

Authorised Version
Building Further Amendment Regulations 2018
S.R. No. 180/2018

TABLE OF PROVISIONS

<i>Regulation</i>	<i>Page</i>
1 Objective	1
2 Authorising provisions	1
3 Principal Regulations	1
4 Information the relevant building surveyor must give to the Authority	2
5 Determination to treat a combined allotment as one allotment	2
6 Minimum garden area	2
7 Registered building practitioner must document performance solutions in certificate of compliance	2
8 New regulation 182A inserted	2
9 Prescribed classes of buildings or places	3
10 Relevant building surveyor must prepare or update maintenance schedule for an existing building or place of public entertainment	3
11 Maintenance schedules	4
12 New regulation 269 inserted	4
13 Amendment of Forms 10, 11 and 12 in Schedule 4	4
14 New Schedule 13 inserted	6
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Endnotes	7

Authorised Version

STATUTORY RULES 2018

S.R. No. 180/2018

Building Act 1993

Building Further Amendment Regulations 2018

The Governor in Council makes the following Regulations:

Dated: 23 October 2018

Responsible Minister:

RICHARD WYNNE
Minister for Planning

ANDREW ROBINSON
Clerk of the Executive Council

1 Objective

The objective of these Regulations is to amend the Building Regulations 2018—

- (a) to provide for exemptions for relevant building surveyors relating to an approved infrastructure contributions plan; and
- (b) to make other miscellaneous amendments.

2 Authorising provisions

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

3 Principal Regulations

In these Regulations, the Building Regulations 2018¹ are called the Principal Regulations.

4 Information the relevant building surveyor must give to the Authority

In regulation 47(1)(b)(i) of the Principal Regulations—

- (a) **omit** "on an allotment";
- (b) for "that allotment;" **substitute** "the site;".

5 Determination to treat a combined allotment as one allotment

In regulation 64(2)(a) of the Principal Regulations, for "that" **substitute** "of".

6 Minimum garden area

For regulation 76A(1)(c) of the Principal Regulations **substitute**—

"(c) the minimum garden area requirement in the zone applies to the allotment.".

7 Registered building practitioner must document performance solutions in certificate of compliance

In regulation 124(1)(b) of the Principal Regulations, for "performance requirement complies with the performance solution" **substitute** "performance solution complies with the performance requirement".

8 New regulation 182A inserted

After regulation 182 of the Principal Regulations **insert**—

"182A Additional information in order or notice served in accordance with section 236(4A) of the Act

For the purposes of section 236(4B) of the Act, the additional information to be included in the order or notice is—

- (a) that the order or notice has been served in accordance with section 236(4A) of the Act; and
- (b) a prominent warning that it is an offence under section 236(7) of the Act for a person to remove or deface the order or notice without the prior consent of the relevant building surveyor, the relevant council or the Authority; and
- (c) the penalty for committing an offence under section 236(7) of the Act."

9 Prescribed classes of buildings or places

In the example at the foot of regulation 206(1)(b) of the Principal Regulations, after "would" **insert** "not".

10 Relevant building surveyor must prepare or update maintenance schedule for an existing building or place of public entertainment

- (1) In regulation 218(1) of the Principal Regulations—
 - (a) for "required to be provided or altered in" **substitute** "specified in relation to";
 - (b) for "by" **substitute** "in".
- (2) For regulation 218(1)(a) of the Principal Regulations **substitute**—
 - "(a) an occupancy permit under regulation 194; or".

11 Maintenance schedules

For regulation 222(1) of the Principal Regulations
substitute—

"(1) For the purposes of regulation 218, a maintenance schedule must list all essential safety measures specified in an occupancy permit or a maintenance determination relating to a building or a place of public entertainment and the maintenance requirements for those essential safety measures."

12 New regulation 269 inserted

After regulation 268 of the Principal Regulations
insert—

"269 Relevant building surveyor exempt from section 24(6) and (7) of the Act in relation to certain building permit applications

A relevant building surveyor is exempt from section 24(6) and (7) of the Act in relation to an application for a building permit—

- (a) to construct a Class 10 building; or
- (b) to carry out building work on an allotment in a planning scheme other than a planning scheme specified in Schedule 13."

