regulation in respect of a request under section 147 of the Act any fee paid from the Building account of the Victorian Building Authority Fund if the request is refused.

269 Authority may refund fees

The Authority may refund, from the Building account of the Victorian Building Authority Fund, in whole or in part, any fee paid to the Building Appeals Board under this Part if the appeal, request, application or referral does not proceed.

270 Review period

The period within which an application for review by the Victorian Civil and Administrative Tribunal under section 25J of the Act must be lodged is—

(a) 60 days from the day that the applicant is notified of the decision to be reviewed; or

(b) if the application is for the review of a failure to make a decision within a reasonable time— 67 days from the day the request was made to make that decision.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Part 21—Infringement notices

271 Application

This Part applies to all buildings and places of public entertainment whenever constructed.

272 Authorised officers

The prescribed office or class of officers for the purposes of the definition of ***authorised officer*** in section 254 of the Act are—

(a) the Chief Executive Officer or any person appointed or engaged under section 204 of the Act who is an authorised person within the meaning of section 228 of the Act, for offences against regulations 195(2), 197(2), 214(2), 216(3), 221(1), 223, 224(1), 225, and 226; and

(b) the chief officer, for offences against regulations 197(2), 214(2), 216(3), 221(1), 223, 224(1), 225, and 226; and

(c) the municipal building surveyor, for offences against regulations 136, 195(2), 197(2), 214(2), 216(3), 221(1), 223, 224(1), 225, and 226 .

273 Prescribed offences

The prescribed offences for the purposes of the definition of ***prescribed offence*** in section 254 of the Act are offences against regulations 136, 147(4), 148(3), 149(3), 195(2), 197(2), 214(2), 216(3), 221(1), 223, 224(1), 225, and 226.

274 Prescribed penalties

The prescribed penalty for the purposes of section 255(3) of the Act is—

(a) 5 penalty units in the case of a place of public entertainment; and

(b) 2 penalty units in any other case.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Part 22—Exemptions

275 Exemptions from building regulations

A building or building work specified in column 2 of the Table in Schedule 3 is exempt from the regulations specified in column 3 of that Table corresponding to that building or building work.

276 Exemption for Class 10 buildings on farm land

(1) The relevant council may exempt a Class 10 building that is to be constructed on farm land and used for farming purposes from all or any of the requirements of these Regulations.

(2) If the relevant council grants an exemption from all of these Regulations under subregulation (1), a building permit and certificate of final inspection under the Act are not required for that building.

277 Exemptions relating to building surveyors for certain buildings

Sections 23, 30, 47 and 73 of the Act do not apply to a relevant building surveyor in relation to the following classes of buildings—

(a) premises that are used or intended to be used for the provision of residential accommodation by—

(i) a community service established under section 44 of the **Children, Youth and Families Act 2005**; or

(ii) a registered community service within the meaning of that Act that is situated on Crown land or land in relation to which the Secretary to the Department of Health and Human Services or the Director of Housing is registered as proprietor;

(b) premises that are used or intended to be used as—

(i) a remand centre within the meaning of the **Children, Youth and Families Act 2005**; or

(ii) a secure welfare service within the meaning of that Act; or

(iii) a youth residential centre within the meaning of that Act; or

(iv) a youth justice centre within the meaning of that Act;

(c) premises that are used or intended to be used as—

(i) a prison established under section 10 of the **Corrections Act 1986**; or

(ii) a community corrections centre established under Part 9 of that Act;

(d) premises that are used or intended to be used as a residential institution within the meaning of the **Disability Act 2006**;

(e) premises that are used or intended to be used as a residential service within the meaning of the **Disability Act 2006**;

(f) premises that are used or intended to be used as a courthouse by a court;

(g) premises that are used or intended to be used as a police station;

(h) premises that are used or intended to be used as a designated mental health service within the meaning of the **Mental Health Act 2014**;

(i) premises that are used or intended to be used as a youth refuge or a women's refuge operated with funding provided by the Secretary to the Department of Health and Human Services for the purpose of providing a refuge.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Part 23—Transitional provisions

278 Registration of building practitioners not affected by revocation of Building Regulations 2006

The revocation of the Building Regulations 2006 does not affect the registration under Part 11 of the Act of any building practitioner who was registered under that Part immediately before that revocation.

279 Transitional provision – Appointment of private building surveyor

Section 78(1A), (1B) and (1C) of the Act apply only in relation to a major domestic building contract entered into by a builder or in relation to domestic building work carried out or proposed to be carried out on or after 1 September 2016.

Part 24—Expiry of temporary fees after 3 years

280 Revocation of regulations prescribing fees

The following regulations are **revoked** on 1 June 2020—

(a) regulation 18;

(b) regulation 44;

(c) regulation 53;

(d) regulation 60;

(e) regulation 242;

(f) regulation 262;

(g) regulation 267;

(h) regulation 268.

Schedules

Schedule 1—Revocation

Regulation 4

| *S.R. No.* | *Title* |
| --- | --- |
| 68/2006 | Building Regulations 2006 |
| 136/2006 | Building (Amendment) Regulations 2006 |
| 115/2007 | Building (Amendment) Regulations 2007 |
| 126/2008 | Building Amendment Regulations 2008 |
| 25/2009 | Building Amendment (Bushfire Construction) Interim Regulations 2009 |
| 79/2009 | Building Amendment (Fees) Regulations 2009 |
| 91/2009 | Building Amendment Regulations 2009 |
| 105/2009 | Building Amendment (Bushfire Construction) Further Interim Regulations 2009 |
| 139/2009 | Building Amendment (Private Bushfire Shelter Construction) Interim Regulations 2009 |
| 15/2010 | Building Amendment (Bushfire Construction - Short-term Requirements) Regulations 2010 |
| 32/2010 | Building Amendment (Private Bushfire Shelter Construction) Interim Regulations 2010 |
| 50/2010 | Building Amendment (Fees) Regulations 2010 |
| 82/2010 | Building Amendment (Bushfire Safety) Regulations 2010 |
| 20/2011 | Building Amendment Regulations 2011 |
| 22/2011 | Building Amendment (Private Bushfire Shelter Construction) Regulations 2011 |
| 48/2011 | Building Amendment (Fees) Regulations 2011 |
| 73/2011 | Building Amendment (Community Fire Refuge Construction) Interim Regulations 2011 |
| 92/2011 | Building Amendment (Bushfire Construction) Regulations 2011 |
| 63/2012 | Building Amendment (Fees) Regulations 2012 |
| 80/2013 | Building Amendment (Fees) Regulations 2013 |
| 97/2013 | Building Amendment (Places of Public Entertainment) Regulations 2013 |
| 161/2013 | Building Amendment (Walls and Carports on Boundaries) Regulations 2013 |
| 37/2014 | Building Amendment (General) Regulations 2014 |
| 51/2014 | Building Amendment (National Construction Code) Regulations 2014 |
| 104/2014 | Building Amendment (Fees and Other Matters) Regulations 2014 |
| 109/2014 | Building Amendment (New Residential Zones) Regulations 2014 |
| 162/2014 | Building Further Amendment (New Residential Zones) Regulations 2014 |
| 173/2014 | Building Amendment (Farm Buildings) Regulations 2014 |
| 196/2014 | Building Amendment (Additional New Residential Zones) Regulations 2014 |
| 197/2014 | Building Amendment (Live Music) Regulations 2014 |
| 8/2015 | Building Amendment (Siting Requirements) Regulations 2015 |
| 21/2015 | Building Amendment Regulations 2015 |
| 70/2015 | Building Amendment (Additional Siting Requirements) Regulations 2015 |
| 134/2015 | Building Amendment (Whittlesea Siting Requirements) Regulations 2015 |
| 152/2015 | Building Amendment (Hobsons Bay Siting Requirements) Regulations 2015 |
| 157/2015 | Building and Plumbing Amendment (Balcony Sprinkler Protection) Interim Regulations 2015 |
| 21/2016 | Building Amendment (Brimbank and Wellington Siting Requirements) Regulations 2016 |
| 33/2016 | Building Amendment Regulations 2016 |
| 49/2016 | Building Amendment (Siting Requirements) Regulations 2016 |
| 63/2016 | Building Further Amendment Regulations 2016 |
|  |  |
| 103/2016 | Building Amendment (Consumer Protection) Regulations 2016 |
| 104/2016 | Building Amendment (Construction of Swimming Pools and Spas) Regulations 2016 |
| 114/2016 | Building Amendment (Specific Use Bushfire Protected Buildings and Other Matters) Regulations 2016 |
|  |  |

Schedule 2— Duties and responsibilities of an owner-builder

Regulation 19

|  |  |
| --- | --- |
| 1 | Understanding the restrictions imposed by the Act and these Regulations on the carrying out of domestic building work, including those referred to in section 16 of the Act, which include that building work must be carried out under a building permit. |
| 2 | The process of applying to a municipal building surveyor or a private building surveyor to be appointed under Part 6 of the Act to obtain a building permit and understanding when the relevant building surveyor must not issue a building permit. |
| 3 | Ensuring building work is inspected as required by the Act and these Regulations. |
| 4 | Understanding the requirement for, and knowing when to apply for and obtain an occupancy permit or certificate of final inspection. |
| 5 | Understanding the requirement for entering a major domestic building contract when engaging a domestic builder to undertake certain building work. |
| 6 | Understanding the requirement to engage a building practitioner registered under Part 11 of the Act to carry out certain building work if required by the Act and these Regulations. |
| 7 | Understanding the requirement to engage licensed or registered practitioners, other than building practitioners registered under Part 11 of the Act, to undertake forms of regulated work, such as plumbing or electrical work. |
| 8 | Understanding the processes available to resolve domestic building work disputes under the **Domestic Building Contracts Act 1994**. |
| 9 | Undertaking relevant planning and preparation for carrying out building work. |
| 10 | Complying with site safety requirements, including development, communication, monitoring and maintenance of site safety plans, and any relevant requirement under the **Occupational Health and Safety Act 2004** and the regulations under that Act, for carrying out building work. |
| 12 | Supervising the carrying out of all building work and ensuring that it complies with the Act and these regulations. |
| 13 | Ensuring building work is undertaken in accordance with the requirements of any relevant environmental laws. |
| 14 | Understanding when directions to fix building work can be made and when and how enforcement of safety and building standards can be undertaken in relation to domestic building work subject to a certificate of consent. |
| 15 | Arranging any required protection works. |
| 16 | Interpreting plans, drawings and specifications relating to the building work. |
| 17 | Setting out and preparing the building site according to plans and specifications. |
| 18 | Understanding requirements for the sale of an owner-built home under section 137B of Act, including the requirement to obtain insurance for the building work carried out by the owner-builder. |
| 19 | Ensuring knowledge of and obtaining insurance to cover any loss, damage or injury to the owner-builder or others incurred in connection with carrying out building work. |
| 20 | Ensuring knowledge of warranties implied into a contract for the sale for an owner-built home under section 137C of the Act. |
| 21 | Any other duty or responsibility of an owner-builder imposed by the Act, these regulations, the **Domestic Building Contracts Act 1995** or the regulations made under that Act. |

Schedule 3—Forms

Form 1

Regulation 24(2)

**Building Act 1993**

Building Regulations 2017

Application for determination that combined allotments are taken to be one allotment

**Application made by:**

Owner of allotment 1

Telephone

Email

Postal address

Postcode

Owner of allotment 2

Telephone

Email

Postal address

Postcode

[*Insert details of any other owners*]

Agent of owner(s) [*if applicable*]

Telephone

Email

Postal address

Postcode

**Details of allotments to which this determination applies**

**Allotment 1, property details** [*include title details as and if applicable*]

Owner

Number Street/road City/suburb/town Postcode

Lot/s LP/PS Volume Folio

Crown allotment Section Parish County

Municipal district

**Allotment 2, property details** [*include title details as and if applicable*]

Owner

Number Street/road City/suburb/town Postcode

Lot/s LP/PS Volume Folio

Crown allotment Section Parish County

Municipal district

[*insert details of any additional allotments to which this application applies*]

Pursuant to the Building Regulations 2017, I/we request a determination is made under regulation 28(1) in relation to the allotments described above.

**Nature of proposed building work on combined allotments**\*

|  |  |
| --- | --- |
| Construction of a new building 🞏  Demolition of a building 🞏  Extension to an existing building 🞏  Re-erection of a building 🞏  Construction of swimming pool 🞏  Other 🞏 | Alterations to an existing  building 🞏  Removal of a building 🞏  Change of use of an existing  building 🞏  Construction of swimming pool barrier 🞏 |

Proposed use of building:

\* *Tick if applicable or give other description*

**Description of any existing building on the combined allotments to which the application applies** [*insert description*]

BCA classification:

**Description of how the proposed building work will impact on the structural adequacy of any existing building on the combined allotments to which the application applies** [*insert description*]

**Description of how the proposed building work makes reasonable provision for the amenity of any building on the combined allotments to which the application applies** [*insert description*]

**Description of how the proposed building work makes reasonable provision for the safety and health of people using any building on the combined allotments to which the application applies** [*insert description*]

**Description of how the proposed building work makes reasonable provision for avoiding the spread of fire to or from any adjoining building** [*insert description*]

Date of application:

Name of owner(s):

Name of agent of owner(s) [*if applicable*]:

Signature:

Form 2

Regulation 28

**Building Act 1993**

Building Regulations 2017

Determination that combined allotments are taken to be one allotment

**Issued to**

Owner of allotment 1

Telephone

Email

Postal address

Postcode

Owner of allotment 2

Telephone

Email

Postal address

Postcode

[*Insert details of any other owners*]

Agent of owner(s) [*if applicable*]

Telephone

Email

Postal address

Postcode

**Details of allotments to which this determination applies**

**Allotment 1, property details** [*include title details as and if applicable*]

Owner

Number Street/road City/suburb/town Postcode

Lot/s LP/PS Volume Folio

Crown allotment Section Parish County

Municipal district

**Allotment 2, property details** [*include title details as and if applicable*]

Owner

Number Street/road City/suburb/town Postcode

Lot/s LP/PS Volume Folio

Crown allotment Section Parish County

Municipal district

[*insert details of any additional allotments to which the application applies*]

Pursuant to the Building Regulations 2017, in making this determination I have considered the matters set out in regulation 28(2) and make the following statements:

1. The proposed building work to which this determination applies is [*insert description of proposed building work*].
2. I am satisfied the proposed building work will not adversely impact on the structural adequacy of any existing building on the allotments subject to this determination, for the following reason(s) [*insert reasons*].
3. I am satisfied reasonable provision will be made for the amenity of any building on the allotments subject to this determination, for the following reason(s) [*insert reasons*].
4. I am satisfied reasonable provision will be made for the safety and health of people using any building on the allotments subject to this determination, for the following reason(s) [*insert reasons*].
5. I am satisfied reasonable provision will be made for avoiding the spread of fire to or from any adjoining building on the allotments subject to this determination, for the following reason(s) [*insert reasons*].

**Made by municipal building surveyor/private building surveyor\***

Name Registration No.