13 Amendment of Forms 10, 11 and 12 in Schedule 4

(1) In Form 10 of Schedule 4 to the Principal Regulations, after "This emergency order is made under section 102 of the **Building Act 1993.**"
insert—

"*WARNING: THIS ORDER HAS BEEN SERVED IN ACCORDANCE WITH SECTION 236(4A) OF THE **BUILDING ACT 1993**. UNDER SECTION 236(7) OF THAT ACT, IT IS AN OFFENCE FOR A PERSON TO REMOVE OR DEFACE THIS ORDER WITHOUT THE PRIOR CONSENT OF THE RELEVANT BUILDING SURVEYOR, THE RELEVANT COUNCIL OR THE VICTORIAN BUILDING AUTHORITY. THE MAXIMUM PENALTY FOR THIS OFFENCE IS 500 PENALTY UNITS FOR A NATURAL PERSON AND 2500 PENALTY UNITS FOR A BODY CORPORATE."

- (2) In Form 11 of Schedule 4 to the Principal Regulations, after "This building notice is served under section 106 of the **Building Act 1993**." **insert—**

"*WARNING: THIS NOTICE HAS BEEN SERVED IN ACCORDANCE WITH SECTION 236(4A) OF THE **BUILDING ACT 1993**. UNDER SECTION 236(7) OF THAT ACT, IT IS AN OFFENCE FOR A PERSON TO REMOVE OR DEFACE THIS NOTICE WITHOUT THE PRIOR CONSENT OF THE RELEVANT BUILDING SURVEYOR, THE RELEVANT COUNCIL OR THE VICTORIAN BUILDING AUTHORITY. THE MAXIMUM PENALTY FOR THIS OFFENCE IS 500 PENALTY UNITS FOR A NATURAL PERSON AND 2500 PENALTY UNITS FOR A BODY CORPORATE."

- (3) In Form 12 of Schedule 4 to the Principal Regulations, after "This building order is made under section 111 of the **Building Act 1993**." **insert—**

"*WARNING: THIS ORDER HAS BEEN SERVED IN ACCORDANCE WITH SECTION 236(4A) OF THE **BUILDING ACT 1993**. UNDER SECTION 236(7) OF THAT ACT, IT IS AN OFFENCE FOR A PERSON TO REMOVE OR DEFACE THIS ORDER WITHOUT THE PRIOR CONSENT OF THE RELEVANT BUILDING SURVEYOR, THE RELEVANT COUNCIL OR THE VICTORIAN BUILDING AUTHORITY. THE MAXIMUM PENALTY FOR THIS OFFENCE IS 500 PENALTY UNITS FOR A NATURAL PERSON AND 2500 PENALTY UNITS FOR A BODY CORPORATE."

14 New Schedule 13 inserted

After Schedule 12 to the Principal Regulations
insert—

**"Schedule 13—Planning schemes
that have an approved infrastructure
contributions plan**

Regulation 269

- 1 Cardinia Planning Scheme
- 2 Casey Planning Scheme
- 3 Hume Planning Scheme
- 4 Melton Planning Scheme
- 5 Mitchell Planning Scheme
- 6 Whittlesea Planning Scheme
- 7 Wyndham Planning Scheme".

Endnotes

¹ Reg. 3: S.R. No. 38/2018 as amended by S.R. Nos 38/2018, 75/2018 and 100/2018.

Table of Applied, Adopted or Incorporated Matter

The following table of applied, adopted or incorporated matter is included in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2014.

Statutory rule provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Regulations 12 and 14 of the Building Further Amendment Regulations 2018 which insert regulation 269 and Schedule 13 into the Building Regulations 2018	Cardinia Planning Scheme made under the Planning and Environment Act 1987	The whole
	Casey Planning Scheme made under the Planning and Environment Act 1987	The whole
	Hume Planning Scheme made under the Planning and Environment Act 1987	The whole
	Melton Planning Scheme made under the Planning and Environment Act 1987	The whole
	Mitchell Planning Scheme made under the Planning and Environment Act 1987	The whole
	Whittlesea Planning Scheme made under the Planning and Environment Act 1987	The whole
	Wyndham Planning Scheme made under the Planning and Environment Act 1987	The whole