Business\*/council name\* Address

Date of making of determination: Email

Related building permit no.[*if issued before determination made*]

Signature:

\* *delete if inapplicable*

Form 3

Regulation 32

**Building Act 1993**

Building Regulations 2017

Application for a Building Permit

**To** (Building surveyor)

**From**

Owner\*/Agent of owner\*

\* *delete if inapplicable*

Postal address of applicant

Email

Postcode

Address for serving or giving of documents

Postcode

Indicate if the applicant is a lessee or licensee of   
Crown land to which this application applies 🞏†

† *tick if applicable*

Contact person Telephone

**Lessee responsible for building work**

Indicate if a lessee of the building, of which parts   
are leased by different persons, is responsible for   
the alterations to a part of the building leased by   
that lessee. 🞏†

†*Tick if applicable*

**Ownership Details** [*if applicant is agent of owner*]

Name of owner(s) (*in full*):

ACN/ARBN [*if applicable*]:

Postal address

Postcode

Contact person Telephone

Email

**Property details**

Number Street/road City/suburb/town Postcode

Lot/s LP/PS Volume Folio

Crown allotment Section Parish County

Municipal district Allotment area (for new dwellings only) m2

Land owned by the Crown or a public authority 🞏†

† *tick if applicable*

**Builder** (if known)

Name Telephone

Postal address Postcode

**Building practitioners and/or architect**

(a) to be engaged in the building work

Name Category/Class Registration No.

Name Category/Class Registration No.

If a registered domestic builder carrying out domestic building work attach details of the required insurance

[*Include building practitioners with continuing involvement in the building work*].

(b) who were engaged to prepare documents forming part of the application for this permit3

Name Category/Class Registration No.

Name Category/Class Registration No.

[*Include only building practitioners with no further involvement in the building work*].

**Nature of building work**

|  |  |
| --- | --- |
| Construction of a new building 🞏  Demolition of a building 🞏  Extension to an existing building 🞏  Re-erection of a building 🞏  Construction of swimming pool or spa 🞏  Other 🞏 | Alterations to an existing  building 🞏  Removal of a building 🞏  Change of use of an existing  building 🞏  Construction of swimming pool or spa barrier 🞏 |

Proposed use of building

\* *Tick if applicable or give other description*

**Owner-builder** [*if applicable*]

I intend to carry out the work as an owner-builder. [Yes/No]

**Cost of building work**

Is there a contract for the building work? [Yes/No]

If yes, state the contract price $

If no, state the estimated cost of the building work   
(including the cost of labour and materials) and   
attach details of the method of estimation $

**Stage of building work**

If application is to permit a stage of the work—

Extent of stage

Cost of work for this stage $

**Signature**

Signature of applicant

Date

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Form 4

Regulation 45

**Building Act 1993**

Building Regulations 2017

Building Permit

**Issued to**

Owner\*/Agent of owner\*1

Postal address

Email

Postcode

Address for serving or giving of documents

Postcode

Contact person Telephone

\* *Delete if inapplicable*

**Ownership details** [*if person issued with permit is not the owner*]

Owner

Postal address

Email

Postcode

Contact person Telephone

**Property details** [*include title details as and if applicable*]

Number Street/road City/suburb/town Postcode

Lot/s LP/PS Volume Folio

Crown allotment Section Parish County

Municipal district

**Builder**

Name Telephone

Address

Postcode

**Details of building practitioners and architects**

(a) to be engaged in the building work

Name Category/Class Registration No.

Name Category/Class Registration No.

[*Include building practitioners with continuing involvement in the building work*].

(b) who were engaged to prepare documents forming part of the application for this permit

Name Category/Class Registration No.

Name Category/Class Registration No.

[*Include only building practitioners with no further involvement in the building work*].

**Details of domestic building work insurance5** [*delete if inapplicable*]

The issuer or provider of the required insurance policy is

[*insert name of policy issuer or provider*]

**Details of relevant planning permit** [*delete if inapplicable*]

Planning permit No. Date of grant of planning permit

**Nature of building work**

\*Construction of a new building, extension, alteration, change of use, demolition, removal or re-erection of a building

\* *Circle whichever is applicable*

Stage of building work permitted Cost of building work $

Total floor area of new building work in m2

**Building classification**

Part of building BCA Classification

Part of building BCA Classification

**Performance solution** [*delete if inapplicable*]

A performance solution was used to determine compliance with the following performance requirements of the BCA that relate to the building to which this permit applies:

**Performance solution – Fire performance requirement(s) (Regulation 121)** [*delete if inapplicable*]

|  |  |  |  |
| --- | --- | --- | --- |
| **Relevant fire performance requirements** | **Details of performance solution\*** | **Method of determination under regulation 121** | **Date of  determination of performance solution** |
|  |  |  |  |

**Performance solution – Bushfire performance requirements(s) (regulation 167)** [*delete if inapplicable*]

|  |  |  |  |
| --- | --- | --- | --- |
| **Relevant bushfire performance requirements** | **Details of performance solution\*** | **Method of determination under regulation 167** | **Date of  determination of performance solution** |
|  |  |  |  |

**Performance solution – other than to comply with a fire performance requirement or a bushfire performance requirement** [*delete if inapplicable*]

|  |  |  |  |
| --- | --- | --- | --- |
| **Relevant performance requirement** | **Details of performance solution\*** | **Method of assessment and determination of performance solution** | **Date of determination of performance solution** |
|  |  |  |  |

*[\*Insert details of performance solution(s) including, applicable materials, systems, methods of building, procedures, specifications and other relevant requirements*].

**Building Appeals Board determinations** [*delete if inapplicable*]

The following determinations of the Building Appeals Board (the ***BAB***) relate building work to which this permit applies:

|  |  |  |
| --- | --- | --- |
| **Date of determination** | **Determination\*** | **Section of the Building Act 1993 under which application to BAB made** |
|  |  |  |

[\**Insert details of determination including, applicable materials, systems, methods of building, procedures, specifications and other relevant requirements*].

**Prescribed reporting authorities** [*delete if inapplicable*]

The following bodies are prescribed reporting authorities for the purposes of the application for this permit in relation to the matters set out below:

|  |  |  |
| --- | --- | --- |
| **Reporting authority** | **Matter reported on or consented to** | **Regulation no.** |
|  |  |  |

**Combined allotment determination** [*delete if inapplicable*]

A statement has been issued under regulation 28 in relation to the building work that is the subject of this permit.

**Subdivision of existing building** [*delete if inapplicable*]

This building permit authorises building work that involves the subdivision of an existing building.

A statement has been issued under regulation 33 in relation to the building work that is the subject of this permit.

**Inspection requirements**

The mandatory notification stages are—

**Occupation or use of building**

An occupancy permit/certificate of final inspection\* is required prior to the occupation or use of this building

\* *Circle whichever is applicable*

If an occupancy permit is required, the permit is required for the whole/part\* of the building in relation to which the building work is carried out.

\* *Circle whichever is applicable*

**Commencement and completion**

This building work must commence by [*insert commencement date*]

If the building work to which this building permit applies is not commenced by this date this building permit will lapse, unless an extension is applied for and granted by the relevant building surveyor before this date under regulation 67.

This building work must be completed by [*insert completion date*]

If the building work to which this building permit applies is not completed by this date this building permit will lapse, unless an extension is applied for and granted by the relevant building surveyor before this date under regulation 67.

**Conditions** [*delete if inapplicable*]

This permit is subject to the following conditions—

**Relevant building surveyor**

Name Registration No.

Business\*/council name\* Address

Permit No. Date of issue of permit

Signature

\* *Delete if inapplicable*

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Form 5

Regulation 64

**Building Act 1993**

Building Regulations 2017

Notice of immininent lapse of building permit – Commencement of work

**TO:**

Applicant for building permit [*insert full name*]

of [*insert address of service of the applicant*]

**Building permit details**

Building permit number:

Commencement date of building work:

Date issued:

A copy of the relevant building permit is **attached** to this notice.

**Property to which building permit relates**

**Property details** [*include title details as and if applicable*]

Registered proprietor

Number Street/road City/suburb/town Postcode

Lot/s LP/PS Volume Folio

Crown allotment Section Parish County

Municipal district

**FROM**:

I am the relevant building surveyor.

In accordance with regulation 64 of these Regulations I am required to give the applicant for the building permit described above notice of the imminent lapse of the building permit because it is 3 months before the commencement date of the building work and an inspection of the first mandatory notification stage of the work has not been carried out.

The building work to which the building permit described above applies must commence by [*insert commencement date specified in building permit*] or any extension granted to this date by the relevant building surveyor under regulation 67.

If the building work to which the building permit described above applies is not commenced by the commencement date including any extension to that date, the building permit described above will lapse.

A building permit that has lapsed is no longer in force for the purposes of the **Building Act 1993** and the Building Regulations 2017.

**Given by relevant building surveyor**

Name Registration No.

Business\*/council name\* Address

Related Building Permit No. [*if known*]

Signature

Form 6

Regulation 65

**Building Act 1993**

Building Regulations 2017

Notice of immininent lapse of building permit Notice – completion of work

**TO:**

Applicant for building permit [*insert full name*]

of [*insert address of service of the applicant*]

**Building permit details**

Building permit number:

Completion date of building work:

Date issued:

A copy of the relevant building permit is **attached** to this notice.

**Property to which building permit relates**

**Property details** [*include title details as and if applicable*]

Registered proprietor

Number Street/road City/suburb/town Postcode

Lot/s LP/PS Volume Folio

Crown allotment Section Parish County

Municipal district

**FROM**:

I am the relevant building surveyor.

In accordance with regulation 65 of these Regulations I am required to give the applicant for the building permit described above notice of the imminent lapse of the building permit because it is 3 months before the completion date of the building work and an inspection of the final mandatory notification stage of the work has not been carried out.

The building work to which the building permit described above applies must be completed by [*insert completion date specified in building permit*] or any extension granted to this date by the relevant building surveyor under regulation 67.

If the building work to which the building permit described above applies is not completed by the completion date including any extension to that date, the building permit described above will lapse.

A building permit that has lapsed is no longer in force for the purposes of the **Building Act 1993** and the Building Regulations 2017.

**Given by relevant building surveyor**

Name Registration No.

Business\*/council name\* Address

Related Building Permit No. [*if known*]

Signature

Form 7

Regulation 111(3)(a)

**Building Act 1993**

Building Regulations 2017

Determination to require protection work

**Issued to**

Owner   
[*Referred to throughout this determination as “the Owner”*]

Telephone

Email

Postal address

Postcode

Agent of owner\*

Telephone

Email

Postal address

Postcode

\* *Delete if inapplicable*

**Property subject to building permit application**

**Property details** [*include title details as and if applicable*]

Registered proprietor

Number Street/road City/suburb/town Postcode

Lot/s LP/PS Volume Folio

Crown allotment Section Parish County

Municipal district

[*Referred to throughout this determination as “the Owner’s property”*]

**Building permit application details**

Applicant

Date of application

Nature of building work\*

|  |  |
| --- | --- |
| Construction of a new building 🞏  Demolition of a building 🞏  Extension to an existing building 🞏  Re-erection of a building 🞏  Construction of swimming pool 🞏  Other 🞏 | Alterations to an existing  building 🞏  Removal of a building 🞏  Change of use of an existing  building 🞏  Construction of swimming pool barrier 🞏 |

**\*** *tick appropriate*

[*Referred to throughout this determination as “the Owner’s building permit application”*]

**Details of adjoining property**

Registered proprietor

Number Street/road City/suburb/town Postcode

Lot/s LP/PS Volume Folio

Crown allotment Section Parish County

Municipal district

\* *one determination should be made in relation to each adjoining property*

[*Referred to throughout this determination as “the adjoining property”*]

**MATTERS CONSIDERED IN MAKING THIS DETERMINATION**

Pursuant to the Building Regulations 2017, in making this determination I have considered the matters set out in regulation 112, as follows:

|  |  |
| --- | --- |
| Allotment plan provided to me under regulation 33 🞏  Allotment plan provided to me under regulation 34 🞏  Specifications describing materials and methods to be used in the proposed building work 🞏  Any certificate under section 238 of the Act from the engineer who designed the building work who is a registered building practitioner in the category of engineer, class of civil engineer 🞏  The nature and likely extent of any damage or other adverse effect on the stability or otherwise of an adjoining property that may be caused by the proposed building work 🞏  **\*** *tick appropriate* | Demolition required as part of the proposed building work 🞏  Excavation required as part of the proposed building work 🞏  Any proposed building work in relation to party walls and retaining walls 🞏  Any certificate under section 238 of the Act from an independent engineer who is a registered building practitioner in the category of engineer, class of civil engineer, certifying that the structural design of the building work complies with the Act and these Regulations 🞏  Other matters the relevant building surveyor considers appropriate to determine the need for protection work 🞏 |
|  |  |

**DETERMINATION**

1. I am the relevant building surveyor appointed on [*insert date*] under Part 6 of the ***Building Act 1993*** by or on behalf of the [*owner/purchaser*],^ [*insert full name of owner/purchaser*].
2. I am appointed to issue a building permit in relation to proposed building work on the Owner’s land.
3. In assessing the Owner’s building permit application, I am required by the Building Regulations 2017 to determine if protection work is required in relation to any adjoining property as a result of building work proposed in the Owner’s building permit application.
4. After considering all matters required of me under the ***Building Act 1993*** and the Building Regulations 2017, I have identified the adjoining property as requiring protection work for the purpose of Part 7 of the ***Building Act 1993*** and Part 8 of the Building Regulations 2017.
5. The proposed building work which I determine gives rise to the need for protection work is [*insert description of all building work proposed in the Owner’s building permit application which poses a risk of significant damage to the adjoining property identified above*].
6. I consider this building work poses the following risk of significant damage to the adjoining property [*insert description of damage to adjoining property likely to occur as a result of the building work identified in numbered paragraph 5 above*].
7. This determination triggers the protection work process contained in Part 7 of the ***Building Act 1993***, which is supported by Part 8 of the Building Regulations 2017.

**Issued by Relevant building surveyor**

Name Registration No.

Business/council name Address

Date of issue of determination

Related Building Permit No.(*if known*)

Signature

Form 8

Regulation 111(3)(b)

**Building Act 1993**

Building Regulations 2006

Determination not to require protectionwork

**Issued to**

Owner   
[*Referred to throughout this determination as “the Owner”*]

Telephone

Email

Postal address

Postcode

Agent of owner\*

Telephone

Email

Postal address

Postcode

\* *Delete if inapplicable*

**Property subject to building permit application**

**Property details** [*include title details as and if applicable*]

Registered proprietor

Number Street/road City/suburb/town Postcode

Lot/s LP/PS Volume Folio

Crown allotment Section Parish County

Municipal district

[*Referred to throughout this determination as “the Owner’s property”*]

**Building permit application details**

Applicant

Date of application

Nature of building work\*

|  |  |
| --- | --- |
| Construction of a new building 🞏  Demolition of a building 🞏  Extension to an existing building 🞏  Re-erection of a building 🞏  Construction of swimming pool 🞏  Other 🞏 | Alterations to an existing  building 🞏  Removal of a building 🞏  Change of use of an existing  building 🞏  Construction of swimming pool barrier 🞏 |

**\*** *tick appropriate*

[*Referred to throughout this determination as “the Owner’s building permit application”*]

**MATTERS CONSIDERED IN MAKING THIS DETERMINATION**

Pursuant to the Building Regulations 2017, in making this determination I have considered the matters set out in regulation , as follows:

|  |  |
| --- | --- |
| Allotment plan provided to me under regulation 33 🞏  Allotment plan provided to me under regulation 34 🞏  Specifications describing materials and methods to be used in the proposed building work 🞏  Any certificate under section 238 of the Act from the engineer who designed the building work who is a registered building practitioner in the category of engineer, class of civil engineer 🞏  The nature and likely extent of any damage or other adverse effect on the stability or otherwise of an adjoining property that may be caused by the proposed building work 🞏  **\*** *tick appropriate* | Demolition required as part of the proposed building work 🞏  Excavation required as part of the proposed building work 🞏  Any proposed building work in relation to party walls and retaining walls 🞏  Any certificate under section 238 of the Act from an independent engineer who is a registered building practitioner in the category of engineer, class of civil engineer, certifying that the structural design of the building work complies with the Act and these Regulations 🞏  Other matters the relevant building surveyor considers appropriate to determine the need for protection work 🞏 |

**DETERMINATION**

1. I am the relevant building surveyor appointed on [*insert date*] under Part 6 of the ***Building Act 1993*** by or on behalf of the [*owner/purchaser*],^ [*insert full name of owner/purchaser*].
2. I am appointed to issue a building permit in relation to proposed building work on the Owner’s land.
3. In assessing the Owner’s building permit application, I am required by the Building Regulations 2017 to determine if protection work is required in relation to any adjoining property as a result of building work proposed in the Owner’s building permit application.
4. After considering all matters required of me under the ***Building Act 1993*** and the Building Regulations 2017, I determine that protection work is **not** required in relation to any adjoining property to the Owner’s property as a result of building work proposed in the Owner’s building permit application.
5. I make this determination for the following reasons [*insert reason(s) why the relevant building surveyor assessed the building work proposed in the Owner’s building permit application as not posing a risk of significant damage to any adjoining property*].

**Issued by Relevant building surveyor**

Name Registration No.

Business/council name Address

Date of issue of determination

Related Building Permit No.(*if known*)

Signature

Form 9

Regulations 113(1) and 113(2)

**Building Act 1993**

Building Regulations 2017

Protection Work Notice

**To**

Adjoining owner

Postal address

Postcode

Relevant building surveyor

Postal address

Postcode

Contact person Telephone

**From**

Owner/agent

Name of owner (in full):

ACN/ARBN (if applicable):

Postal address

Postcode

Contact person Telephone

Name of agent (if applicable):

ACN/ARBN (if applicable):

Postal address

Postcode

Contact person Telephone

In accordance with section 84 of the **Building Act 1993**, I give notice of my intention to carry out the following building work on my land and request your agreement to the proposed protection work which affects your land.

**Details of proposed building work, including any details necessary to show how this work may damage the adjoining property**

**Notice:**

In accordance with section 92 of the **Building Act 1993**, at any time after this notice is given to the adjoining owner, the relevant building surveyor must make available to the adjoining owner, on request, for inspection, without charge, any plans, drawings and specifications of the proposed building work in the possession or control of the relevant building surveyor. The relevant building surveyor’s name and contact details are on page 1 of this notice.

**Property details**

Number Street/road City/suburb/town

Lot/s LP/PS Volume Folio

Crown allotment Section Parish County

Municipal district

**Adjoining property details**

Number Street/road City/suburb/town

Lot/s LP/PS Volume Folio

Crown allotment Section Parish County

Municipal district

**Details of proposed protection work and program**

Nature, location, time and duration of protection works, including the extent to which access to the adjoining property will be required for the purpose of undertaking the proposed protection works.

**Allotment plan**

One copy of an allotment plan complying with regulation 33 is required to accompany this notice.

**Protection of an adjoining owner under the Building Act 1993 and the Building Regulations 2016, in relation to proposed protection works**

If protection work proposed is agreed to by the adjoining owner or determined as being appropriate by the relevant building surveyor under section 87(1) of the **Building Act 1993** or by the Building Appeals Board under section 141 of the **Building Act 1993** (as the case requires), the owner must :

1. Before the commencement of any protection work:
   1. Ensure that a contract of insurance is in force in accordance with section 93 of the **Building Act 1993** against damage by the protection work to the adjoining property and other liabilities described in that section; and
   2. Make a full and adequate survey of the adjoining property in accordance with sections 94 and 153 of the **Building Act 1993**; and
2. Pay to an adjoining owner all costs and expenses necessarily incurred by the adjoining owner in assessing proposed protection work and in supervising the carrying out of protection work in relation to an adjoining property in accordance with sections 97 and 154 of the **Building Act 1993**; and
3. Compensate an adjoining owner or an adjoining occupier for inconvenience, loss or damage suffered by the adjoining owner or adjoining occupier in connection with the carrying out of protection work in accordance with sections 98 and 159 of the **Building Act 1993**.

**Signature**

Signature of owner or agent

Date

**NOTE**

Under section 85 of the **Building Act 1993**, the adjoining owner must respond to a notice under section 84 of that Act by giving to the owner within 14 days a notice under section 85 of that Act—

(a) agreeing to the proposed protection work; or

(b) disagreeing with the proposed protection work; or

(c) requiring more information.

(a) Effect of agreeing to protection work proposed in this notice

Under section 86 of the **Building Act 1993**, if the adjoining owner agrees to the proposed protection work described in this notice, the owner may proceed to carry out the protection work after obtaining the necessary permits or approvals required by the **Building Act 1993** or the Building Regulations 2017 or any other Act or regulations.

(b) Effect of disagreeing to protection work proposed in this notice

The relevant building surveyor must examine the proposal for protection work and determine the appropriateness or otherwise of the work in accordance with section 87 of the **Building Act 1993.**

A right of appeal to the Building Appeals Board against this determination is available to the adjoining owner under section 141 of the **Building Act 1993**.

(c) Effect of requiring more information

The relevant building surveyor must examine the proposal for protection work and determine the appropriateness or otherwise of the work in accordance with section 87 of the **Building Act 1993.**

A right of appeal to the Building Appeals Board against this determination is available to the adjoining owner under section 141 of the **Building Act 1993**.

The relevant building surveyor may require more information in relation to the proposal for protection work and provide this information to the adjoining owner in accordance with section 87(2)(a) of the **Building Act 1993.**

Effect of failure to respond to this notice

**Failure to respond will be taken as agreement to the proposed protection work.**

Under section 86 of the **Building Act 1993**, if the adjoining owner is deemed to have agreed to the proposed protection work described in this notice, the owner may proceed to carry out the protection work after obtaining the necessary permits or approvals required by the **Building Act 1993** or the Building Regulations 2016 or any other Act or regulations.

In the case of (b) and (c) above, a copy of the notice under section 85 of that Act must also be given to the relevant building surveyor (see Form 4).

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Form 10

Regulations 114(1) and 114(2)

**Building Act 1993**

Building Regulations 2017

Protection Work Response Notice

**To**

Owner or agent

Postal address

Postcode

Relevant building surveyor

Postal address

Postcode

**From**

Adjoining owner

Postal address

Postcode

Contact person Telephone

**Address of property where building work is to be carried out** (from Form 9)

Number Street/road City/suburb/town

**Address of my adjoining property**

Number Street/road City/suburb/town

**Response**

In accordance with section 85 of the **Building Act 1993**, I hereby respond to the notice served on me by the owner under that section and—

(a) agree to the proposed protection work 🞏

(b) disagree with the proposed protection work 🞏

(c) request the following further information 🞏

**Signature**

Signature of adjoining owner or agent

Date

**NOTE**

The notice under section 85 of the **Building Act 1993** must be given to the owner or agent within 14 days of being served with a notice under section 84 of that Act and in the case of (b) or (c) must also be given to the relevant building surveyor who must determine the matter under section 87 of the **Building Act 1993**.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Form 11

Regulations 115(a)

**Building Act 1993**

Building Regulations 2017

notice of determination under section 87 of the Act

**To**

Owner or agent

Postal address

Postcode

Relevant building surveyor

Postal address

Postcode

**And to**

Adjoining owner

Postal address

Postcode

Contact person Telephone

**Address of property where building work is to be carried out**

Number Street/road City/suburb/town

**Address of adjoining property**

Number Street/road City/suburb/town

**DETERMINATION**

1. I am the relevant building surveyor appointed on [*insert date*] under Part 6 of the ***Building Act 1993*** by or on behalf of the [*owner/purchaser*],^ [*insert full name of owner/purchaser*].
2. On [*insert date*] I received from the adjoining owner a notice under section 85(1)(b) of the ***Building Act 1993*** (‘the adjoining owner’s notice’).
3. In that notice, the adjoining owner [*disagreed with the proposed protection work / required more information to be given to enable the proposal for protection work to be considered by me*]. I **attach** a copy of the adjoining owner’s notice to this determination.
4. As a result of the adjoining owner’s notice, I am required by the ***Building Act 1993*** to examine the owner’s proposal for protection work.
5. I received the owner’s proposal for protection work under section 84 of the Act on [*insert date*] (‘the owner’s proposal for protection work’). I **attach** the owner’s proposal for protection work to this determination.
6. In making this determination, I have examined the owner’s proposal for protection work.
7. Before making this determination, I requested the following additional information from the owner under section 87(2)(a) of the ***Building Act 1993*** [*specify relevant information*]. I received this information on [*insert date*].^
8. On [*insert date*], I made a copy of the additional information referred to in numbered paragraph 7 above, available to the adjoining owner.^
9. In determining the appropriateness or otherwise of the owner’s proposal for protection work, I made the following inquiries under section 87(3) of the ***Building Act 1993*** [*specify any relevant inquiry made*].^
10. After considering all matters required of me under the ***Building Act 1993*** and the Building Regulations 2017, I determine the owner’s proposal for protection work is [*appropriate/ not appropriate*].

**^** *Delete inapplicable paragraphs and re-number remaining paragraphs as appropriate*

**Issued by Relevant building surveyor**

Name Registration No.

Business/council name Address

Date of issue of determination

Related Building Permit No.(*if known*)

Signature

**Rights of Appeal under section 141 of the *Building Act 1993***

An owner required to carry out protection work or an adjoining owner may appeal to the Building Appeals Board against—

(a) a determination under section 87 as to the appropriateness of the work; or

(b) a declaration under section 89; or

(c) a failure, within a reasonable time, or refusal to make that determination or declaration; or

(d) a requirement under section 87 to give more information.

**Appeal Period**

For the purposes of section 146 of the ***Building Act 1993***, the prescribed appeal period is 14 days for an appeal against a determination by the relevant building surveyor under section 87 of the ***Building Act 1993***.

A determination by the relevant building surveyor under section 87 of the ***Building Act 1993***, does not take effect until—

(a) the end of the appropriate prescribed appeal period, if there is no appeal; or

(b) the decision is affirmed on appeal.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Form 12

Regulation 177

**Building Act 1993**

Building Regulations 2017

Emergency order

This emergency order is made under section 102 of the **Building Act 1993.**

**TO:**

The owner [*insert full name*]

Of [*insert address for service of the owner]*

**AND TO:**

The occupier [*insert full name*]

**FROM:**

I am the municipal building surveyor of [*insert name of municipal district*].

I am authorised to cause an emergency order to be served on the owner and the occupier of the [*building\*, land\* or place of public entertainment\**] to which this order applies under Division 1 of Part 8 of the **Building Act 1993**.

**LOCATION OF THE [*BUILDING\*, LAND\* OR PLACE OF PUBLIC ENTERTAINMENT\**] TO WHICH THIS ORDER APPLIES:**

Number Street/road City/suburb/town Postcode

Lot/s LP/PS Volume Folio

Crown allotment Section Parish County

Municipal district

**\*** *delete if inapplicable*

**ORDER**

The municipal building surveyor orders that:

\* *Delete any of the following inapplicable orders and re-number remaining orders as appropriate*

1. At [*insert time*] on [*insert date*], occupation of the building [*insert description and address of relevant building*] is prohibited for a period of [*insert period of time of prohibition*].

2. At [*insert time*] on [*insert date*], occupation of the place of public entertainment [*insert description and address of relevant place of public entertainment*] is prohibited for a period of [*insert period of time of prohibition*].

3. At [*insert time*] on [*insert date*], use of the building [*insert description and address of building*] as [*insert description of prohibited use*] is prohibited for a period of [*insert period of time of prohibition*].

4. At [*insert time*] on [*insert date*] use, for public entertainment, of the place of public entertainment [*insert description and address of place of public entertainment*] is prohibited for a period of [*insert period of time of prohibition*].

5. By [*insert time*] on [*insert date*], [*the owner or the occupier*] of the [*insert description and address of building, land or place*] must evacuate the [*building, land or place*].

6. [*The owner or the occupier*] of the place of public entertainment being [*insert description and address of place*] must immediately cease to conduct public entertainment at this place.

7. [*The owner or the occupier*] of the place of public entertainment being [*insert description and address of place*] must not conduct or not allow the conduct of public entertainment at the place of public entertainment.

8. By [*insert time*] on [*insert date*], [*the owner or the occupier*] of the [*insert description and address of building, land or place of public entertainment*] must carry out the following building work or other work [*insert detailed description of building work or other work required to be carried out by this order*] to make the [*building or land or place of public entertainment*] safe.

9. By [*insert time*] on [*insert date*], [*the owner or the occupier*] of [*insert description and address of building, land or place of public entertainment*] must carry out the following building work or other work [*insert detailed description of building work or other work required to be carried out by this order*] to secure the [*building , land or place of public entertainment*] from access.

10. By [*insert time*] on [*insert date*], [*the owner or the occupier*] must stop the following building work on the [*land, building or place of public entertainment*] located at [*insert address*] [*insert description of building work that must stop*].

11. By [*insert time*] on [*insert date*], [*the owner and/or the occupier*] must stop all building work on the [*land/building/place of public entertainment*] located at [*insert address*], [*insert description of building work that must stop*].

**INSPECTION DETAILS:** [*Delete if inapplicable*]

The date and time of any inspection of the [*building, land or place of public entertainment*] carried out by me, as the municipal building surveyor,are:

Time of inspection:

Date of inspection:

The date and time of any inspection of the building, land or place of public entertainment relied on by me for the purpose of making this order, and the name and qualifications of the person or persons who conducted the inspection, are:

Time of inspection:

Date of inspection:

Name of inspector:

Qualification(s) of inspector:

Registration No. of inspector:

\* *Delete if inapplicable*

**REASON(S) WHY THIS EMERGENCY ORDER WAS MADE**

Pursuant to section 102 of the **Building Act 1993,** I am of the opinion that this order is necessary because of a—

\**Delete any of the following that are inapplicable*

**Danger to life arising out of the condition of a [***building\*or land\*/ place of public entertainment***]**

[*State reason(s) why the condition of the building, land or place causes a danger to life*].

**Danger to life arising out of the use of a [***building\*/ land/ place of public entertainment\****]**

[*State reason(s) why the use of the building, land or place causes a danger to life*].

**Danger to life arising out of a proposed use of a [***building\*/ land\*/ place of public entertainment\****]**

[*State reason(s) why a proposed use of the building, land or place may cause a danger to life*].

**Danger to property arising out of the condition of a [***building\*/ land\*/ place of public entertainment\****]**

[*State reason(s) why the condition of the building, land or place causes a danger to property*].

**Danger to property arising out of the use of a [***building\*/ land\*/ place of public entertainment\****]**

[*State reason(s) why the use of the building, land or place causes a danger to property*].

**Danger to property arising out of a proposed use of a [***building\*/land\* /place of public entertainment\****]**

[*State reason(s) why a proposed use of the building, land or place causes a danger to property*].

**MADE BY:**

**The municipal building surveyor**

Name [*full name*]:

Address:

Email:

Registration No:

Municipal district:

Signature:

Emergency Order No:

Date of making:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Form 13

Regulation 179

**Building Act 1993**

Building Regulations 2017

building notice

This building notice is served under section 106 of the **Building Act 1993.**

**TO:**

The owner [*insert full name*]

Of [*insert address for service of the owner*]

**FROM:**

I am the private building surveyor appointed to carry out functions under the **Building Act 1993** in relation to the [*building, land or place of public entertainment*] which is the subject of this notice.\*

I am the municipal building surveyor of [*insert name of municipal district*].\*

**\****Delete if inapplicable*

I am authorised to cause a building notice to be served on you, as owner of the [*building, land or place of public entertainment*] to which this notice applies, under Division 2 of Part 8 of the **Building Act 1993**.

**LOCATION OF THE [*BUILDING\*, LAND\* OR PLACE OF PUBLIC ENTERTAINMENT\**] TO WHICH THIS NOTICE APPLIES:**

Number Street/road City/suburb/town Postcode

Lot/s LP/PS Volume Folio

Crown allotment Section Parish County

Municipal district

**\****Delete if inapplicable*

**INSPECTION DETAILS:\***

*\*Delete if inapplicable*

The date and time of any inspection of the [*building, land or place of public entertainment*] carried out by the [*relevant building surveyor*] was:\*

Time of inspection:

Date of inspection:

The date and time of any inspection relied on by me for the purpose of serving this notice, and the name and qualifications of the person or persons who conducted the inspection, are:\*

Time of inspection:

Date of inspection:

Name of inspector:

Qualification(s) of inspector:

Registration No. of inspector:

\**Delete if inapplicable*

**REASON(S) WHY THIS NOTICE WAS SERVED**

Pursuant to section 106 of the **Building Act 1993,** I am of the opinion that one or more of the following circumstances exists —

\**Delete any of the following circumstances that are inapplicable*

**Building work carried out without a building permit being issued and in force under the Building Act 1993\***

The following building work has been carried out on the [*building, land or place of public entertainment*] without a building permit as required by the **Building Act 1993:**

[*Insert description here of building work carried out on the relevant building, land or place of public entertainment without a building permit, including details of when this building work was carried out*].

**Building work carried out in contravention of a building permit**

Building work has been carried out on the [*building, land or place of public entertainment*] in contravention of a building permit.

The particulars of the relevant building permit are:

Building permit no:

Date of issue of building permit:

The building work that contravenes the building permit is: [*Insert description of offending building work* and *state reason(s) why the building work does not comply with the building permit identified above*].

A copy of the relevant building permit is **attached** to this order.

**Building work has been carried out in contravention of the Building Act 1993\***

The following building work has been carried out on the [*building, land or place of public entertainment*] in contravention of the **Building Act 1993**:

[*Insert description of offending building work and state reason(s) why this building work does not comply with the* ***Building Act 1993****, using specific references to the section(s) of the Act that have been breached by the building work*].

**Building work carried out in contravention of the Building Regulations 2017 (this includes building work carried out in contravention of the Building Code of Australia)\***

Building work has been carried out on the [*building, land or place of public entertainment*] in contravention of the Building Regulations 2017.

[*Insert description of offending building work and state reason(s) why building work does not comply with the Building Regulations 2017, using specific references to the regulation(s) that have been breached by the building work, including clauses of the BCA if applicable*].

**Use of building or place of public entertainment in contravention of the Building Act 1993**

The use of the [*building or place of public entertainment*] contravenes the **Building Act 1993**:

[*State reason(s) why use or uses of the building or place do not comply with the* ***Building Act 1993****, using specific references to the section(s) of the Act that have been breached by the use or uses*).

**Use of building or place of public entertainment in contravention of the Building Regulations 2017\***

The use of the [*building/ place of public entertainment*] contravenes the Building Regulations 2017.

[*State reason(s) why the use or uses of the building or place do not comply with the Building Regulations 2017, using specific references to the regulation(s) that have been breached by the use or uses*].

**Building or place of public entertainment unfit for occupation or use as a place of public entertainment\***

The building is unfit for occupation.\*

The place of public entertainment is unfit for occupation or for use as a place of public entertainment.\*

[*State reason(s) why the building or place is unfit for occupation or for use as a place of public entertainment*].

**Danger to life, safety or health from building or place of public entertainment\***

The [*building, land or place of public entertainment*]is a danger to the life, safety or health of any member of the public or of any person using the [building, land or place of public entertainment] or to any property.

[*State reason(s) why the building, land or place or building work on the building, land or place is a danger to the life, safety or health of any member of the public or of any person using the building, land or place or to any property*].

**Danger to life, safety or health from building work\***

Building work on the [*building, land or place of public entertainment*]is a danger to the life, safety or health of any member of the public or of any person using the [*building, land or place of public entertainment*] or to any property.

[*State reason(s) why building work on the building, land or place is a danger to the life, safety or health of any member of the public or of any person using the building, land or place or to any property*].

**Failure to comply with a direction made under section 37 of the Building Act 1993\***

There has been a failure to comply with a direction issued under section 37 of the **Building Act 1993**.

[*State reason(s) why the building surveyor issuing this notice believes the direction has not been complied with*].

A copy of the relevant direction is **attached** to this notice.

***\**** *Delete if inapplicable*

**SHOW CAUSE PROCESS:**

Pursuant to section 108 of the **Building Act 1993**, you are required to show cause within 30 days of the date of service of this notice—

Why occupation of the building should not be prohibited.\*

Why occupation of the place or its use for public entertainment should not be prohibited.\*

Why you should not be required to evacuate the [*building/ land/ place of public entertainment*].\*

Why you should not be required to carry out the building work, protection work or work required by the Regulations identified in this notice in relation to the [*building/land/place of public entertainment*].\*

[*Insert description of building work, protection work or other work that may be required by a building order to remedy the circumstances identified in this notice*].

*\* Delete if inapplicable*

**Specified period for making representations:**

**Specified manner for making representations:**

The manner for making representations in response to the matters contained in this notice is [*insert specifics of the relevant building surveyor’s preferred manner for receiving representations in response to this notice*].

**SERVED BY:**

**Relevant building surveyor**

\**Delete if inapplicable*

Name [*full name*]:

Address:

Email:

Registration No:

Municipal district\*:

Signature:

Building notice No:

Date of issue:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Form 14

Regulation 181(1)

**Building Act 1993**

Building Regulations 2017

building order (general)

This building order is made under section 111 of the **Building Act 1993.**

**TO:**

The owner [*insert full name*]

Of [*insert address for service of the owner]*

**FROM:**

I am the private building surveyor appointed to carry out functions under the **Building Act 1993** in relation to the [*building, land or place of public entertainment*] which is the subject of this building order.\*

I am the municipal building surveyor of [*insert name of municipal district*].\*

**\****Delete if inapplicable*

I am authorised to make a building order under section 111 of the **Building Act 1993**.

**LOCATION OF THE [*BUILDING\*/ LAND\*/ PLACE OF PUBLIC ENTERTAINMENT\**] TO WHICH THIS NOTICE APPLIES:**

Number Street/road City/suburb/town Postcode

Lot/s LP/PS Volume Folio

Crown allotment Section Parish County

Municipal district

***\**** *Delete if inapplicable*

**ORDER**

The relevant building surveyor/municipal building surveyor\* orders that:

\* *Delete any of the following inapplicable orders and re-number remaining orders as appropriate*

1. At [*insert time*] on [*insert date*], occupation of the building [*insert description and address of relevant building*] is prohibited.

2. At [*insert time*] on [*insert date*], occupation of the place of public entertainment [*insert description and address of relevant place of public entertainment*] is prohibited.

3. At [*insert time*] on [*insert date*] use, for public entertainment, of the place of public entertainment [*insert description and address of place of public entertainment*] is prohibited.

4. By [*insert time*] on [*insert date*], the owner of the [*insert description and address of building, land or place of public entertainment*] **MUST** evacuate the [*building, land or place of public entertainment*].

5. By [*insert time*] on [*insert date*], the owner of the [*insert description and address of building, land or place of public entertainment*] **MUST** carry out the following building work [*insert detailed description of building work required to be carried out by this order*].

6. By [*insert time*] on [*insert date*], the owner of the [*insert description and address of building, land or place of public entertainment*] **MUST** carry out the following protection work [*insert detailed description of protection work required to be carried out by this order*].

7. By [*insert time*] on [*insert date*], the owner of the [*insert description and address of building, land or place of public entertainment*] **MUST** carry out the following work as required by the Building Regulations 2017 [*insert detailed description of work required to be carried out by the regulations, including the BCA. Include references to the relevant regulations and/or clauses of the BCA*].

8. The owner of the [*insert description and address of building, land or place of public entertainment*] **MUST** carry out the following program of work [*insert description of program of work including due dates for work and detailed description of required work*].

**REASON(S) WHY THIS ORDER WAS MADE**

Pursuant to section 111 of the **Building Act 1993,** I am of the opinion that one or more of the following circumstances exists —

\**Delete any of the following circumstances that are inapplicable*

**Building work was carried out without a building permit being issued and in force under the Building Act 1993**

The following building work has been carried out on the [*building, land or place of public entertainment*] without a building permit as required by the **Building Act 1993:**

[*Insert description here of building work carried out on the relevant building, land or place without a building permit*].

**Building work carried out in contravention of a building permit**

Building work has been carried out on the [*building, land or place of public entertainment*] in contravention of a building permit.

The particulars of the relevant building permit are:

Building permit no:

Date of issue of building permit:

The building work that contravenes the permit is [*describe work*].

[*State reason(s) for why the building work does not comply with the building permit identified immediately above*].

A copy of the relevant building permit is **attached** to this order.

**Building work has been carried out in contravention of the Building Act 1993**

Building work has been carried out on the [*building, land or place of public entertainment*] in contravention of the **Building Act 1993**.

The building work that contravenes the **Building Act 1993** is [*describe work*].

[*State reason(s) why building work does not comply with the Building Act 1993, using specific references to the section(s) of the Act that have been breached by the building work*].

**Building work has been carried out in contravention of the Building Regulations 2017 (this includes building work carried out in contravention of the Building Code of Australia)**

Building work has been carried out on the [*building, land or place of public entertainment*] in contravention of the Building Regulations 2017.

The building work that contravenes the Building Regulations 2017 is [*describe work*].

[*State reason(s) why building work does not comply with the Building Regulations 2017, using specific references to the regulation(s) that have been breached by the building work, including clauses of the BCA if applicable*].

**Building or place of public entertainment has been used in contravention of the Building Act 1993**

The use of the [*building or place of public entertainment*] as a [*insert description of use*] contravenes the **Building Act 1993**

[*State reason(s) why use or uses of the building or place do not comply with the* ***Building Act 1993****, using specific references to the section(s) of that Act that have been breached by the use or uses*].

**Building or place of public entertainment has been used in contravention of the Building Regulations 2017**

The use of the [*building or place of public entertainment*] as a [*insert description of use*] contravenes the Building Regulations 2017.

[*State reason(s) why the use or uses of the building or place do not comply with the Building Regulations 2017, using specific references to the regulation(s) that have been breached by the use or uses*].

**Building or place of public entertainment is unfit for occupation**

The [*building*] is unfit for occupation.\*

The[*place of public entertainment*] is unfit for occupation or for use as a place of public entertainment.\*

[*State reason(s) why the building or place is unfit for occupation or for use as a place of public entertainment*].

**A building or place of public entertainment is a danger to life, safety or health**

The [*building, land or place of public entertainment*]is a danger to the life, safety or health of any member of the public or of any person using the [*building, land or place of public entertainment*] or to any property.

[*State reason(s) why the building, land or place is a danger to the life, safety or health of any member of the public or of any person using the building, land or place or to any property*].

\* *Delete if inapplicable*

**Building work is a danger to life, safety or health**

Building work on the [*building, land or place of public entertainment*]is a danger to the life, safety or health of any member of the public or of any person using the [*building, land or place of public entertainment*] or to any property.

[*State reason(s) why building work on the building, land or place is a danger to the life, safety or health of any member of the public or of any person using the building, land or place or to any property*].

**DETAILS OF RELEVANT BUILDING NOTICE:**

Date of making of building notice:

Date of service of building notice:

Due date for making representations as specified in the building notice:

A copy of the relevant building notice is **attached** to this building order.

At the date of making this order, the due date for the owner to make representations, has now expired.

Representations were made by the owner. After considering these representations, I am of the opinion that, for the reasons set out in this order, the making of this building order is warranted.\*

Representations were not made by the owner.\*

\* *Delete if inapplicable*

**INSPECTION DETAILS:\***

The date and time of any inspection of the [*building, land or place of public entertainment*] carried out by the relevant building surveyor was:\*

Time of inspection:

Date of inspection:

The date and time of any inspection relied on by me for the purpose of issuing this order, and the name and qualifications of the person or persons who conducted the inspection are:\*

Time of inspection:

Date of inspection:

Name of inspector:

Qualification(s) of inspector:

Registration No. of inspector:

\**Delete if inapplicable*

**BUILDING ORDER MADE BY:**

**Relevant building surveyor/Municipal building surveyor**\*

Name:

Address:

Email:

Registration No:

Municipal district:\*

Signature:

Building order No:

Date made:

*\* Delete if inapplicable*

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Form 15

Regulation 181(2)

**Building Act 1993**

Building Regulations 2017

Building order to stop BUILDING work

This building order is made under section 112 of the **Building Act 1993.**

**TO:**

The owner [*insert full name*]

Of [*insert address for service on the owner*]

AND

**TO:**

[*Insert name of person other than the owner required by this building order to stop work*]

Of [*insert address for service on person named immediately above*].

**FROM:**

I am the private building surveyor appointed to carry out functions under the **Building Act 1993** in relation to the [*building, land or place*] which is the subject of this building order. \*

I am the municipal building surveyor of [*insert name of municipal district*].\*

**\****Delete if inapplicable*

I am authorised by section 112 of the **Building Act 1993** to make this building order.

**LOCATION OF THE [*BUILDING\*/ LAND\*/ PLACE OF PUBLIC ENTERTAINMENT\**] TO WHICH THIS ORDER APPLIES:**

Number Street/road City/suburb/town Postcode

Lot/s LP/PS Volume Folio

Crown allotment Section Parish County

Municipal district

*\* Delete if inapplicable*

**STOP WORK ORDER**

The relevant building surveyor orders that:

\* *Delete inapplicable orders and re-number remaining orders as appropriate*

1. By [*insert time*] on [*insert date*], the owner must stop the following building work on the [building, *land or place of public entertainment*] located at [*insert address*]:[*insert description of building work that must stop*].

2. By [*insert time*] on [*insert date*], [*insert name of person other than owner who is subject to this stop work order*] must stop the following building work on the [building\*/*land\*place of public entertainment\**] located at [insert address]: [*insert description of building work that must stop*].

**INSPECTION DETAILS:\***

*\*Delete if inapplicable*

The date and time of the inspection/s of the [*building, land or place of public entertainment*] carried out by the [*relevant building surveyor/municipal building surveyor*] was:\*

Time of inspection:

Date of inspection:

The date and time of the inspection/s relied on by me for the purpose of making this order, and the name and qualifications of the person or persons who conducted the inspection are:\*

Time of inspection:

Date of inspection:

Name of inspector:

Qualification(s) of inspector:

Registration no. of inspector:

\**Delete if inapplicable*

**REASON(S) WHY THIS ORDER WAS MADE**

Pursuant to section 112 of the **Building Act 1993,** I am of the opinion that —

\**Delete any of the following reasons that are inapplicable*

**Building work contravenes the Building Act 1993**

Building work has been carried out on the [*building\*/ land\*/ place of public entertainment\**] in contravention of the **Building Act 1993**.The building work that contravenes the **Building Act 1993** is[*describe work*].

[*State reason(s) why the building work does not comply with the Building Act 1993, using specific references to the section(s) of the Act that have been breached by the building work*].

**Building work contravenes the Building Regulations 2017**

Building work has been carried out on the [*building, land or place of public entertainment*] in contravention of the Building Regulations 2017.

The building work that contravenes the Building Regulations 2017 is [*describe work*].

[*State reason(s) why the building work does not comply with the Building Regulations 2017, using specific references to the regulation(s) that have been breached by the building work, including clauses of the BCA where applicable*].

**Building work is a danger to life, safety or health\***

Building work is a danger to the life, safety or health of any member of the public or of any person using the building, land or place or to any property.

The building work that is a danger to life, safety or health is [*describe work*].

**[***State reason(s) why the building work is a danger to the life, safety or health of any member of the public or of any person using the building, land or place or to any property***].**

**Building work affects the support of any adjoining property\***

Building work affects the support of adjoining property.

[*State reason(s) why the building work is affecting the stability of any adjoining property, including details of the location of the adjoining property affected*]

**BUILDING ORDER MADE BY:**

**Relevant building surveyor/Municipal building surveyor**\*

Name:

Address:

Email:

Registration No.:

Municipal district:\*

Signature:

Building order No.:

Date made:

\* *Delete if inapplicable*

Form 16

Regulation 181(3)

**Building Act 1993**

Building Regulations 2017

building order – Minor work

This building order is made under section 113 of the **Building Act 1993.**

**TO:**

The owner [*insert full name*]

Of [*insert address for service of the owner]*

**FROM:**

I am the private building surveyor appointed to carry out functions under the **Building Act 1993** in relation to the [*building, land or place of public entertainment*] which is the subject of this building order.\*

I am the municipal building surveyor of [*insert name of municipal district*].\*

**\****Delete if inapplicable*

I am authorised by section 113 of the **Building Act 1993** to make this building order.

**LOCATION OF THE [*BUILDING\*/ LAND\*/ PLACE OF PUBLIC ENTERTAINMENT*]\* TO WHICH THIS ORDER APPLIES:**

Number Street/road City/suburb/town Postcode

Lot/s LP/PS Volume Folio

Crown allotment Section Parish County

Municipal district

**\*** *Delete if inapplicable*

**ORDER**

The relevant building surveyor orders that:

*Delete any of the following inapplicable orders and re-number remaining orders as appropriate*

1. By [*insert time*] on [*insert date*], the owner of the [*insert description and address of building or land or place of public entertainment*] **MUST** carry out the following building work as required by the Building Regulations 2017 [*insert detailed description of work required to be carried out by the regulations, including the BCA. Include references to the relevant regulations and/or clauses of the BCA*].

2. By [*insert time*] on [*insert date*], the owner of the [*insert description and address of building, land or place of public entertainment*] **MUST** carry out the following protection work [*insert detailed description of protection work required to be carried out by this order, including details of adjoining property that will receive the benefit of this work*].

\* *Delete if inapplicable*

**INSPECTION DETAILS:\***

*\*Delete if inapplicable*

The date and time of the inspection/s of the [*building, or land or place of public entertainment*] carried out by the [*relevant building surveyor/municipal building surveyor*]*\** was:\*

Time of inspection:

Date of inspection:

The date and time of the inspection/s relied on by me for the purpose of making this order, and the name and qualifications of the person or persons who conducted the inspection are:\*

Time of inspection:

Date of inspection:

Name of inspector:

Qualification(s) of inspector:

Registration No. of inspector:

\**Delete if inapplicable*

**REASON(S) WHY THIS ORDER WAS MADE**

Pursuant to section 113 of the **Building Act 1993,** I am of the opinion that—

*Delete the following reasons that are inapplicable*

**The work required by this order is of a minor nature.**

**Building work of a minor nature is required to be carried out**

The building work required by this order is [*describe work*].

[*State reason(s) why building work of a minor nature is required to be carried out*]**.**

**Protection work of a minor nature is required to be carried out**

The protection work require d by this order is [*describe work*].

[*State reason(s) why protection work of a minor nature is required to be carried out*]**.**

**BUILDING ORDER MADE BY:**

**Relevant building surveyor**

Name [*full name*]:

Address:

Email:

Registration No:

Signature:

Building order no,:

Date made:

Form 17

Regulation 184

**Building Act 1993**

Building Regulations 2017

Application for Occupancy Permit

**To**

Relevant building surveyor

Name Class Registration No.

**From**

This application is made by the \*owner /\*agent of the owner of the property.

Name of applicant ACN/ARBN (*if applicable*)

Address

Telephone

Email:

Contact person (if applicant not a natural person)

*\* delete if inapplicable*

In accordance with section 42\*/section 54\* of the **Building Act 1993**, I apply for an occupancy permit for the building\*/place of public entertainment\* at—

*\* delete if inapplicable*

**Property details**

Number Street/road City/suburb/town

Lot/s LP/PS Volume Folio

Crown allotment Section Parish County

Municipal district

If the building work to which this occupancy permit application relates involved a subdivision, a current copy of a certificate of title to the property detailed above must be provided with this application.

**Nature of Application**

|  |  |
| --- | --- |
| New building 🞏  Alteration to an existing building 🞏  Place of public entertainment 🞏  Other 🞏 | Amendment to existing occupancy permit 🞏  Change of use of an existing  building 🞏 |

**\*** *tick if applicable*

**Building permit details** [*delete if inapplicable*]

Permit No.

**Building practitioners and architects who were engaged in the building work**[*delete if inapplicable*]

Name Category/Class Registration No.

Name Category/Class Registration No.

**Use applied for**

Part of building Proposed use BCA Class of building

Part of building Proposed use BCA Class of building

To conduct a public entertainment 🞏\*

**\*** *tick if applicable*

**Compliance certificates within the meaning of Part 12A of the Building Act 1993** *[delete if inapplicable]*

The following compliance certificate(s) were provided for plumbing work carried out in conjunction with the building work on the building in relation to which this application applies and copies of these certificates of compliance are **attached** to this application form.

**Certificates of compliance within the meaning of section 3 of the Electricity Safety Act 1998** *[delete if inapplicable]*

The following certificate(s) of compliance were provided for electrical work carried out in conjunction with the building work on the building in relation to which this application applies and copies of these certificates of compliance are **attached** to this application form.

**Reporting authorities** *[delete if inapplicable]*

Chief officer

Performance solutions were developed for the following fire safety matters as part of the building work to which this application relates\*:

|  |  |
| --- | --- |
| Fire extinguishers 🞏  Fire control centres or fire control rooms 🞏  Open space and perimeter vehicular access to the extent it relates to emergency vehicles 🞏  Fire indicator panels 🞏  Fire services controls in passenger lift cars; 🞏  Other 🞏 | Fire hydrants 🞏  Fire precautions during construction 🞏  Fire mains 🞏  Control valves 🞏  Booster assemblies 🞏    Static water supply for fire fighting purposes 🞏 |

**\*** *tick if applicable*

The building or building work to which this application relates involves transmission signal of alarms to be connected to a fire station or other approved monitoring service \*

\* *tick if applicable*

Council

The building or building work to which this application relates involves the installation or alteration of a septic tank system or the construction of a building over an existing septic tank system. \*

\* *tick if applicable  
\* delete if inapplicable*

**Services**

The following services, insofar as they are necessary to make the building suitable for occupation, have been installed and are operational at the date of this application

|  |  |
| --- | --- |
| Gas 🞏  Sewerage 🞏  Electricity 🞏  Other 🞏 | Water 🞏  Drainage 🞏 |

\* *tick if applicable***Signature of owner\***

**Print name:**

**Date**

OR

**Signature of agent of owner\***

**Print name:**

**Date**

\* *delete if inapplicable*

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Form 18

Regulation 190

**Building Act 1993**

Building Regulations 2017

Occupancy Permit

**This occupancy permit must be displayed in the following approved location**

**Property details**

Number Street/road City/suburb/town Postcode

Lot/s LP/PS Volume Folio

Crown allotment Section Parish County

Municipal district

**Building details**

[*Complete this portion only if an occupancy permit is required under Division 1 of Part 5 of the* **Building Act 1993]**.

\*Building to which permit applies Permitted use BCA Class of building

Maximum permissible floor live Maximum number of people to be  
load accommodated

\*Part of building to which permit applies Permitted use BCA Class of building

Maximum permissible floor live Maximum number of people to be  
load accommodated

*\* Delete if inapplicable*

**Places of public entertainment**

[*Complete this portion only if an occupancy permit is required under Division 2 of Part 5 of the* **Building Act 1993]**

|  |  |
| --- | --- |
| Prescribed class of building:   * Class 9b building having an area greater than 500m2 🞏 * Prescribed temporary structure 🞏 | Prescribed place or class of place:   * Place with an area greater than 500m2 🞏 * Kardinia Oval 🞏 |

*\* Tick applicable*

Public entertainment to be conducted

Period of operation of this permit

**Performance solution** [*delete if inapplicable*]

A performance solution was used to determine compliance with the following performance requirements of the BCA that relate to the building to which this permit applies: [*list matters not referenced on the relevant building permit*]

**Performance solution – Fire performance requirement(s)   
(see regulation 121)** [*delete if inapplicable*]

|  |  |  |  |
| --- | --- | --- | --- |
| **Relevant fire performance requirements** | **Details of performance solution\*** | **Method of determination under regulation 121** | **Date of  determination of performance solution** |
|  |  |  |  |

**Performance solution – Bushfire performance requirements(s) (see regulation 167)** [*delete if inapplicable*]

|  |  |  |  |
| --- | --- | --- | --- |
| **Relevant bushfire performance requirement** | **Details of performance solution\*** | **Method of determination under regulation 167** | **Date of determination of performance solution** |
|  |  |  |  |

**Performance solution – other than to comply with a fire performance requirement or a bushfire performance requirement** [*delete if inapplicable*]

|  |  |  |  |
| --- | --- | --- | --- |
| **Relevant performance requirement** | **Details of performance solution\*** | **Method of assessment and determination of performance solution** | **Date of determination of performance solution** |
|  |  |  |  |

[\**Insert details of performance solution including, applicable materials, systems, methods of building, procedures, specifications and other relevant requirements*].

**Building Appeals Board determinations** [*delete if inapplicable*]

The following determinations and orders of the Building Appeals Board (**BAB**) relate to the building\*/place of public entertainment\* to which this permit applies: [*list matters not referenced on the relevant building permit*]

*\* Delete if inapplicable*

|  |  |  |
| --- | --- | --- |
| **Date of determination** | **Determination\*** | **Section of Building Act 1993 under which application to BAB made** |
|  |  |  |

[\**Insert details of determination including, applicable materials, systems, methods of building, procedures, specifications and other relevant requirements].*

**Reporting authorities** [*delete if inapplicable*]

The following bodies are reporting authorities for the purposes of the application for this permit in relation to the matters set out below:

|  |  |  |
| --- | --- | --- |
| **Reporting authority** | **Matter reported on or consented to** | **Regulation no.** |
|  |  |  |

**Conditions to which this permit is subject** [*delete if inapplicable*]

Occupation is subject to the following conditions—

(1) Essential safety measures

The following essential safety measures must be inspected, tested and maintained in accordance with the maintenance requirements set out in the following table—

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Essential safety measures required to be provided in the building or place of public entertainment** | **Provision of these Regulations applicable to installation and operation of essential safety measure** | **The level of performance that each essential safety measure must achieve to fulfil its purpose** | **The frequency and type of maintenance required for each essential safety measure** | **The frequency and type of testing and inspections required for each essential safety measure** |
|  |  |  |  |  |

(2) Other conditions [*delete if inapplicable*]

**Combined allotment determination** [*delete if inapplicable*]

A determination has been issued under regulation 28 in relation to the building to which this permit applies.

**Subdivision of existing building** [*delete if inapplicable*]

The building to which this occupancy permit relates was created by the subdivision of an existing building.

An exemption granted in accordance with regulation 229 exempts certain parts of the building from compliance with certain provisions of these Regulations. This exemption was granted by a municipal building surveyor\*/the relevant building surveyor\* on *[insert date]*, and a copy of this exemption is available by request from the relevant council in accordance with regulation 59.

*\* delete if inapplicable*

**Suitability for occupation**

At the date this occupancy permit is issued, the building or place of public entertainment to which this permit applies is suitable for occupation.

**Relevant building surveyor**

Name

Registration No.

Signature

Occupancy Permit No.

Date of final inspection

Date of issue \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Form 19

Regulation 198

**Building Act 1993**

Building Regulations 2017

Certificate of Final Inspection

**Property details**

Number Street/road City/suburb/town Postcode

Lot/s LP/PS Volume Folio

Crown allotment Section Parish County

Municipal district

**Description of building work**

Part of building Permitted use BCA Class of building

Part of building Permitted use BCA Class of building

**Performance solution** [*delete if inapplicable*]

An alternative solution was used to determine compliance with the following Performance Requirements of the BCA that relate to the building to which this permit applies: [*list matters not referenced on the relevant building permit*]

**Performance solution – Fire performance requirement(s)   
(see regulation 121)** [*delete if inapplicable*]

|  |  |  |  |
| --- | --- | --- | --- |
| **Relevant fire performance requirements** | **Details of performance solution\*** | **Method of determination under regulation [121]** | **Date of  determination of performance solution** |
|  |  |  |  |

**Performance solution – Bushfire performance requirements(s) (see regulation 167)** [*delete if inapplicable*]

|  |  |  |  |
| --- | --- | --- | --- |
| **Relevant bushfire performance requirement** | **Details of performance solution\*** | **Method of determination under regulation 167** | **Date of determiantion of performance solution** |
|  |  |  |  |

**Performance solution – other than to comply with a fire performance requirement or a bushfire performance requirement** (*delete if inapplicable*)

|  |  |  |  |
| --- | --- | --- | --- |
| **Relevant performance requirement** | **Details of performance solution\*** | **Method of assessment and determination of performance solution** | **Date of determination of performance solution** |
|  |  |  |  |

[\**Insert details of performance solution including, applicable materials, systems, methods of building, procedures, specifications and other relevant requirements*].

**Building Appeals Board determinations** [*delete if inapplicable*)]

The following determinations and orders of the Building Appeals Board (***BAB***) relate to the building to which this permit applies: [*list matters not referenced on the relevant building permit*]

|  |  |  |
| --- | --- | --- |
| **Date of determination** | **Determination\*** | **Section of Building Act 1993 under which application to BAB made** |
|  |  |  |

[\**Insert details of determination including, applicable materials, systems, methods of building, procedures, specifications and other relevant requirements].*

**Combined allotment determination** [*delete if inapplicable*]

A determination has been issued under regulation 28 in relation to the building work to which this certificate applies.

**Directions to fix building work**

All directions to fix building work under Part 4 of the **Building Act 1993** have been complied with.

**Relevant building surveyor**

Name

Registration No.

Signature

Certificate No.

Date of final inspection

Date of issue

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Form 20

Regulations 227(4), 229(4), 231(5), 232(4)

**Building Act 1993**

Building Regulations 2017

Exemption from, or consent to partial compliance with, REQUIREMENTS

**TO:**

Owner

Telephone

Email

Postal address

Postcode

Agent of owner\*

Telephone

Email

Postal address

Postcode

\* *Delete if inapplicable*

**Details of relevant building permit** [*delete if inapplicable*]

Building permit No. Date of issue of building permit

**Property details** [*include title details as and if applicable*]

Number Street/road City/suburb/town Postcode

Lot/s LP/PS Volume Folio

Crown allotment Section Parish County

Municipal district

**FROM:**

1. I am the \*municipal building surveyor of [*insert name of municipal district*] / \* relevant building surveyor for building permit [*insert building permit number*].
2. I am authorised under regulation 227(2)\*, 229(2)\*, 231(3)\*, 232(2)\*to exempt\* / consent to partial compliance of   
   \*a building/\*place of public entertainment/\*certain building work from requirements in the Building Regulations 2017 and grant this exemption\*/consent\* accordingly.
3. The \*building/\*place of public entertainment/\*building work to which this exemption\*/consent\* applies is [*insert details of building or place of public entertainment*] .
4. The proposed building work to which this exemption\*/consent\* applies is [*insert description of proposed building work*] (‘the ***building work***’).
5. The following part(s) of the building work \*is/\*are exempted from compliance with the following requirements in the Building Regulations 2017—
   1. [*Insert in (a) the part of the building or place of public entertainment or building work exempted from or given consent to partial compliance with the Building Regulations 2017 and in (b) insert the nature of the scope of exemption from a requirement of the Building Regulations 2017 by specifying the relevant regulation, BCA Performance Requirement etc*].
6. Description of how the structural adequacy of the \*building/\*place of public entertainment was taken into account when granting this exemption\*/consent\* [*insert description*]
7. Description of the requirements necessary to make reasonable provision for the amenity of the \*building/\*place of public entertainment subject to this exemption\*/consent\*that were taken into account [*insert description*]
8. Description of the requirements necessary to make reasonable provision for the safety and health of people using the \*building/place of public entertainment that were taken into account [*insert description*]
9. Description of the requirements necessary to make reasonable provision for avoiding the spread of fire to or from any adjoining building that were taken into account [*insert description*].

*\*Delete if inapplicable*

**NOTE**

Items numbered (6) and (9) do not apply to a determination under regulation 232(2).

**Issued by Municipal Building Surveyor\*/Relevant building surveyor\***

Name Registration No.

Business\*/council name\* Address

Email

Date of issue of determination to grant exemption\*/consent to partial compliance\*

Related Building Permit No.[*if issued before determination made*]

Signature

*\*Delete if inapplicable*

Form 21

Regulation 240

**Building Act 1993**

Building Regulations 2017

Application for Building product accreditation

**From:**

Applicant:

Name (in full):

ACN/ARBN (if applicable):

Postal address:

Postcode:

Contact person: Telephone:

Email:

**If applicant making application on behalf of the owner of a building product**:

|  |  |
| --- | --- |
| I have been authorised by the owner of the building product to make this application on the owner’s behalf.\* | 🞏† |
| A copy of the authorisation from the owner to make this application is attached to this form.\* | 🞏† |

\* *delete if inapplicable*

† *tick if applicable*

**Owner of building product/system (if different from applicant)\***

Name (in full):

ACN/ARBN (if applicable):

Postal address:

Postcode:

Contact person: Telephone:

Email:

\* *delete if inapplicable*

New Application 🞏†

† *tick if applicable*

**Nature of Application**

This application is for:

Product 🞏†

Construction method 🞏†

Design 🞏†

Component 🞏†

System connected with building work 🞏†

† *tick applicable*

**Details of Building Product**

Name of building product:

Description of building product:

Purpose and use of building product:

Method of installation or use:

Interaction of building product with other components and materials in building work:

**BCA performance requirements that building product intended to comply with:**

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Column 1** | **Column 2** | **Column 3** |
|  | The performance requirements that are relevant to the building product, as determined in accordance with clause A0.7 of the BCA Volume One or clause 1.0.7 of the BCA Volume Two are (*insert performance requirements*): | The deemed-to-satisfy provisions relevant to the performance requirements identified in column 1 (*insert deemed-to-satisfy clauses)*: | The relevant deemed-to-satisfy provisions identified in column 2 that the building product **does not** comply with are (*insert deemed-to-satisfy clauses):* |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

**Means of demonstrating compliance with BCA requirements**

This application for accreditation demonstrates that the building product meets the following performance requirement(s) of the BCA by the following means:

|  |  |  |
| --- | --- | --- |
|  | **Column 1** | **Column 2** |
|  | Performance requirements relevant to the building product, as determined in accordance with clause clause A0.7 of the BCA Volume One or clause 1.0.7 of the BCA Volume Two are (*insert performance requirements*): | Evidence to demonstrate compliance of the building product with the performance requirement in column 1 (*insert specific piece of evidence and explain how it shows compliance with the relevant performance requirement):* |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

**Documentation accompanying application**

|  |  |
| --- | --- |
| Appraisal of building product | 🞏† |
| Appraiser’s qualifications and curriculum vitae | 🞏† |
| Test report(s) from Registered Testing Authority | 🞏† |
| Technical/installation manual for the building product | 🞏† |
| Specifications of the materials or components | 🞏† |
| Other relevant documentation | 🞏† |

† *tick if applicable*

**Signature**

I certify that the information and content contained in this application is complete and correct.

Signature of applicant or authorised agent: Date:

Form 22

Regulation 260

**Building Act 1993**

Building Regulations 2017

NOTICE OF SUSPENSION OF REGISTRATION UNDER SECTION 183A

I [insert name] do hereby give notice that on [*insert date*] my registration as a building practitioner in the category of [*insert registration category*] class of [*insert registration class*] was suspended by the Victorian Building Authority (***VBA***) with respect to the work I am carrying out for you. My registration will be suspended from [*insert date*].

Under section 183A of the **Building Act 1993**, I am required to give you notice of the suspension of my registration.

Under sections 185 of the **Building Act 1993**, I have the right to apply for an internal review of the VBA’s decision to suspend my registration. In reviewing the decision, the VBA may choose to affirm, amend or substitute the decision.

Under section 186 of the **Building Act 1993**, I also have the right to apply for a review of the decision to suspend my registration directly to the Victorian Civil and Administrative Tribunal (***VCAT***). VCAT may then choose to affirm, amend or substitute the decision.

If I apply for an internal review or a review by VCAT, the suspension of my registration is stayed until a decision is made unless my registration was immediately suspended under section 180A of the Act.

**Signature of building practitioner**

**Date**

**Note**

Under section 175 of the **Building Act 1993**, while suspended a building practitioner is deemed to not be registered under Part 11 of the Act.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Form 23

Regulation 260(b)

**Building Act 1993**

Building Regulations 2017

NOTICE OF CANCELLATION OF REGISTRATION UNDER SECTION 183A

I [insert name] do hereby give notice that on [insert date] my registration as a building practitioner in the category of [insert registration category] class of [insert registration class] was cancelled by the Victorian Building Authority (***VBA***). My registration will be cancelled from [*insert date*].

Under section 183A of the **Building Act 1993**, I am required to give you notice of the cancellation of my registration.

Under section 185 of the **Building Act 1993**, I have the right to apply for an internal review of the VBA’s decision to cancel my registration. In reviewing the decision, the VBA may choose to affirm, amend or substitute the decision.

Under section 186 of the **Building Act 1993**, I also have the right to apply for a review of the decision to cancel my registration directly to the Victorian Civil and Administrative Tribunal (***VCAT***). VCAT may then choose to affirm, amend or substitute the decision. If I apply for a review, the cancellation of my registration is stayed until a decision is made.

If I apply for an internal review or a review by VCAT, the suspension of my registration is stayed until a decision is made unless my registration was immediately suspended under section 180A of the Act.

**Signature of building practitioner**

**Date**”.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Schedule 4 – Exemptions for building work

Regulations 31, 183, 275

**TABLE**

| *Column 1* | *Column 2* | | *Column 3* | |
| --- | --- | --- | --- | --- |
| *Item* | *Description of building or building work exempted from building permit and occupancy permit* | | *Building regulations that building or building work exempted from* | |
| 1 | Construction of a freestanding Class 10a building that—  (a) has a floor area not exceeding 10m²; and  (b) is no more than 3m in height or, if situated within 1m of a boundary, is no more than 2⋅4m in height; and  (c) if appurtenant to a building of another Class on the same allotment, is located no further forward on the allotment than the front wall of the building to which it is appurtenant; and  (d) if it is not appurtenant to a building of another Class on the same allotment, is set back at least 9 metres from the front street alignment and at least 2 metres from each side street alignment; and  (e) is not constructed of masonry. | | All Parts, except regulation 87 | |
| 2 | Demolition of a freestanding Class 10 building that—  (a) is not constructed of masonry; and  (b) does not exceed 40m2 in floor area; and  (c) will not adversely affect the safety of the public or occupiers of the building; and  (d) is not work carried out on, or in connection with, a building included on the Heritage Register within the meaning of the **Heritage Act 1995**. | | All Parts | |
| 3 | Repair, renewal or maintenance of a part of an existing building, if the building work—  (a) will not adversely affect the structural soundness of the building, and does not include—  (i) an increase or decrease in the floor area or height of the building; o  (ii) underpinning or replacement of footings; or  (iii) the removal or alteration of any element of the building that is contributing to the support of any other element of the building; and  (b) is done using materials commonly used for the same purpose as the material being replaced; and  (c) will not adversely affect the safety of the public or occupiers of the building; and    (d) will not adversely affect an essential safety measure relating to the building. | | All Parts | |
| 4 | Alterations to a building, if the building work—   1. will not adversely affect the structural soundness of the building, and does not include—   (i) an increase or decrease in the floor area or height of the building; or  (ii) underpinning or replacement of footings; or  (iii) the removal or alteration of any element of the building that is contributing to the support of any other element of the building; and  (b) will not project beyond the street alignment; and  (c) will not adversely affect the safety of the public or occupiers of the building; and  (d) is not work carried out on, or in connection with, a building included on the Heritage Register within the meaning of the **Heritage Act 1995**; and  (e) is not work in relation to, and will not adversely affect, an essential safety measure relating to the building. | Parts 2 to 20 | |
| 5 | Any building that is not of a Class listed in clause A3.2 of the BCA Volume One and clause 1.3.2 of the BCA Volume Two. | All Parts | |
| 6 | A building used only temporarily for the duration of building work for—  (a) construction purposes; or  (b) display purposes. | All Parts | |
| 7 | Temporary structures other than those to which regulation 206 applies. | All Parts | |
| 8 | A swimming pool or spa with a depth not exceeding 300mm. | All Parts | |
| 9 | A relocatable swimming pool that is erected temporarily in an area enclosed by an approved barrier.  **Note**  This exemption applies only to the relocatable swimming pool and not to the barrier. | All Parts | |
| 10 | A fence, (other than a fence forming part of a safety barrier for a swimming pool or a fence forming part of an outdoor play space associated with a children’s service)—  (a) not exceeding 2 metres in height; and  (b) not exceeding 1⋅5metres in height when within 3metres of a street (which is not a lane, footway, alley or right of way) alignment and which is not constructed of masonry, concrete or similar material; and  (c) not exceeding 1⋅2metres in height when within 3metres of a street (which is not a lane, footway, alley or right of way) alignment and which is constructed of masonry, concrete or similar material; and  (d) not exceeding 1metre in height above the footpath when within 9metres of a point of intersection of street alignments, | All Parts except regs. 89(1) and 92 | |
| 11 | A chain wire fence surrounding a tennis court. | All Parts | |
| 12 | A Class 10b structure constructed for the purpose of displaying a sign if that structure is—  (a) less than 3metres from a street alignment and does not exceed 1metre in height above natural ground level; or | All Parts | |
|  | (b) not less than 3metres from a street alignment and does not exceed—  (i) a height of 8metres above natural ground level; and  (ii) 6square metres in display area. |  | |
| 13 | Any mast, pole, antenna, aerial or similar Class 10b structure—  (a) attached to a building and which does not exceed a height of 3metres above the highest point of the attachment to the building; or  (b) not attached to a building and which does not exceed a height of 8metres above natural ground level. | All Parts | |
| 14 | Any facility (within the meaning of paragraph (b) of the definition of ***facility*** in section 7 of the Telecommunications Act 1997 of the Commonwealth) and construction or demolition of such a facility by a carrier (within the meaning of that section). | Parts 2 to 20 except Part 4 | |
| 15 | Any retaining wall less than 1m in height that is not associated with other building work or with protection of adjoining property. | Parts 2 to 20 except regulation 119 | |
| 16 | A pergola that—  (a) is not more than 3⋅6metres in height; and  (b) in the case of a pergola that is appurtenant to a Class 1 building, is located no further forward on the allotment than 2.5metres forward of the front wall of that building; and | Parts 2 to 20 | |
|  | (c) in any other case, is located no further forward on the allotment than the front wall of that building to which it is appurtenant; and  (d) has a floor area not exceeding 20square metres. |  | |
| 17 | Installation of a wood or solid fuel household heating appliance.  . | Parts 2 to 20 | |
| 18 | A re-locatable building that is a movable unit within the meaning of the **Housing Act 1983** that is constructed for a community service and is to be used or intended to be used to provide temporary accommodation on a non-profit basis if—  (a) the building has a floor area not exceeding 30m2; and  (b) the building is located no further forward on the allotment than the front wall of the building to which it is appurtenant; and  (c) the building or building work will not adversely affect the structural soundness of that, or any other building; and  (d) the building or building work will not adversely affect the safety of the public or the occupiers of the building; and | Parts 2 to 20 | |
|  | (e) the building is set back from an allotment boundary not less than 1metre; and  (f) the building does not exceed a height of 3⋅6metres; and |  | |
|  | (g) the building work will not involve construction over an easement vested in a service authority from whom a report and consent is required under regulation 129. |  | |
| 19 | A relocatable building used as a school or TAFE institute within the meaning of the **Education and Training Reform Act 2006** if—  (a) the building has a floor area not exceeding 300square metres and  (b) the building or building work will not adversely affect the structural soundness of that, or any other building; and  (c) the building or building work will not adversely affect the safety of the public or the occupiers of the building. | Parts 2 to 20 | |

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Schedule 5 – Prescribed matters reported on by prescribed reporting authorities

Regulation 39

PART 1

PRESCRIBED MATTERS REPORTED ON BY CHIEF OFFICER

| *Column 1* | *Column 2* | *Column 3* |
| --- | --- | --- |
| *Item* | *Prescribed matters to be reported on by chief officer* | *Regulation reference* |
|  | The following fire safety matters if those matters do not meet the deemed-to-satisfy provisions of the BCA— | reg. 128(1) |
| 1 | fire extinguishers |  |
| 2 | fire hydrants |  |
| 3 | fire control centres or fire control rooms |  |
| 4 | fire precautions during construction |  |
| 5 | fire mains |  |
| 6 | control valves |  |
| 7 | booster assemblies |  |
| 8 | open space and perimeter vehicular access to the extent it relates to emergency vehicles |  |
| 9 | fire indicator panels |  |
| 10 | proscenium curtain drencher systems |  |
| 11 | fire services controls in passenger lift cars |  |
|  | The following bushfire safety matters if those matters do not meet the requirements of regulation 1206 or 1207— | reg. 164(1) |
| 12 | static water supply for fire fighting purposes |  |
| 13 | emergency vehicle access |  |

PART 2

PRESCRIBED MATTERS REPORTED ON BY COUNCIL

|  |  |  |
| --- | --- | --- |
| *Column 1* | *Column 2* | *Column 3* |
| *Item* | *Prescribed matters to be reported on by council* | *Regulation reference* |
| 1 | Setback from a street alignment not complying with reg. 606 | reg. 73(2) |
| 2 | Setback from a street alignment not complying with reg. 607 | reg. 74(4) |
| 3 | Building height not complying with reg. 608 | reg. 75(4) |
| 4 | Site coverage not complying with reg. 609 | reg. 76(4) |
| 5 | Impermeable surfaces covering more than 80% of an allotment area | reg. 77(3) |
| 6 | Car parking spaces not complying with reg. 611 | reg. 78(6) |
| 7 | Side or rear boundary setbacks not complying with reg. 612 | reg. 79(6) |
| 8 | Walls or carports on boundaries not complying with reg. 613 | reg. 80(5) |
| 9 | Building setbacks not complying with reg. 614 (daylight to existing habitable room window) | reg. 81(6) |
| 10 | Building setbacks not complying with reg. 615 (solar access to north-facing windows) | reg. 82(4) |

|  |  |  |
| --- | --- | --- |
| *Column 1* | *Column 2* | *Column 3* |
| *Item* | *Prescribed matters to be reported on by council* | *Regulation reference* |
| 11 | Building design not complying with reg. 616 (overshadowing of recreational private open space) | reg. 83(3) |
| 12 | Window or raised open space not complying with reg. 617 (overlooking) | reg. 84(9) |
| 13 | Building design not complying with reg. 618 (daylight to habitable room window) | reg. 85(3) |
| 14 | Private open space for a building not complying with reg. 619 | reg. 86(3) |
| 15 | Siting of appurtenant Class 10a buildings not complying with regulation 620(1) | reg. 87(3) |
| 16 | Front fence height not complying with reg. 622 | reg. 89(3) |
| 17 | Fence setback on side or rear boundary not complying with reg. 623 | reg. 90(2) |
| 18 | Length or height of side or rear boundary fence not complying with reg. 624 | reg. 91(5) |
| 19 | A fence within 9m of an intersection of street alignments and exceeding height of 1m above footpath | reg. 92(2) |
| 20 | Fence setback not complying with reg. 627 (daylight to existing habitable room window) | reg. 94(6) |
| 21 | Fence setback not complying with reg. 628 (solar access) | reg. 95(3) |
| 22 | Fence design not complying with reg. 629 (overshadowing of recreational private open space to north-facing windows) | reg. 96 (3) |
| 23 | Projections beyond street alignment | reg. 109(1) and 109(2) |
| 24 | Buildings above or below certain public facilities | reg. 133(2) |
| *Column 1* | *Column 2* | *Column 3* |
| *Item* | *Prescribed matters to be reported on by council* | *Regulation reference* |
| 25 | Precautions over a street alignment | reg. 116(4) |
| 26 | Point of discharge of storm water | reg. 132(2) |
| 27 | Installation or alteration of a septic tank system, or construction of a building over an existing septic tank system | reg. 131(1) |
| 28 | Construction of buildings on land liable to flooding | reg. 139(2) |
| 29 | Building on designated land or designated works | reg. 140(1) |

PART 3

PRESCRIBED MATTER REPORTED ON BY ELECTRICITY SUPPLY AUTHORITY

|  |  |  |
| --- | --- | --- |
| *Column 1* | *Column 2* | *Column 3* |
| *Item* | *Prescribed matter to be reported on by relevant electricity supply authority* | *Regulation reference* |
| 1 | Provision of substations | reg. 130(1) |

PART 4

PRESCRIBED MATTER REPORTED ON BY SERVICE AUTHORITY

|  |  |  |
| --- | --- | --- |
| *Column 1* | *Column 2* | *Column 3* |
| *Item* | *Prescribed matter to be reported on by relevant service authority* | *Regulation reference* |
| 1 | Construction of building over an easement vested in the service authority | reg. 129(1) |

Schedule 6 – Planning Schemes

Regulations 74(1), 75(1), 76(1), 77(1), 79(1), 80(2), 86(1) and 89(1)

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| *Column 1*  *Item No.* | | | *Column 2*  *Name of Planning Scheme* | | *Column 3*  *Name of Zone* | |
| 1 | | | Ararat Planning Scheme | | Neighbourhood Residential Zone (NRZ) | |
| 2 | | | Ballarat Planning Scheme | | Residential Growth Zone (RGZ)  Neighbourhood Residential Zone (NRZ) | |
| 3 | | | Banyule Planning Scheme | | Residential Growth Zone (RGZ)  General Residential Zone (GRZ)  Neighbourhood Residential Zone (NRZ) | |
| 4 | | | Bayside Planning Scheme | | Mixed Use Zone (MUZ)  Residential Growth Zone (RGZ)  General Residential Zone (GRZ)  Neighbourhood Residential Zone (NRZ) | |
| 5 | | | Boroondara Planning Scheme | | Residential Growth Zone (RGZ)  General Residential Zone (GRZ)  Neighbourhood Residential Zone (NRZ) | |
| 6 | | | Brimbank Planning Scheme | | Residential Growth Zone (RGZ)  General Residential Zone (GRZ)  Neighbourhood Residential Zone (NRZ) | |
| 7 | | | Cardinia Planning Scheme | | Neighbourhood Residential Zone (NRZ) | |
| *Column 1*  *Item No.* | | | *Column 2*  *Name of Planning Scheme* | | *Column 3*  *Name of Zone* | |
| 8 | | | Casey Planning Scheme | | Residential Growth Zone (RGZ) | |
| 9 | | | Colac Otway Planning Scheme | | Neighbourhood Residential Zone (NRZ) | |
| 10 | | | Darebin Planning Scheme | | Residential Growth Zone (RGZ)  General Residential Zone (GRZ)  Neighbourhood Residential Zone (NRZ) | |
| 11 | | | Glen Eira Planning Scheme | | Mixed Use Zone (MUZ)  Residential Growth Zone (RGZ)  General Residential Zone (GRZ)  Neighbourhood Residential Zone (NRZ) | |
| 12 | | | Greater Dandenong Planning Scheme | | Residential Growth Zone (RGZ)  General Residential Zone (GRZ)  Neighbourhood Residential Zone (NRZ) | |
| 13 | | | Greater Geelong Planning Scheme | | Residential Growth Zone (RGZ)  General Residential Zone (GRZ)  Neighbourhood Residential Zone (NRZ) | |
| 14 | | | Greater Shepparton Planning Scheme | | Residential Growth Zone (RGZ)  Neighbourhood Residential Zone (NRZ) | |
| 15 | | | Hobsons Bay Planning Scheme | | General Residential Zone (GRZ) | |
|  | | |  | |  | |
| *Column 1*  *Item No.* | | | *Column 2*  *Name of Planning Scheme* | | *Column 3*  *Name of Zone* | |
| 16 | | | Horsham Planning Scheme | | General Residential Zone (GRZ) | |
| 17 | | | Indigo Planning Scheme | | Neighbourhood Residential Zone (NRZ) | |
| 18 | | | Kingston Planning Scheme | | Residential Growth Zone (RGZ)  General Residential Zone (GRZ)  Neighbourhood Residential Zone (NRZ) | |
| 19 | | | Knox Planning Scheme | | Residential Growth Zone (RGZ)  General Residential Zone (GRZ)  Neighbourhood Residential Zone (NRZ) | |
| 20 | | | Latrobe Planning Scheme | | Residential Growth Zone (RGZ)  Neighbourhood Residential Zone (NRZ) | |
| 21 | | | Manningham Planning Scheme | | Residential Growth Zone (RGZ)  General Residential Zone (GRZ)  Neighbourhood Residential Zone (NRZ) | |
| 22 | | Maribyrnong Planning Scheme | | | Residential Growth Zone (RGZ)  Neighbourhood Residential Zone (NRZ) | |
| 23 | | | Maroondah Planning Scheme | | Residential Growth Zone (RGZ)  General Residential Zone (GRZ)  Neighbourhood Residential Zone (NRZ) | |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| *Column 1*  *Item No.* | | *Column 2*  *Name of Planning Scheme* | | *Column 3*  *Name of Zone* | |
| 24 | | Melbourne Planning Scheme | | Residential Growth Zone (RGZ)  General Residential Zone (GRZ)  Neighbourhood Residential Zone (NRZ) | |
| 25 | | Melton Planning Scheme | | Residential Growth Zone (RGZ)  Neighbourhood Residential Zone (NRZ) | |
| 26 | | Monash Planning Scheme | | Residential Growth Zone (RGZ)  General Residential Zone (GRZ)  Neighbourhood Residential Zone (NRZ)  Mixed Use Zone (MUZ) | |
| 27 | | Moorabool Planning Scheme | | General Residential Zone (GRZ)  Neighbourhood Residential Zone (NRZ) | |
| 28 | | Moreland Planning Scheme | | Residential Growth Zone (RGZ)  Neighbourhood Residential Zone (NRZ) | |
| 29 | | Mornington Peninsula Planning Scheme | | General Residential Zone (GRZ) | |
| 30 | | Nillumbik Planning Scheme | | Neighbourhood Residential Zone (NRZ) | |
| 31 | | Queenscliffe Planning Scheme | | General Residential Zone (GRZ)  Neighbourhood Residential Zone (NRZ) | |
|  | |  | |  | |
| *Column 1*  *Item No.* | | *Column 2*  *Name of Planning Scheme* | | *Column 3*  *Name of Zone* | |
| 32 | | Southern Grampians Planning Scheme | | Residential Growth Zone (RGZ)  Neighbourhood Residential Zone (NRZ) | |
| 33 | | Stonnington Planning Scheme | | Residential Growth Zone (RGZ)  General Residential Zone (GRZ)  Neighbourhood Residential Zone (NRZ) | |
| 34 | | Wangaratta Planning Scheme | | Residential Growth Zone (RGZ)  Neighbourhood Residential Zone (NRZ) | |
| 35 | | Warrnambool Planning Scheme | | Neighbourhood Residential Zone (NRZ) | |
| 36 | | Wellington Planning Scheme | | Residential Growth Zone (RGZ)  Neighbourhood Residential Zone (NRZ) | |
| 37 | | Whitehorse Planning Scheme | | Residential Growth Zone (RGZ)  General Residential Zone (GRZ)  Neighbourhood Residential Zone (NRZ) | |
| 38 | | Whittlesea Planning Scheme | | Mixed Use Zone (MUZ)  Residential Growth Zone (RGZ)  Neighbourhood Residential Zone (NRZ) | |
| 39 | | Wyndham Planning Scheme | | Residential Growth Zone (RGZ) | |
|  | |  | |  | |
| *Column 1*  *Item No.* | | *Column 2*  *Name of Planning Scheme* | | *Column 3*  *Name of Zone* | |
| 40 | | Yarra Planning Scheme | | General Residential Zone (GRZ)  Neighbourhood Residential Zone (NRZ) | |
| 41 | | Yarra Ranges Planning Scheme | | Residential Growth Zone (RGZ)  Neighbourhood Residential Zone (NRZ) | |

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Schedule 7 – Planning schemes applying to allotments containing homes destroyed in the 2009 bushfires

Regulation 161(b)

|  |  |
| --- | --- |
| 1 | Alpine Planning Scheme |
| 2 | Baw Baw Planning Scheme |
| 3 | Cardinia Planning Scheme |
| 4 | Casey Planning Scheme |
| 5 | Greater Bendigo Planning Scheme |
| 6 | Horsham Planning Scheme |
| 7 | Indigo Planning Scheme |
| 8 | Latrobe Planning Scheme |
| 9 | Macedon Ranges Planning Scheme |
| 10 | Mitchell Planning Scheme |
| 11 | Mount Alexander Planning Scheme |
| 12 | Murrindindi Planning Scheme |
| 13 | Nillumbik Planning Scheme |
| 14 | Wellington Planning Scheme |
| 15 | Whittlesea Planning Scheme |
| 16 | Yarra Ranges Planning Scheme |
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Schedule 8 – Essential Safety Measures

Regulation 212

Essential Safety Measures

PART 1—BUILDING FIRE INTEGRITY

| *Column 1* | *Column 2* |
| --- | --- |
| *Item* | *Safety Measure* |
| 1 | Building elements required to satisfy prescribed fire-resistance levels |
| 2 | Materials and assemblies required to have fire hazard properties |
| 3 | Elements required to be non-combustible, provide fire protection, compartmentation or separation |
| 4 | Wall-wetting sprinklers (including doors and windows required in conjunction with wall-wetting sprinklers) |
| 5 | Fire doors (including sliding fire doors and their associated warning systems) and associated self-closing, automatic closing and latching mechanisms |
| 6 | Fire windows (including windows that are automatic or permanently fixed in the closed position) |
| 7 | Fire shutters |
| 8 | Solid core doors and associated self-closing, automatic closing and latching mechanisms |
| 9 | Fire-protection at service penetrations through elements required to be fire-resisting with respect to integrity or insulation, or to have a resistance to the incipient spread of fire |
| 10 | Fire protection associated with construction joints, spaces and the like in and between building elements required to be fire-resisting with respect to integrity and insulation |
| 11 | Smoke doors and associated self-closing, automatic closing and latching mechanisms |
| 12 | Proscenium walls (including proscenium curtains) |

PART 2—MEANS OF EGRESS

| *Column 1* | *Column 2* |
| --- | --- |
| *Item* | *Safety Measure* |
| 1 | Paths of travel to exits |
| 2 | Discharge from exits (including paths of travel from open spaces to the public roads to which they are connected) |
| 3 | Exits (including fire-isolated stairways and ramps, non fire-isolated stairways and ramps, stair treads, balustrades and handrails associated with exits, and fire-isolated passageways) |
| 4 | Smoke lobbies to fire-isolated exits |
| 5 | Open access ramps or balconies for fire-isolated exits |
| 6 | Doors (other than fire or smoke doors) in a required exit, forming part of a required exit or in a path of travel to a required exit, and associated self-closing, automatic closing and latching mechanisms |

PART 3—SIGNS

| *Column 1* | *Column 2* |
| --- | --- |
| *Item* | *Safety Measure* |
| 1 | Exit signs (including direction signs) |
| 2 | Signs warning against the use of lifts in the event of fire |
| 3 | Warning signs on sliding fire doors and doors to non-required stairways, ramps and escalators |
| 4 | Signs, intercommunication systems, or alarm systems on doors of fire-isolated exits stating that re-entry to a storey is available |
| 5 | Signs alerting persons that the operation of doors must not be impaired |
| 6 | Signs required on doors, in alpine areas, alerting people that they open inwards |
| 7 | Fire order notices required in alpine areas |

PART 4—LIGHTING

| *Column 1* | *Column 2* |
| --- | --- |
| *Item* | *Safety Measure* |
| 1 | Emergency Lighting |

PART 5—FIRE FIGHTING SERVICES AND EQUIPMENT

| *Column 1* | *Column 2* |
| --- | --- |
| *Item* | *Safety Measure* |
| 1 | Fire hydrant system (including on-site pump set and fire-service booster connection) | |
| 2 | Fire hose reel system | |
| 3 | Sprinkler system | |
| 4 | Portable fire extinguishers | |
| 5 | Fire control centres (or rooms) | |

PART 6—AIR HANDLING SYSTEMS

| *Column 1* | *Column 2* |
| --- | --- |
| *Item* | *Safety Measure* |
| 1 | Smoke hazard management systems—  (a) automatic air pressurisation systems for fire-isolated exits;  (b) zone smoke control system;  (c) automatic smoke exhaust system;  (d) automatic smoke-and-heat vents (including automatic vents for atriums);  (e) air-handling systems that do not form part of a smoke hazard management system and which may unduly contribute to the spread of smoke;  (f) miscellaneous air handling systems serving more than one fire compartment to which Sections 5 and 6 of AS/NZS 1668.1 The use of ventilation and air conditioning in buildings, Part 1 Fire and smoke control in buildings, as in force or as re-issued or as published from time to time; |
|  | (g) other air-handling systems. |
| 2 | Carpark mechanical ventilation system |
| 3 | Atrium smoke control system (see item 1d for smoke and heat vents) |

PART 7—AUTOMATIC FIRE DETECTION AND ALARM SYSTEMS

| *Column 1* | *Column 2* |
| --- | --- |
| *Item* | *Safety Measure* |
| 1 | Smoke and heat alarm system |
| 2 | Smoke and heat detection system |
| 3 | Atrium fire detection and alarm system |

PART 8—OCCUPANT WARNING SYSTEMS

| *Column 1* | *Column 2* |
| --- | --- |
| *Item* | *Safety Measure* |
| 1 | Sound system and intercom system for emergency purposes |
| 2 | Building occupant warning system |

PART 9—LIFTS

| *Column 1* | *Column 2* |
| --- | --- |
| *Item* | *Safety Measure* |
| 1 | Stretcher facilities in lifts |
| 2 | Emergency lifts |
| 3 | Passenger lift fire service controls |

PART 10—STANDBY POWER SUPPLY SYSTEM

| *Column 1* | *Column 2* |
| --- | --- |
| *Item* | *Safety Measure* |
| 1 | Standby power supply system |

PART 11—BUILDING CLEARANCE AND FIRE APPLIANCES

| *Column 1* | *Column 2* |
| --- | --- |
| *Item* | *Safety Measure* |
| 1 | Open space around large isolated buildings |
| 2 | Vehicular access around large isolated buildings |

PART 12—MECHANICAL VENTILATION AND HOT, WARM AND COOLING WATER SYSTEMS

| *Column 1* | *Column 2* |
| --- | --- |
| *Item* | *Safety Measure* |
| 1 | Mechanical ventilation systems incorporating cooling tower systems (other than a system serving only a single sole-occupancy unitin a Class 2 or 3 building or a Class 4 part of a building) |
| 2 | Mechanical ventilation systems incorporating Hot and Warm water systems (other than a system serving only a single sole-occupancy unit in a Class 2 or 3 building or a Class 4 part of a building) |

Schedule 9 – Categories/Classes of building practitioners and qualifications

Regulation 256

In the Table in this Schedule ***special buildings*** means—

(a) buildings of composite, precast or tilt-up panel construction; or

(b) buildings incorporating prestressed concrete elements; or

(c) stressed skin structures, chimneys, towers, masts or any similar structures.

**TABLE**

|  |  |  |
| --- | --- | --- |
| *Column 1* | *Column 2* | *Column 3* |
| *Item* | *Category/prescribed class of building practitioner* | *Prescribed qualifications* |
| 1 | Category of building surveyor (unlimited) | (a) a degree in building surveying from a university or institution approved and authorised under Part 4.3 of the **Education and Training Reform Act 2006** to conduct an accredited course leading to that degree; and  (b) 3 years of practical experience to the satisfaction of the Authority |
| 2 | Category of building surveyor (limited) | (a) an advanced diploma in building surveying from a course accredited under the **Education and Training Reform Act 2006**; and |
|  |  | (b) 2 years of practical experience to the satisfaction of the Authority. |
| 3 | Category of building inspector (unlimited) | (a) a diploma of building surveying from a course accredited under the **Education and Training Reform Act 2006**; and  (b) 2 years of practical experience to the satisfaction of the Authority |

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| *Column 1* | *Column 2* | *Column 3* |
| *Item* | *Category/prescribed class of building practitioner* | *Prescribed qualifications* |
| 4 | Category of building inspector (limited) | (a) the following qualifications—  (i) a diploma of building surveying from a course accredited under the **Education and Training Reform Act 2006**; and |
|  |  | (ii) 2 years of practical experience to the satisfaction of the Authority; or  (b) a certificate issued by the Authority, after examination of the applicant, certifying that the applicant has adequate knowledge and experience to inspect the classes and types of buildings or the components of building work specified in the certificate |
| 5 | Category of quantity surveyor | (a) a degree or diploma in quantity surveying from a university or institution approved and authorised under Part 4.3 of the **Education and Training Reform Act 2006** to conduct an accredited course leading to that award; and |
|  |  | (b) 2 years of practical experience to the satisfaction of the Authority |

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| *Column 1* | *Column 2* | *Column 3* |
| *Item* | *Category/prescribed class of building practitioner* | *Prescribed qualifications* |
| 6 | Category of engineer, class of civil engineer | (a) the following qualifications—  (i) a degree in civil engineering from a university approved and authorised under Part 4.3 of the **Education and Training Reform Act 2006** to conduct an accredited course leading to that degree; and  (ii) 3 years of practical experience to the satisfaction of the Authority; or |
|  |  | (b) a current certificate of registration as a civil engineer on the National Professional Engineers Register (NPER) |
| 7 | Category of engineer, class of mechanical engineer | (a) the following qualifications—  (i) a degree in mechanical engineering from a university approved and authorised under Part 4.3 of the **Education and Training Reform Act 2006** to conduct an accredited course leading to that degree; and  (ii) 3 years of practical experience to the satisfaction of the Authority; or |

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| *Column 1* | *Column 2* | *Column 3* |
| *Item* | *Category/prescribed class of building practitioner* | *Prescribed qualifications* |
|  |  | (b) a current certificate of registration as a mechanical engineer on the National Professional Engineers Register (NPER) |
| 8 | Category of engineer, class of electrical engineer | (a) the following qualifications—  (i) a degree in electrical engineering from a university approved and authorised under Part 4.3 of the **Education and Training Reform Act 2006** to conduct an accredited course leading to that degree; and  (ii) 3 years of practical experience to the satisfaction of the Authority; or |
|  |  | (b) a current certificate of registration as an electrical engineer on the National Professional Engineers Register (NPER) |
| 9 | Category of engineer, class of fire safety engineer | (a) the following qualifications—  (i) a degree in fire safety engineering from a university approved and authorised under Part 4.3 of the |

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| *Column 1* | *Column 2* | *Column 3* |
| *Item* | *Category/prescribed class of building practitioner* | *Prescribed qualifications* |
|  |  | **Education and Training Reform Act 2006** to conduct an accredited course leading to that degree; and  (ii) 3 years of practical experience to the satisfaction of the Authority; or |
|  |  | (b) a current certificate of registration as a fire safety engineer on the National Professional Engineers Register (NPER) |
| 10 | Category of draftsperson, class of building design (architectural) | (a) an advanced diploma in building design from a course accredited under the **Education and Training Reform Act 2006**; and  (b) 1 year of practical experience to the satisfaction of the Authority |
| 11 | Category of draftsperson, class of building design (interior) | (a) an associate diploma of arts—interior design from a course accredited under the **Education and Training Reform Act 2006**; and  (b) 1 year of practical experience to the satisfaction of the Authority |

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| *Column 1* | *Column 2* | *Column 3* |
| *Item* | *Category/prescribed class of building practitioner* | *Prescribed qualifications* |
| 12 | Category of draftsperson, class of building design (services) | (a) one of the following qualifications—  (i) an associate diploma of engineering drafting—civil, electrical or mechanical; or |
|  |  | (ii) a certificate IV, diploma or advanced diploma in fire technology from a course accredited under the **Education and Training Reform Act 2006**; and  (b) 1 year of practical experience to the satisfaction of the Authority |
| 13 | Category of builder, class of commercial builder (unlimited) | (a) the following qualifications—  (i) a degree, diploma or associate diploma of building from a university that is approved and authorised, or TAFE institute that is registered, under Part 4.3 of the **Education and Training Reform Act 2006** to conduct an accredited course leading to that award; and |
|  |  | (ii) 3 years of practical experience to the satisfaction of the Authority; or |
| *Column 1* | *Column 2* | *Column 3* |
| *Item* | *Category/prescribed class of building practitioner* | *Prescribed qualifications* |
|  |  | (b) the following qualifications—  (i) a certificate of successful completion of the "Course in Builder Registration (BPB)" accredited under the **Education and Training Reform Act 2006**; and  (ii) 3 years of practical experience to the satisfaction of the Authority |
| 14 | Category of builder, class of commercial builder (limited) | a certificate issued by the Authority, after examination of the applicant, certifying that the applicant has adequate knowledge and experience to construct the components of building work specified in the certificate |
| 15 | Category of builder, class of domestic builder (unlimited) | (a) the following qualifications—  (i) a degree, diploma or associate diploma of building from a university that is approved and authorised, or TAFE institute that is registered, under Part 4.3 of the **Education and Training Reform Act 2006** to conduct an accredited course leading to that award; and |

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| --- | --- | --- |
| *Column 1* | *Column 2* | *Column 3* |
| *Item* | *Category/prescribed class of building practitioner* | *Prescribed qualifications* |
|  |  | (ii) 3 years of practical experience to the satisfaction of the Authority; or |
|  |  | (b) the following qualifications—  (i) successful completion of the "Course in Builder Registration (BPB)" accredited under the **Education and Training Reform Act 2006**; and  (ii) 3 years of practical experience to the satisfaction of the Authority; or |
|  |  | (c) a certificate issued by the Authority, after examination of the applicant, certifying that the applicant has adequate knowledge and experience to carry out, manage or arrange to carry out all components of domestic building work |
| 16 | Category of builder, class of domestic builder (limited) | a certificate issued by the Authority, after examination of the applicant, certifying that the applicant has adequate knowledge and experience to carry out, manage or arrange to carry out the components of domestic building work specified in the certificate |

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| --- | --- | --- |
| *Column 1* | *Column 2* | *Column 3* |
| *Item* | *Category/prescribed class of building practitioner* | *Prescribed qualifications* |
| 17 | Category of builder, class of domestic builder (manager) | a certificate issued by the Authority, after examination of the applicant, certifying that the applicant has adequate knowledge and experience (including financial management knowledge and experience) to manage or arrange the carrying out by a builder registered under the Act in another class of domestic builder of the components of domestic building work specified in the certificate |
| 18 | Category of builder, class of demolisher (low rise buildings) | a certificate issued by the Authority, after examination of the applicant, certifying that the applicant has adequate knowledge and experience to—  (a) demolish buildings having a rise in storeys of not more than 2, excluding special buildings; and |
|  |  | (b) undertake demolition stripping work of not more than 2 storeys of any unoccupied building |
| 19 | Category of builder, class of demolisher (medium rise buildings) | a certificate issued by the Authority, after examination of the applicant, certifying that the applicant has adequate knowledge and experience to—  (a) demolish buildings having a rise in storeys of not more than 5, excluding special buildings; and |

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| --- | --- | --- |
| *Column 1* | *Column 2* | *Column 3* |
| *Item* | *Category/prescribed class of building practitioner* | *Prescribed qualifications* |
|  |  | (b) undertake demolition stripping of any building |
| 20 | Category of builder, class of demolisher (unlimited) | a certificate issued by the Authority, after examination of the applicant, certifying that the applicant has adequate knowledge and experience to demolish all buildings including the demolition of special buildings and stripping work |
| 21 | Category of erector or supervisor (temporary structures), class 1—stages or seating stands or equipment platforms or towers fabricated on site from tubes and fittings or other scaffolding components of metals and other materials | (a) an intermediate scaffolding licence issued under the Occupational Health and Safety Regulations 2007; and  (b) 1 year of practical experience to the satisfaction of the Authority |
| 22 | Category of erector or supervisor (temporary structures), class 2—special structures—tents, marquees | (a) a certificate issued by the Authority, after examination of the applicant, certifying that the applicant has adequate knowledge and experience to erect or dismantle or supervise the erection or the dismantling of tents and marquees; and |
|  |  | (b) 2 years of practical experience to the satisfaction of the Authority |

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Endnotes